

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

**Hilton New Bern Riverfront Hotel
New Bern, NC**

December 8-10, 2010

SUMMARY MINUTES

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in the Hilton New Bern/Riverfront Hotel, New Bern, North Carolina, Wednesday morning, December 8, 2010, and was called to order at 10:55 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: We have our agenda. If as usual you allow me some latitude to accommodate the staff's goings and comings to modify that, I would appreciate it. Any objection to approving the agenda as noted. I see none, the agenda is approved. We also have minutes from our September 10 Snapper Grouper Committee Meeting. Are there any additions or corrections to the minutes? With objection, then those minutes will stand approved.

I'm not sure that Carolyn is going to provide us with any additional reports. She did that fully in the Ecosystem Committee. If there are questions on the SSC Report, a lot of it was focused on snapper grouper, and she went through that pretty thoroughly the other day. Is there any desire by the committee to have Carolyn come up and address any questions that the committee might have on the SSC Report?

Our Snapper Grouper Advisory Panel met in Charleston a month or so ago. We had good attendance with a lot of new faces there. Kenny Fex is here as a member of our Advisory Panel and is going to give the committee a report on their deliberations and actions. I would ask, Kenny, if you could after that, to grab a seat around the table with us; and if questions come up about the AP's motions or actions at that meeting, then you could be here to answer questions if the committee has them. Thank you very much for being on the AP and for being here at this meeting.

MR. FEX: A couple of weeks ago the AP got together and met. I'd like to thank the council members that showed up there and were very attentive, Charlie, Mac, David and Tom Burgess. Tom Burgess helped us a lot on some of the black sea bass issues. We lost him on the AP for sea bass information, but he was able to come up and bring forth some ideas. He kept his opinion aside, though, since he was a council member, but I do thank him for being there.

We did good a good diverse group of AP members. I there were four recreational fishermen on it, several charter – I think it was three charter or recreational fishermen. Three commercial fishermen were on there. A couple of them were dealers and commercial fishermen. We had one dealer specifically and then environmentalists and ED representative, Eileen. The states were pretty much represented pretty good, too, except for maybe Georgia.

Georgia only had one representative there, I believe. Florida had about four or five. North Carolina had three and South Carolina had two. Each state was pretty much represented. Florida does have a larger fishing facility and a lot more people there, so I'm glad that they were represented a little bit better.

We did have a few handouts given out, newspaper articles. I gave a paper article talking about catch shares. Another article was bought forth by one fisherman about the mutton spawning that happens down in the Keys. It seems like a lot of people target these muttons while they're spawning so they had an article that was about 700 and some fish caught in one day off the mutton spawn, so that was a pretty big issue brought up.

People were looking for ideas to kind of eliminate some of that slaughter, I think it was. The e-mail I had handed out was about the fishing effort in the South Atlantic. Everybody always has questions about how many permits are out there, how many vessels are fishing in what fishery, so I got a handout or a thing from Frank from the South Atlantic Fishery Foundation to hand out to everybody so it kind of gives them an insight of what is going on and how many permits are there and everything. It was pretty informative and interesting.

There were a few presentations. John Carmichael was nice enough to show up and give a little bit of ideas about the SEDAR 24. Sometimes we all get confused on what is going on there, and he was there to enlighten us on it, and I really do appreciate him showing up on that. Rusty Hudson did do a presentation on circle hooks. They've got a new design out that they seemed to say that they might be able to eliminate a little more bycatch mortality and hooking mortality. He did have a few comments on that.

The AP did recommend that maybe we do have two meetings a year. It seems like there is a lot of amendments going on, laws going on. I attend about every meeting all year long, and there are four meetings and only one AP meeting. There was a discussion to maybe get two meetings a year and have one of the meetings in April, that being because pretty much we can't fish for much at that time of year so it really wouldn't interfere with our ability to make a living as well as be here to attend.

The AP requested some minutes from other red snapper issues to bring forth so we might get other ideas for regulations. There were some motions brought forth that weren't based on any regulations or amendments going on, I would probably like to just highlight of them. That way you have an idea; and then as we go through meeting, we'll go over the other ones as amendments are chosen.

First, the AP decided maybe that the AP could meet jointly with the council to get information together. I think that would be a good idea if it's feasible. That's a lot of people to get together. The next one is the AP recommended some kind of spawning season closures to protect overfished fisheries, and that was a good idea, and maybe doing control dates to kind of coincide with it. That way you do give a chance for a rebuilding of the species that are having issues.

The next one up is the AP considered doing an annual report to hand out to the SSC and to the council on ideas on what is going on. I kind of had a question on it because sometimes information brought forth to the SSC is more considered ad hoc because it's not true facts, which is fishermen's opinion, so I did question that, but we all agreed it would be a good idea.

We recommended that somebody from the AP attend these meetings. You guys took that request forth, and I've come here. It was supposed to be the chairman or the co-chairman. The chairman couldn't attend; he had other things. The co-chairman wasn't actually at the AP meeting, and so he wasn't able to make it. We pretty brought up vote.

Chairman Don did request that Libby come forth and I kind of rejected that idea just because she's not a fishermen, and I don't think she would have fully represented the AP since a majority of the people on the AP were fishermen and she was only a conservationist, but she is a very

excellent speaker and she is very knowledgeable of the fishery. I don't discredit her for that. I was just looking out for the AP.

This comes up as the idea about making a spawning closure for the muttons. Since that was a big slaughter, it seemed like the fishermen in the Keys all knew about it and they could all go out there when their fish were all aggregated up on that rock. They were hoping that maybe the council might look at closing that area for a certain time so that the fish will be protected since it seems to be such an amount of fish.

The request for the South Atlantic Council to maybe up the assessments on the vermilion; I mean, that's a pretty important fish in our fishery especially since the red snapper is no longer in our fishery now. The vermilion is very financially supportive to our fishery, so hopefully maybe that will be considered.

Next the VMS; I mean, that's been thrown around a lot. We're all trying to regulate ourselves and be good, but it seems like some people out there might not be. They might be fishing in these closed areas and stuff like that. Since we are probably going to get more and more closed areas, it was recommended that we go with the VMS-type system. That way we could monitor these people and we could enforce these laws a little bit better to protect the future of the fisheries.

Another idea brought forth by the AP is considering that closed area being considered more accurately to go around the spawning areas of these fish. Rusty Hudson had talked about spawning aggregations up in the shallow waters, which wouldn't be able to protect them since the 98-foot mark is started. But, I mean, that's hard to quantify where you're going to put them. That would be something that the scientists would have to bring forth or the fishermen together would.

The deepwater closure, they were trying to consider for the people up there above Hatteras that are catching the blue line tile, and there is a fishery up there, that maybe you won't extend the line of that 240 mark that far north and allow for them people up there to go past that 240 mark and just keep that fishery open for them people.

Another was the hogfish, there was pretty much an argument and a good, little discussion, I would say. One fisherman considered the 11 inch was substantial – an 11-inch hogfish was awfully small. Their head weight is a lot so when you filet an 11-inch hogfish you don't get much off of them, so there was a discussion about raising that size limit as well as the black sea bass size limit, too. There was also discussion on raising the recreational size limit of the amberjacks. That was an idea just because they're trying to be fair for both sectors, but a couple points were brought that not all people want that big of a fish or need that big of a fish.

As a matter of fact, I wouldn't think it would be a good idea because a 36-inch fish has got a lot more worms, so maybe a 20-inch fish is better for them people. It would be a little bit healthier to eat, I believe. Those were some of the ideas brought forth. The other ones are pretty based around amendments and stuff; so as we go along through them, if we want to bring forth some of the AP's ideas or whatever, I'll be here at the table if you guys have any questions.

MR. CURRIN: Questions for Kenny. Monica.

MS. SMIT-BRUNELLO: Kenny, was the entire AP in favor of mandatory VMS for commercial snapper grouper fishermen?

MR. FEX: Yes, they were. The motion did bring forth the recreational sector; but like some of the recreational guys said, it would be unfeasible to mandate that to all them vessels. I mean, there are a lot of recreational fishermen, but, yes, the commercial sector was pretty much for it. And even around the docks I've talked to people, if you're going to be in this fishery and vested into it, there wouldn't no problem. Somebody had brought forth that there might be money to help put the systems on and the fishermen wouldn't have no problem paying the monthly fee of, I think it \$50 or something to keep it connected. So, yes, there was no problem with the commercial fishermen.

MR. CURRIN: Other questions for Kenny at this point? Myra.

MS. BROUWER: I just wanted to elaborate a little bit on the AP report. This was an idea that was brought to the table from a presentation that was given during the National SSC Meeting. It's something that the Mid-Atlantic Council is looking into implementing. Basically what it is going to their various APs and requesting that they put together a report that can then be used by the SSC and the council to help them in their deliberations when they have to assess a data set and things like that.

We discussed this at the Snapper Grouper AP level about the feasibility of doing something similar here, and in that way bring the AP members more directly into the process and capture that knowledge. It's going to take a little bit of planning and it is going to take some developing of a template and getting some guidance from the committee as far as the type of information that should be included in this report, the periodicity of it, how staff is going to be involved and that sort of thing. We're just now getting started, but it sounds like some from the AP were very interested in doing.

MR. CURRIN: Thoughts or reactions by the committee? Good idea? Something we'd like the staff to work on and see if we can assist with developing a useful template? It sounds like a good idea to me. David.

MR. CUPKA: At the AP meeting I indicated that sounded like something the council would be interested in or we've be supportive if we could work out a way to somehow capture that knowledge and utilize it in the management process. There was some discussion I think on seeing how the Mid-Atlantic effort proceeded and kind of following that and getting an idea from that. If it's something that we're interested in, we might want to wait and see how the Mid-Atlantic exercise goes along those lines, but it's certainly something I think is worth pursuing and seeing how it turns out.

MR. CURRIN: I remember that discussion as well, David, and I think we need to make sure that we avoid any kind of pitfalls and we don't want to go down a road that develops a product that isn't exactly what is most useful. I think a cautious approach to this might be in order, but I

think it's worth pursuing. Other thoughts? All right, Kenny, thank you and we look forward to having you around the table as we go through the amendments. I want to make sure that we do bring up and consider the AP's advice and motions on the various actions before us. George.

MR. GEIGER: Kenny is the vice-chair or the chair of the AP?

MR. CURRIN: No, he's not. The vice-chair and the chair could not make it and so they –

MR. GEIGER: Who are they?

MR. CURRIN: Don DeMaria is the chair and Zack Bowen was the co-chair and he was not in attendance at the meeting. I'm glad they were able to find somebody, and I appreciate having a member of the AP come and give us a brief overview of their meeting in addition to the report that we get with all the motions and the like.

But as was discussed at the AP meeting, sometimes at the council meeting, even though I was there, David was there, Tom was there and Charlie was there, you have a tendency if council members are not present at the AP meeting, to overlook or forget some of the deliberations and the angst and the contrary opinions that were expressed at the AP.

I think it's good to have an AP member here so that they can bring that forward to the council and explain if there were tight votes, why those votes were tight. They're not always just total opposition to that measure but based on some other little nuance. All right, Attachment 3 is the Comprehensive ACL Amendment. That's the next agenda item. We've got about 45 minutes before lunch so I would suggest we get into that and go through those alternatives, consider the AP advice and make some headway. Myra, I'll turn it over to you.

MS. BROUWER: We had intended to provide you with a presentation on species groupings from Dr. Farmer to begin the discussion on the Comprehensive ACL Amendment. However, he is not here yet, so I guess what I would like to do is just begin walking through the amendment, skip over Action 3 with the understanding that some of the information that Nick is going to present to you is going to affect the actions and alternatives that we discuss.

With that understanding, the first action, Action 1, is on PDF Page 159, and if you are following on a hard copy, for those of you who are following on line, that is Page 136. This has to do with the removal of species from the FMU. You do have preferred alternatives. Alternative 4 is removing species from the FMU with 80 percent or greater of landings in state waters except for mutton snapper and hogfish. Those are the species that would be removed.

Since you saw this amendment in September, more information was added to the analysis, different data sets were added, MRFSS data or commercial data from the Southeast Fisheries Science Center ACL data sets and other information. Some of the species that were candidates for removal in September no longer fall into that category anymore. There would be altogether – Alternative 4 and Alternative 5, which is removing all the species under the Florida Marine Life Rule, altogether that would remove 15 species from the FMU. I don't know if the committee

wants to discuss this any further. Like I said, you already have preferreds, so we can move forward.

MR. CURRIN: We'll give them that opportunity. Everybody comfortable with where we are as far as preferreds on removing some of these species from the FMU? Okay.

MS. BROUWER: Mr. Chairman, Dr. Farmer just got here; should we take just a quick break to set up so he can do the presentation? How do you want to proceed?

MR. CURRIN: That probably would be the best. Yes, let's give Nick time enough to set up. We'll resume as soon as Nick is ready. The other thing, Myra, we might be able to do in the meantime – and it showed up on one of my agendas but on the other was an Oculina Report or maybe I missed it and on the big agenda it got moved somehow. We'll deal with that later.

MS. BROUWER: Mr. Chairman, we're all set up here.

MR. CURRIN: Okay, Nick, thanks for walking right in and sitting right down and jumping to it. We appreciate you being here. Nick is not going to go through the model. In preparation for this he has done a lot of work on it as he has in between all of our meetings. It has been very useful I think in helping us develop or helping the office and the region and the science center develop Regulatory Amendment 10. Nick is prepared to run some scenarios, I believe.

Don't let me put you in a box. If there are specific scenarios that committee members or council members would like to see that have not been considered and placed into the current Regulatory Amendment 10 Document, I think Nick is going to have the capability to do that, so keep that in mind. Nick, we'll turn it over to you.

DR. FARMER: I'll be around all day through Friday, so anytime you guys want to deal with that. This presentation is targeted at the ACL Amendment. Basically I had presented to you guys on a few occasions some alternatives for species groupings that emerged out of a very comprehensive analysis we conducted in the regional office, which has now been reviewed by the science center and by the SSC.

There were some comments coming out of those that I wanted you guys to be aware of, and also we had developed some alternative approaches to partly address some of the concerns of the SSC and the science center and also to perhaps make management a bit more effective. Anyway, we wanted to run through these and then kind of leave it open for discussion afterwards.

The current preferred alternative that you guys have selected for species groupings uses a combination of single species ACLs, sub-complex ACLs and full complex ACLs. I've got a demonstration here. In the example below this is for the deepwater complex. Basically there is a major complex which contains all of the deepwater grouper, all of the deepwater tilefish species and then silk snapper.

These species were all caught together under a variety of analyses conducted on a variety of fisheries-dependent and fisheries-independent data sets. Then it's broken out into three sub-

complexes; one containing deepwater grouper, one containing deepwater tilefish and another containing silk snapper.

The way that this would be envisioned for ACL management is that if the overall, very large ACL for the deepwater complex were exceeded, so for this group here on the left, then accountability measures would be implemented for every species within that overall complex. However, if only the sub-complex ACL for deepwater grouper were exceeded, then accountability measures would only be applied to deepwater grouper, and they would not be applied to deepwater tilefish or to silk snapper.

Then, of example, if the ACL for silk snapper were exceeded, then only accountability measures for silk snapper would be only the accountability measures implemented. This approach provides some interesting benefits, I guess, one of which is it lumps species into groups that are caught together often, so you could catch a deepwater grouper and a tilefish on the same set with the same gear, so it recognizes that fact and clusters them together into a large complex for that purpose.

It also then breaks things out according to similarities in life history. Grouper is somewhat different from a tilefish so it recognizes that, breaks them out that way and also helps with management in terms of the way that you would aggregate species. It also provides an additional benefit in that if you were to exceed on one group, it doesn't necessarily impact the other species within the complex.

But, there is one issue with this approach in that it results in quite a few ACLs that need to be monitored. It results in 32 ACLs for the 42 species that were still remaining in the management unit, and these are broken into six complexes, 15 sub-complexes, 5 of which contain one species and 11 individual species' ACLs.

You went from 42 ACLs to 32, but there are certainly some complexities of management still involved here. There are also some concerns because if, for example, you have yellowedge grouper in a group with Warsaw and snowy, well, Warsaw and snowy aren't as directly targeted as yellowedge, and so perhaps you could exceed on Warsaw grouper to a point that it would be overfishing.

Although there is no status determination criterion to suggest that, but you would potentially be able to take a lot of Warsaw grouper without any regulatory measure in place to prevent you from doing so. This is how the current preferred is kind of broken out. This is in your ACL document, basically it has got a series of large complexes broken out into sub-complexes.

In looking at this further, we realized that this is awfully complicated and there might be a way to better encompass the current management measures that are in place, for example, through 17B and 17A while breaking out species that probably merit individual attention and simply matters somewhat.

The SSC's recommendation was against using species' complexes unless they were used to aid with issues of species' misidentification, and they felt that a single-species approach would

provide the best solution for unassessed stocks. However, providing species-specific ACLs for 42 stocks may be unrealistic due to inadequate or insufficient data.

You have the species-identification issues especially within the jacks, you have fluctuations in landings through time that may make it challenging to assign an ACL that won't be exceeded repeatedly and it causes a substantial burden on science and enforcement. There were some negatives that the SSC recognized with regards to stock complexes; first of which, and probably the most important, is that it's difficult to predict population response to management due to a series of confounding variables.

Although things may be caught together, they may not respond similarly to management, and it's hard to tease those out through, say, an indices of abundance approach because there is management influences on various species within a complex, there is environmental forcing that impacts them differently. Species that are caught together may function in different ecological niches. There is also market forcing which may cause targeting of one species preferentially over another.

The catch groups that came out of the SERO species groupings analysis don't necessarily correspond to functional groups. They lack an ecosystem context, which again results in the difficulty of predicting how the fishing mortality rate changes in it will impact various species within a complex.

The SSC was also concerned that grouping things into complexes may create a disincentive for moving species up through the SSC's tier system, it may require an additional buffer for management uncertainty, it may be harder to economically evaluate impacts because some species may be priced out differently per pound within a complex than others. They felt that the analysis could better assess uncertainty.

They did recognize some positives of the analysis and the stock complex approach. They felt that it was useful for mitigating species identification issues. It did give guidance as to what species are likely to be impacted by similar management measures. It adds to your understanding of the ecology of the system and incorporates fishermen behavior and knowledge.

It is to understand for most council members and fishermen because the complexes seem to intuitively make sense to most of them. It is useful as guidance for dealing with data-poor species. With those things in mind, we recognized that there is really not much thinking that needs to go into doing a single-species approach. That's just trying to figure how to assign ACLs and manage for a single species.

But there are a variety of other approaches that could be taken for stock complexes, and so we developed two additional options. Option 1 would put targeted species into individual ACL groups, so that species that are selectively targeted and probably merit individual attention will receive it, and then other stocks are lumped into major complexes with the targeted species. And then in the second option the targeted species get individual ACLs and then the other stocks are lumped into smaller complexes with each other but not with the targeted species.

I'm going to show you some examples of what I mean. For deepwater grouper and tilefish, we've got Option 1 and Option 2. You can see in Option 1 the deepwater complex overall remains the same as what I presented you in the preferred alternative, so you have these six species together. You've got yellowedge grouper, snowy grouper, blueline tilefish, sand tilefish, golden tilefish and silk snapper all within a group. I should mention these ACL proxies here off to the side are proxies.

They're not final, obviously, there are a lot of determinations and selection of alternatives that need to happen, but these are based current preferred alternatives in various documents and previous amendments. If you want details on that, I'd be happy to provide them to you later. So, we've got an overall complex and then breaking out of that complex you also have individual ACLs for golden tilefish and snowy grouper.

Warsaw grouper is now broken now so that it's specified as an ACL of zero, which comes out of Amendment 17B, and then wreckfish is broken out as well. This gives you individual attention on Warsaw grouper and wreckfish. It provides you with an individual accountability measure approach for golden tilefish and for snowy grouper, but it also protects some of these other stocks that are caught with those species.

If you blow past your golden tilefish or your snowy grouper ACL, the implication of the stock complex approach is that those species, if you blow past them, you're probably also catching higher than normal numbers of the other species within the complex because they are caught together. So then you would be able to, if you blew past snowy grouper, for example, to the point that you exceeded this overall Option 1 ACL, to implement accountability measures for that major complex.

Under Option 2, what the approach does is slightly different. You get individual ACLs for snowy grouper, golden tilefish, Warsaw grouper and wreckfish, and then you just lump the other species into a complex that doesn't include those targeted species, so yellowedge grouper, blueline tilefish, sand tilefish and silk snapper just go into a sub-complex with a smaller ACL. There are pros and cons to both approaches, which I'll discuss at the end, but I want to show you a few more examples for various other groups first.

This would be an approach for shallow water grouper. Under Option 1 you put your five shallow water grouper species into a complex, which then has individual ACLs also specified for gag and red grouper; so that if you exceed on gag, you can implement an accountability measure for gag but not necessarily for the rest of the shallow water grouper unless you go so far with gag over the quota that you also exceed that entire shallow water grouper complex quota, in which case your accountability measures could then be applied to all of the shallow water grouper complex species. You've also got individual ACLs broken out for Goliath, Nassau and black sea bass.

In Option 2, very similar to Option 1 except that gag and red grouper are no longer in the major complex. They're just left out as individual ACLs and the only remaining members in a complex are those lesser targeted species of scamp, black grouper and yellowfin grouper, and those would have a smaller ACL. You can see from these ACL proxy numbers the likelihood of exceeding an ACL is probably less when you have a really high number for the ACL.

So in Option 2 you've got several groups with lower ACLs whereas this major complex is likely to not be exceeded as often as the smaller sub-complex in Option 2. Before I go on to the next one, this is all kind of following the same approach and I want to make sure people kind of understand the approach before we go any further so that everybody is not confused, because sometimes I get confused looking at it.

MR. HARRIS: Nick, what does "TP" stand for?

DR. FARMER: Thousands of pounds. All right, so moving on to the next one, this is for the jacks, which is a complex that I think suffers from some misidentification issues, and I've included some pictures of them at the bottom to show how that might happen. In Option 1 the jacks complex would be greater amberjack, almaco jack, banded rudderfish and lesser amberjack, and then there would be a sub-complex ACL for greater amberjack so that highly targeted species would have accountability measures specifically tied to it.

But if you exceeded the aggregate, you could apply accountability measures to the aggregate. But there are also individual ACLs broken out for blue runner, bar jack and Atlantic spadefish. Under Option 2 greater amberjack is no longer in the complex, so the sub-complex consists only of almaco jack, banded rudderfish and lesser amberjack. Greater amberjack has its own ACL; blue runner, bar jack and Atlantic spadefish have their own ACLs.

Now for the snappers – and I use snappers in quotes because we have hogfish in here as well. This includes yellowtail snapper, gray snapper, lane snapper, mutton snapper and cubera snapper in a complex, which has individual ACLs also specified for yellowtail and mutton. And then broken out from the snappers, also by itself in both cases, are red snapper, vermilion snapper and hogfish.

So in Option 2 the only difference is that yellowtail and mutton are no longer in the major complex, so the major complex ACL is substantially lower and yellowtail and mutton have their own individual ACLs. Porgies, grunts and hinds complex, there are no alternatives for this approach. It is just whitebone and knobbed porgy, jolthead porgy, red hind, rock hind, tomtate and white grunt all in a major complex with an individual ACL for speckled hind and individual ACL for red porgy.

In the preferred alternative currently in your document, we have a multi-handled approach for this one where it's all of the species in the blue box, and there is also sub-complexes for the porgies, sub-complexes for the hinds and sub-complexes for the grunts within there. The preferred alternative, for example, in this approach has four ACLs that would need to be monitored plus the speckled hind and red porgy, so six ACLs whereas this version only has three.

The triggerfish complex just has gray triggerfish and ocean triggerfish, and I didn't see a need to break those out. Ocean triggerfish was not included in the original species groupings analysis that I did because it appeared in the list of included species requiring an ACL after we incorporated 2009 data into the amendment.

For some discussion to help you understand what may be some pros and cons would be there for these approaches. Currently you've got 42 snapper grouper species requiring ACL management under your preferred alternatives for removal from the FMU or designation as EC species. The current preferred alternative in the Comprehensive ACL Amendment for species groupings would require 32 ACLs to be monitored.

Six would be at the complex level, fifteen at a sub-complex level, and eleven would be individual. Five of those eleven would be ACLs equal to zero pounds, so for fisheries that are closed like Nassau, Goliath, et cetera. The alternative grouping approaches that I just described we would be able to monitor these species with 26 ACLs, so basically you're eliminating the complex/sub-complex approach. You're just going to a complex individual approach instead. There would be six complex ACLs and then twenty species-specific ACLs; five of which are equal to zero pounds.

Option 1, which is the one where the highly targeted species are included in the major complex, promotes sustainable harvest of highly productive species by separating their ACLs in the sub-complex level from less productive species. It aggregates species whose landings fluctuate wildly through time due to rarity or identification issues into major complexes. It is kind of similar in that approach to using highly productive species as indicator stocks, which sometimes can be a risky thing to do.

It may allow individual ABC recommendations to be exceeded for the stocks in the complex. It allows primary data collection and enforcement focus on economically important species, and it also promotes regulations considering a multispecies context, which is kind of a prelude to ecosystem-based management. You're managing things that are caught together. That's not to say they occupy the ecological niches.

Option 2 promote sustainable harvest of highly productive species again by separating their ACL out from the less productive species. It aggregates species whose landings fluctuate through time, and it doesn't incorporate a high ACL within that sub-complex because it doesn't include the highly targeted species, so it provides a much lower threshold for implementing accountability measures for those less targeted species.

There is a primary data collection enforcement focus on economically important species again, so it reduces the need to monitor quotas for things that are incidentally caught. It promotes regulations again in a multispecies context. Like the same as last time when I concluded this, I'd just like to bring out that the data that these stock complex approaches are based on are fisheries-dependent and fisheries-independent data, but there are ecological associations that exist out in the environment that are not captured by this data.

This was a classic one. When I was diving, I saw an almaco jack using a hogfish as cover for foraging for an hour. Just be aware that this is a management approach. None of these approaches are perfect, but I think that they do address some pressing needs of the council with an imperative deadline.

MR. CURRIN: Thanks very much. Questions for Nick on the new approaches, a couple of more options, ways we can consider stock complexes grouping these things? It's hard for me to react, to be honest, Nick. It would really be good if we can get a copy of that so I can look at it and study a little bit more. Maybe we can shoot that around by e-mail or something during lunch. Brian.

DR. CHEUVRONT: Nick, I appreciate your doing this, and I see you've done a few things since we saw it at the SSC meeting just a few weeks ago. A couple of times you referred to less productive species as part of being those that are grouped together in the complex, but I'm wondering if sometimes if it's not really a matter of being less productive as perhaps maybe it's non-assessed species, because some of those species that are in the complexes are ones that we would like to assess. I was wondering if you could speak to that; did you really mean exactly less productive as opposed to non-assessed?

DR. FARMER: There is kind of a multi-pronged approach that I've taken here in developing these alternatives. One of the things that I tried to include in aggregate complexes were, you're correct, unassessed species, so species for which an individual ACL might be difficult to specify or monitor and also incidentally caught species or less target species.

There might be something out there where people just aren't catching it might be highly productive but the average landings don't reflect it because people aren't catching a lot of it. What I did try to be sensitive to was that there are some species that are highly vulnerable; and in cases where I felt that it would be a feasible thing to monitor an individual ACL for a highly vulnerable species – so, for example, for Warsaw grouper I broke those out so that they would have an individually specified ACL.

DR. CHEUVRONT: Yes, I just think that there are a couple of species that perhaps the real issue is they just haven't been assessed yet. I mean, one that jumped out at me because we were discussing it this morning was the blueline tilefish. We have a lot of landings of blueline tilefish and it just hasn't been assessed yet. The way it's set up now it doesn't mean that, for example, if we were to follow something very close to your Option 2, that if something was to be assessed, it could drop out of that complex and then end up with its own ACL.

DR. FARMER: In terms of how these approaches are designed, I look at this as a very dynamic process that the council will need to revisit. I think the council has an obligation to revisit ACL specifications, anyway, on a periodic basis, so I think the stock complexes would also need to be revisited as more data became available, as the science center has more time to develop alternative approaches such as DCAC and other forms of more advanced stock production modeling and assessment approaches for individual species.

I think the impetus for this approach was that we need to implement ACLs by the fishing season next year for most of these species. A lot of them are not assessed and so we're trying to provide some guidance as to how you might be able to use a multi-pronged approach to allow the assessed species to be managed individually when possible and then deal with unassessed species in such a way that you're not endangering them of overexploitation and still meeting statutory requirements.

DR. CHEUVRONT: And just my last comment; again, I want to thank you for a tremendous amount of work you've put into this because it has really helped the council to sort of frame in our minds ways that we could potentially handle some of this in ways that we hadn't thought before. But, I also would – as attractive as all this is, because it really is a very attractive way to deal with this, we just need to be careful and make sure that we heed some of the caveats that the SSC has given us to consider as we go through this process, and we need to look at them side by side. So, thank you again, Nick.

MR. CURRIN: In view of your comments, Brian, and Nick's, in thinking about this, it's very appealing for some of the reasons Roy stated earlier today, and it's almost counterintuitive, but we may be – if we go down this road, which I think we're probably going to have to at this point, it may be that we move further and further away from groups and complexes and closer and closer to the individual ACLs, which the SSC has recommended that we consider. I think at this juncture at least this offers a lot of appeal. Roy.

DR. CRABTREE: Thanks, Nick, it's a good presentation. Either of these options gets it down to how many ACLs?

DR. FARMER: Twenty-six of which five are equal to zero pounds.

DR. CRABTREE: That was going to be my question and we wouldn't actively monitor those because the fishery is already closed, so that would be 21 different ACLs that we would have to have the center actively tracking in the quota monitoring program. It seems like Option 2 is the simpler of the two; is that a fair statement? Maybe it's just because the graph looks simpler; I'm not sure.

DR. FARMER: Each one requires monitoring of the same number of ACLs and you're going to have to have poundage values for yellowtail and mutton, anyway, so I think in terms of management either one is basically about as easy as the other. My only caveat to that would be that you can see from the shallow water snapper complex, for example, in Option 1 the ACL for the complex is 4.7 million pounds whereas in Option 2 the ACL for the sub-complex is than a million pounds, and so a lower ACL is more likely to probably be exceeded and have accountability measures put into place.

DR. CRABTREE: So we're more likely to trigger more accountability mechanisms in Option 2 than we would be in Option 1?

DR. FARMER: That's correct.

MR. CURRIN: Other questions for Nick? Gregg.

MR. WAUGH: Not necessarily for Nick, but if the council is going to consider this, then perhaps we need some clarification as to now this addresses the core concern that the SSC raised. For these other species that you put in these groups and you're not actively monitoring them, how do you ensure you're not overfishing them? And if we can use the species groupings and

put these species in there and not have to ensure that we're not overfishing those species, then it seems like this is a good approach to move forward with.

DR. CRABTREE: Well, I think in some of Bonnie's comments yesterday – I mean, the issue comes down can we logistically handle all of these ACLs if we don't group things – and I guess what I took away, but I'll let Bonnie speak for herself, that it would be very difficult for them to monitor the number of ACLs we're going to have without species groupings.

That really puts us in a position where this has to be a workable kind of thing, and this may be really the only way we can handle it and do the job for right now. Bonnie, is that a fair assessment of where we are?

DR. PONWITH: Yes it is. Certainly, from a science standpoint – just to reiterate the comment from yesterday, from a science standpoint individual is the most precise way to do this, but it gets to the point where setting and monitoring ACLs and accountability measures for 42 species isn't technically feasible, and that then creates imprecision in its right. The species groupings, while they're not as clean, they certainly then become logistically possible, which it has to be executable to be successful.

MR. WAUGH: I know that the center can't comment on this and give us an official position before the document is submitted, but say the council chooses this approach to address the concern that we logistically can only monitor so many species at one time, then is the center going to sign off on this species groupings in light of the SSC's concern about these other species and whether we're overfishing or not overfishing?

DR. PONWITH: As long as we talk these through and make the assignments in a way that bestows the benefits that are given to the indicator species to the subordinate species in the group, then, yes, the science center will support the species groupings. For some of these stocks, an assessment hasn't been done and there is uncertainty; but if they're linked with a stock and the linkage makes sense and hitting a threshold bestows the same protection to the full complex that it would any of the individual that offers protection against overfishing in the face of uncertainty to those stocks.

MR. CURRIN: Bonnie, from your initial reactions – and I don't know when you saw this or how close you've been to the analysis that Nick has been doing – do these groupings, as you see them today or have seen them in the past, make sense to you?

DR. PONWITH: They do make sense from an ecological standpoint, that there is logic behind them. One of the comments that I made yesterday still rings true and that is that there are many different ways to group species. For this purpose, the rationale for groupings – the strongest rationale for groupings would probably be the fact their catch-per-unit efforts are parallel – run parallel to one another; not necessarily that their CPUEs are identical, but that the changes in catch-per-unit effort track one another in a way that is parallel, so a good year for one CPUE-wise is a good year for another one. That linkage makes a lot of good sense in terms of knowing that using the status of one as an indicator of the status of another one so that they would all mutually benefit from a management measure that were put in effect if you did exceed an ACL.

MR. ROBSON: I was just thinking about this, too, and I think, Nick, you said – I mean, there is not going to be a perfect way to do this. Either of these two options will obviously reduce the total number of ACLs that have to be tracked. I'm thinking also along the lines of what if or inevitably when you have to implement accountability measures, what is going to be the most effective way to do that in a way that the fishermen will be able to understand?

I may be wrong in my thinking, because this is the first time I've really looked at this, but it seems like, first of all, the Option 2 process you may have more likelihood of reaching an ACL and having to implement an accountability measure for a smaller – let's say it's a smaller subgroup.

But then when you actually implement that accountability measure, you're faced with the notion of having the fishermen understand which species are covered and which are not. I think when you have smaller and smaller groupings, then it's going to be a little more and more difficult to have a clear way of promulgating regulations that shut fisheries down so the fishermen are saying, "Well, actually, we're only being shut down for gray, lane and cubera," and everything else is – it just seems like it's going to be more effective for identification purposes to have a larger complex and at the same time you've also got a higher trigger so you may not even have to address it that soon. That's just some thoughts.

DR. FARMER: I was just going to add that there are I believe in this approach individual ACL specified for every species that has been assessed; so any species where you have a definition of overfished or overfishing or some sort of threshold specified as to what that would actually be, from a formal stock assessment process is monitored individually.

In terms of being concerned about overfishing other species in there – I mean, we define overfishing based on status determination criterion which come from assessments, right? So, at this point the species that are not managed individually in here don't actually have a status determination criterion, so it's hard to determine what overfishing actually would be for them in the absence of an assessment.

Then with regards to CPUE trends, I completely agree that would be the best way to approach the use of indicator species. We did attempt that in our approach for the Gulf of Mexico and in subsequent review and discussion with the science center, we realized that would require a formal SEDAR process to develop those indices of abundance because of all the subtleties of ecological, environmental, market and management forcing that impact those stocks differentially. The ultimate recommendation was to go ahead and remove that approach from consideration for now with the hopes that given more time and more assessment time devoted to the process, you'd be able to accomplish that in the future.

DR. CHEUVRONT: Can you go to your slide that has the shallow water groupers on there? I see you've got black grouper in the grouping, and that does have an assessment, but just a second ago I thought I heard you say each stock that had a separate assessment was not included in a grouping. I was wondering if this was special case or what is going on here.

DR. FARMER: Yes, that's correct, this was a special case, and I'm still kind of in doubt as to whether that should go in the sub-complex or get an individual ACL. It's made more difficult because it is kind of – the ACL that would be specified would be basically somehow subdivided between the Gulf and the South Atlantic since it's a Monroe County stock. That adds some really tricky complexity to black grouper and I'm not sure how we best handle that. That's probably worth some additional discussion, which I assume will happen when you talk about specifying an ACL for black grouper, anyway.

MR. HARTIG: My question pertains to if you go down this path and say for the scamp grouper, black grouper, yellowfin grouper complex you've got the 603,000 pounds – now, do you sub-allocate that between commercial and recreational and have different ACLs or do you monitor as one complex?

MR. CURRIN: Well, I think the answer to that is we monitor it differently for the two user groups because we've allocated that total ACL among the two user groups. Roy.

DR. CRABTREE: I was just going to say I think that's right, Mac, if we've split it up into sector-specific ACLs, then that's how it would be done, and that means these numbers wouldn't be directly comparable to the commercial quotas or ACLs or the recreations. They would sum up to this.

DR. FARMER: To that point, the numbers that I was quoting earlier with regards to the number of ACLs that would require monitoring, those are assuming that there is no sector separation, so you see the compounding complexity that happens if you've got 43 species and you allocate between two sectors or possibly even three sectors for those 43 and now you've got a whole lot of ACLs that you're going to monitor. Then the science center also has the burden of monitoring a similar number of ACLs for the Gulf of Mexico and for the Caribbean.

MR. CURRIN: It is fair to assume then the way we've been approaching it, anyway, because of all of our ACLs are divided up among two sectors, the number of ACLs to be monitored are two times the number you've presented to us today.

DR. FARMER: Unless you break out private and for-hire, yes.

MR. CURRIN: Right. Other questions or comments? All right, thank you very much. We need some way, as we get into the ACL Amendment and start talking about these species groupings, if we want to consider changing preferreds and approaches to these groups, it will be helpful to be able to have something in front of everybody to look at these individually. Maybe we can just flash them up, Nick, I don't know or we can send them around to everybody over lunch. We will recess for lunch for now.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Hilton New Bern/Riverfront Hotel, New Bern, North Carolina, Wednesday afternoon, December 8, 2010, and was called to order at 1:30 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: It's 1:30, if we can everybody back to the table, we will reconvene the Snapper Grouper Committee. There was a little mix-up in the agendas. One of them had an Oculina Report update on it and one did not. The one I was using, when we started, did not, so we're going to go back and have Anna Martin come up and give us an update on Oculina.

MS. MARTIN: The Coral Reef Conservation Program has asked us to provide an external review. The project proposal is a partnership with the Coastal Eco Group in St. Lucie County in Florida. They are submitting a proposal to create a passive fisheries reserve and to study oculina populations. The project would be a deepwater artificial reef site off of St. Lucie Inlet to learn the source of oculina recruits on the site and to determine if there is a genetic connectivity between the recruits and the oculina populations on Oculina Bank.

The PFR would consist of a deployment of ten limestone artificial reef modules in water depths approximately 154 feet. The study would determine if corals will recruit to the limestone modules and if these types of modules will provide essential fish habitat. They will evaluate the effectiveness of this type of design in reducing fishing impacts for key snapper grouper species and also if they provide recruitment opportunities for oculina.

The overall goal for the project is to determine if there is genetic connectivity between the corals that recruit to the modules and those that exist on Oculina Bank to see if there is an outside larval source for restoration projects for oculina on the banks. That is the project proposal in a nutshell. I'll answer any questions if you have any.

MR. CURRIN: Questions for Anna? That will be interesting to see how that works out. David.

MR. CUPKA: Mr. Chairman, before we go any further I just want to take this opportunity to recognize Rick Robins, who is the chairman of the Mid-Atlantic Council, and Chris Moore, their new executive director, who have joined us here, and we welcome you and we're glad you're here.

MR. CURRIN: All right, we'll get right back into the Comprehensive ACL Amendment. I believe we're on Page 159. That's the beginning of the actions. Is that where you want us to be or do you want to go earlier in the document? I'll follow your lead on that.

MS. BROUWER: No, that's good. We've already gone over Action 1. Action 2 is on PDF Page 168, and that is to designate snapper grouper species as ecosystem components. What I would like to do – I'm not if it's better to continue with the species groupings' discussion before we go on to the various actions of the amendment. We can do that, if you would like, or we can proceed with Action 2.

You've already picked a preferred, which is to designate species with and state and federal combined landings less than or equal to 10,000 pounds as ecosystem component species. Under that scenario there would be 15 species that are designated as ecosystem components.

MR. CURRIN: Any desire from anybody on the committee to discuss this; any questions; is everybody comfortable with where we are? Roy.

DR. CRABTREE: Well, as I think about this, it's not entirely clear to me what benefit there is in declaring them ecosystem component species as opposed to just removing them from the FMP. It seems more straightforward to remove them from the FMP.

I'm wondering if we ought to think about taking one of these alternatives and adding it in with the alternatives to remove them from the FMP. For example, I think our preferred now is 10,000 pounds, Myra. I'm wondering if we just put a similar alternative in the previous action to remove from the FMP species with less than 10,000 pounds of landings.

MR. CURRIN: I see your point and it's a good one. I think in the limited discussion we've had about the differences in those, Roy, there seemed to be perhaps a slight advantage to having them designated as ecosystem species because then they could be brought back in perhaps more easily than if they were not in the unit. I don't know whether that's in fact the case; and if it's not, then I see no reason to treat them differently.

DR. CRABTREE: Well, Monica, correct me if I'm wrong, but I believe whether they're not in the FMP and you want to add them or whether or they're ecosystem components and you want to make them regular members, it would require a plan amendment; would it not?

MS. SMIT-BRUNELLO: It would require an amendment of some sort. Since we've not had ecosystem component species before, I'm not sure if it would be easier to add them back in if they were an ecosystem component. You might already have information and that sort of thing, and that's probably what you were suggesting earlier. But, yes, you would need some sort of action to put them in a fishery management unit to manage.

DR. CRABTREE: And I guess my thought, Mac, is if we duplicated some of the alternatives under EC and the remove from the FMU, then at least when it went out to public hearings, we'd kind of have that in there; so if we decided down the road rather than making them EC species and we want to just remove them, at least we'd have taken those alternatives out to public hearing.

MR. CURRIN: Other thoughts on that suggestion? Is everybody okay with that approach? Personally I can't see any real advantages to doing it in different ways. It's probably a little cleaner. All right, if that's the desire of the committee, then how about a motion to that effect, to move the alternatives under the ecosystem species action into the removal from the FMU action.

Dr. Crabtree suggested that I guess we could leave it as it's structured so we would have that opportunity or I guess the other alternative is – or other approach is just to eliminate the ecosystem species action and enter alternatives based on the poundage landings as a basis for removing them from the FMU. Any desire on the best way to go about that? Brian.

DR. CHEUVRONT: I think it's a good thing. We've already done an analysis or started an analysis on the ecosystem thing, so it would probably – in terms of the amount of effort it's going to take to accomplish this, it would probably be easiest just to move the ecosystem component alternatives into the removal of the FMU action. I'm assuming that from a workload perspective that would probably be the easiest thing to do. **I'm going to go ahead and make**

the motion that we move the alternatives under Action 2, which is the ecosystem component designation, into Action 1, the removal from the FMU.

MR. CURRIN: Motion by Brian and second by Robert Boyles. Roy.

DR. CRABTREE: Just a suggestion, if you look at all the alternatives under Action 2, I think some of them don't make any sense to move into Action 1 – like Alternative 6, which says designate snapper grouper species that meet three out of four NS-1 criteria as EC species, so I'm think maybe what we just need is – our preferred is to deal with species with 10,000 pounds. Maybe under Alternative 1 we add an alternative to remove species that have less than 10,000 pounds landings and maybe another one to remove species that have less than 20,000 pounds landings, something like that rather than move all of these alternatives; just kind of a friendly suggestion, Brian.

DR. CHEUVRONT: Well, Roy, I guess the reason why I did it the way I did it was simply because some of the analysis has already been done based on those alternatives that already exist. Myra, if we did it the way that Roy is suggesting; is that going to create an additional burden?

MS. BROUWER: I think if we just stay with the 10,000 pounds as opposed to adding more, because that's not been – that's going to change the way that the analyses have been done.

MR. CURRIN: I might suggest that if we want to put a couple of those in there, let's pick another one in addition to the 10,000, like 5,000 or that's in between the range that we had. It doesn't go throughout the full range down to 1,000, but it would give us a couple of poundage levels at least.

DR. CHEUVRONT: Yes, because the motion could be easily modified to say move alternatives and then we could list the numbers that we want moved and then we could add to that and then take the rest of the alternatives from Action 2 and put them in the considered but rejected appendix. I think that might be a good way to handle that.

MR. CURRIN: Yes, David is whispering in my ear that 2 and 3 would give you the biggest spread from 1,000 or 10,000 with not much in between – I mean, we've got the others there. That's a good point regarding the Alternative 6. I don't see any reason to move that one as well. What's your pleasure? Roy.

DR. CRABTREE: And I'm okay with that. The analysis is going to have to be changed, anyway, because right now the analysis is about do they meet the definition of ecosystem component species; and when you put those alternatives under remove them, it will be a different type of analysis. There may be some that can be moved over, but it will have to be rewritten a little bit, anyway.

MR. WAUGH: I would just urge a little caution and a little restraint and some recognition of where we are timing-wise because about a month from now we have to have all of these documents ready for scoping and public hearings. Certainly, where there are changes that need to be made, we need to make them. But if we can leave stuff in and sort it out after public

hearing where the analysis has already been done, that will certainly make the IPT's team workload more manageable.

MR. CURRIN: Well, thank you for that, Gregg, because we don't want to add any undue burden to you guys. You've got enough to do as it is. I'm open for suggestions on the cleanest and best way to do what we're doing.

DR. CHEUVRONT: It really almost sounds like what we need to do is postpone this until the March meeting, but is that too late? That is too late, so I don't know how we can accommodate what Gregg was just saying .

MR. CURRIN: If the analysis is complete regarding the ecosystem species, but there is some desire as I sense from the committee that we would like to have an option in there to remove species from the fisheries management unit that have 10,000 pounds – and Roy suggested even looking higher than that and apparently Nick has a spreadsheet that would show what additional species might be added if you go up to 20,000 or less than 20 and less than 10 – that was Roy's suggestion – then we could add those two alternatives to the removal action and just leave the ecosystem as it is for now and then get rid of – if that's what we decide to do.

DR. CHEUVRONT: I'll go ahead and withdraw my motion then. I think that probably is a little cleaner way.

MR. CURRIN: Do you really want to look at that? Roy's suggestion was less than 20 and less than 10 –

DR. CHEUVRONT: And less than 10; I think those are good.

MR. CURRIN: Nick has got those and we can see what we're talking about as far as adding additional species. That motion was withdrawn; is that okay with the seconder? Without objection from the committee, the motion will be withdrawn. I see no objection.

MS. BROUWER: On your species are the species that would be designated as ecosystem components with the 10,000 criteria. There are 15 of those species, and you would require ACLS for 42 species in this scenario. Under 20,000 pounds you've got 22 species that would be designated as ecosystem components and 35 that would need ACLs.

MR. CURRIN: You take a look at some of those species, when we looked at some and when we started trying to remove things, there were a few that kind of touched a nerve and we wanted to add back in because of their regional importance even though the landings perhaps were not that high. Keep that in mind, but talking to Gregg, the cleanest way to do this, if this is the way we want to do it, is perhaps to add a couple of alternatives to the removal action that would address two levels. We're looking at 20 and 10 right here, and we've got actions in there that look at fewer pounds as well. Roy.

DR. CRABTREE: I would move that we add an alternative to remove species from the FMP with less than 10,000 or 20,000 pounds. I guess that would be subalternatives.

MR. CURRIN: Motion by Roy and a second by David Cupka. Roy.

DR. CRABTREE: Nick, did you figure out how many species are affected, the difference between 10 and 20? I missed it if you did.

MR. CURRIN: It was 22 versus 16.

DR. FARMER: And then you require an ACL for 35 under 20, and it was 42 under 10.

MR. CURRIN: Forty-two ACLs required under the 10,000 pounds and 35 under 20,000 pounds. Further discussion on the motion? Any objection to that motion? I see none; that motion is approved. All right, any discussion that we've had today cause any desire to pick a different preferred? I guess it would be an additional preferred if you chose to go that way.

It would eliminate the preferred under the ecosystem action and then have two preferreds under the previous removal action. We'll let the staffs work that out, but any desire? If we're not going to go the ecosystem route, we can get ahead a little bit by changing that preferred so that analysis would be ready. It sounds like a good idea to me.

MR. CUPKA: I would make a motion then we make – I don't know what alternative number it would be, but the 20,000 pounds as a second preferred under that.

MR. CURRIN: Motion by David to select the alternative removing those species with less than 20,000 pounds from the fisheries management unit as a preferred. Is there a second? Second by Mark. Discussion? Brian.

DR. CHEUVRONT: I just was counting; we already have two preferreds under Action 1 and that's 22 species exactly. I just counted them and I was just wondering are they the same 22 species? Are we ending up with the same result and just counting them differently? Are we just changing the criteria and ending up with the same result? I just didn't know if this is sort of a redundant –

MR. CURRIN: Well, I don't know that yet until we get the list side by side. Nick may actually know.

DR. CHEUVRONT: I think if they're not redundant, they're probably very, very close to being.

MR. CURRIN: And, again, they probably include mutton snapper and hogfish, which we excepted at the last meeting.

DR. FARMER: The way I've run this is I've already excluded mutton snapper and hogfish from elimination per the council's suggestions. If you merge them into to remove from FMU actions rather than remove from FMU and then designated as EC as two different actions, you would get rid of 38 species under the 20K criterion and 31 under the 10K criterion, so you're getting seven additional species eliminated.

I've put in yellow here the ones that are eliminated under the removal from FMU alternatives because that supersedes the other approach, right; so I guess looking at the differences here, some of the things that stand out to me would be these three snapper – cubera snapper and dog snapper and lesser amberjack were in it previously as was as ocean triggerfish and sand tilefish and Warsaw grouper, so those are your changes right there.

DR. CHEUVRONT: There is also a preferred Alternative 5, which I think also removes ocean triggerfish and a couple of other species and turns them over I think to Florida or something.

MR. CURRIN: I think it was queen triggers.

DR. CHEUVRONT: Was it queen triggerfish?

MS. BROUWER: Yes.

DR. CRABTREE: Well, we can't remove Warsaw grouper because it's still undergoing overfishing and all of these issues, so I think that one needs to be –

DR. FARMER: Right, so that needs to be specified.

DR. CRABTREE: – reviewed. Maybe cubera snapper does. I personally don't really know what a dog snapper is so I don't know anything about dog snapper, but cubera snapper seems to me to be a high-value big fish. Are there any others in there that are red flags? I know we've earlier indicated that we didn't want to remove hogfish, we didn't want to remove mutton snapper.

DR. FARMER: I would say lesser amberjack was one that stood out to me as being a change from previously; but prior to us updating this amendment for 2009 data, lesser amberjack actually was eliminated by the council's preferred alternative at 10,000 pounds. It seems like it's right on the cusp of the 10,000 pound threshold. There are species identification issues associated with that.

MR. CURRIN: What is your desire? The motion doesn't any exceptions in it. If you want to make some exceptions, we can recraft this motion to eliminate two or three or four, whatever your desire is of these species from consideration. Roy.

DR. CRABTREE: Well, I guess I would suggest that the exceptions be cubera snapper, Warsaw grouper and lesser amberjack.

MR. CURRIN: Is that a friendly amendment?

DR. CRABTREE: Sure, if that will work.

MR. CURRIN: You okay with, David? Okay, so we've got a friendly amendment that makes the 20,000 pound alternative a preferred under Action 1 with the exception of cubera snapper, Warsaw and lesser amberjack. Further discussion on that motion? Charlie, discussion.

MR. PHILLIPS: Well, just a note the cubera snapper are big fish, but they're very, very hard to sell and not a high-dollar fish at all. They're a dollar and a half a pound fish or something. It's not something they look for.

MR. CURRIN: Yes, and I think the landings indicate that, that they're probably not terribly abundant in addition. Any further discussion? Any objection to that motion? I see none; that motion is approved. I guess by that motion, Myra, that we just took, then that will eliminate or change the preferred under Action 1 and will eliminate the preferred under Action 2 on the ecosystem species, so is everybody clear; everything is good? Yes, Roy.

DR. CRABTREE: So do we need a motion to eliminate that preferred or is that just –

MR. CURRIN: Well, I thought I just handled that; but if we need it to be fully clear, then we've got two preferreds that we need to undo.

DR. CRABTREE: No, if you handled it and everybody is clear, that's fine.

MR. CURRIN: You're okay with that? If we need a motion, you let me know if you're more comfortable. All right, we need a motion. Brian.

DR. CHEUVRONT: I actually thought that we were just adding this as a preferred and not eliminating the other one, so I'm glad that Roy brought that up. I just was suggesting that we had – I thought we were just saying that we would prefer to go one of these routes since this is just going out for public hearing, so I'm not quite ready to make a motion to eliminate those others as preferreds. I would really like to spend a little more time looking at a comparison of those two lists. Like, for example, was Atlantic spadefish on that 20,000 pound list? I didn't realize that we were looking to eliminate one, and I didn't really think about all the changes.

MR. CUPKA: And that was the intent of my motion, Brian, not to eliminate any because I didn't indicate that in the motion but rather to add it to that. That seemed to me a situation where we could have more than one preferred; and depending on which route we wanted to go, then we'd be covered.

MR. CURRIN: And my concern was that they were conflicting in some way and to reduce or eliminate confusion among the public when you've got three preferreds kind of dealing with the same thing and they give you different answers, then to me that's confusing. That's what I was trying to get at. Myra.

MS. BROUWER: I would just like to remind the committee that the way we have proceeded with this amendment is we've tiered off the analyses off of the preferreds; so what you choose in this action is going to have an impact on how we approach the analyses for everything else. If we now have three preferreds, we're going to have to add more analyses before this is ready for public hearings. Also to answer your question, Brian, Atlantic spadefish was not included is what Nick just told me.

DR. CRABTREE: Well, I under the EC preferred right now those would be all the same species that are now covered under remove from the FMU and some additional ones removed. It makes sense to me to change the preferred under Action 2, Alternative 1, since we've chosen a preferred to remove them. Before I make a motion to that effect, Nick, under the EC species it says speckled hinds has 4,500; is that one that's excluded under what we just chose? If it is, we need to add that to the list of exceptions, I think.

DR. FARMER: I don't think that was explicitly included in the list of exceptions by the council previously, but in the list that I've flashed up and in the spreadsheet that I've developed it is mandatory it requires ACL species. I've done that for anything that has a specified ACL already, but we might need to specify –

DR. CRABTREE: Just so we're clear, Mac, I would make a motion in Action 1 that speckled hind be added to the list of exclusions.

MR. CURRIN: Motion by Roy to exclude speckled hind from consideration of elimination; is there a second? Second by Robert Boyles. Discussion? I think it's clear why we need to do that. Any objection to that motion? I see none.

DR. CRABTREE: And then I would move that under Action 2 we change our preferred to Alternative 1, no action.

MR. CURRIN: Motion by Roy to change the preferred under Action 2 to Alternative 1, which is no action; is there a second? Second by David. Discussion? Any objection to that motion? I see none and that motion is approved. We did have a previous preferred under Action 2; is that correct, so we've got two preferreds under Action 2 now and that's kind of what I was trying to just give the license to clean the document up so that it was not confusing. I think we probably need another motion under Action 2 to eliminate our previous preferred. Robert.

MR. BOYLES: Mr. Chairman, I'd make a motion that we remove Alternative 2 as our preferred under Action 2.

DR. CRABTREE: Well, I'm confused now, Mac. I thought that was the motion we just passed, which was under Action 2 to change the preferred to Alternative 1. We had a preferred under Action 2 that was Alternative 2 and we just changed it to Alternative 1.

MR. CURRIN: That's correct; I'm talking about under Action 1 we had a previous preferred and now we have two based on the motion to prefer the one looking at the 20,000 pound threshold. That is my understanding; is that not correct? Under Action 1 then is where we need a motion to – yes.

DR. CRABTREE: So I think we have three preferreds in Action 1 now.

MS. BROUWER: Right.

DR. CRABTREE: But I don't think they're mutually exclusive; and as far as where I'm looking I think if it meets any of those three preferreds, it's removed, so I don't see that we need to change that. I don't think there's a conflict. There is overlap.

MR. CURRIN: Okay. All right, I'm confused, I'm sorry. I'm less confused so thank you. All right, everybody clear on what we just did now that I'm clear? All right, ready to move on?

MS. BROUWER: Okay, now we're moving into the species groupings action, which is Action 3. It's on Page 177 of your PDF document; hard copy page 154. What I did over lunch is up on your screen is the current preferred that's in the document. The colors represent the sub-complexes. Under the new approach I went ahead and put both options up on the spreadsheet as well so that we can walk through them and look at what the differences are between the various approaches.

Like I said earlier, I would urge you to pick a preferred for this action because it will have an effect on subsequent actions throughout the rest of the amendment. This is your current preferred; and as Nick mentioned this would establish 42 ACLs whereas with this approach you would have 32 –

DR. FARMER: The preferred gives you 32 ACLs.

MS. BROUWER: I'm sorry, the current preferred gives you 32 ACLs; the new approach would give you 26.

MR. CURRIN: And it's 26 regardless of the option, one or two; okay. Roy.

DR. CRABTREE: So we're adding in a third alternative with two suboptions under it; is that how this is going to work?

MS. BROUWER: Well, what I would suggest – we already have three alternatives. The preferred is the species groupings approach that Nick has presented to the council in September. The third alternative is the species groupings based on life history characteristics.

What you could do is instead of – is adopting one of these new options as your new preferred under Alternative 2, make that be Alternative 2 and then add an additional alternative to the suite of alternatives that would cover the options under New Approach Option 1.

MR. WAUGH: One way to approach to this that may be a little simpler is your verbiage – if you read your verbiage for your preferred, it's just to establish species groups. Then you've got a table that shows what that means. It shows the species groupings. Again, that was based on what Nick had done before, so now we've got additional information that shows two options.

I really think if we add different subalternatives in here, we're not going to understand it much less the public. If you just look at that table and make changes to that table based on Options 1 and 2 that Nick has presented now and come up with a new table that shows you how you want

your species groupings to be, then that's your preferred. I think to have any more than that is really going to be confusing.

The way the document is structured in the analysis, it's tiered off of that preferred so we would take that species grouping, that is what is analyzed through the documents. I think, Myra, you've got that, right, the table that shows the existing – the species composition for the existing preferred and then how you might want to change that based on Nick's new analysis, so just rearrange them and come up with your table that represents your new grouping.

MR. CURRIN: So your suggestion then basically would be to just restructure Table 4-15 based on the new analysis that Nick provided today?

MR. WAUGH: Yes.

MR. CURRIN: That sounds very clean to me. Roy.

DR. CRABTREE: Okay, so Alternative 2 then becomes what Nick has presented to us and we just have to choose Option 1 or Option 2 because it's already our preferred; am I understanding this properly, and then these tables all change to reflect what he presented to us?

MR. WAUGH: If you read the wording for Alternative 2, Roy, all it says is you're going to establish a species grouping.

DR. CRABTREE: Right.

MR. WAUGH: And then if you look at the table, that shows what that species grouping is, so just make modifications to that table based on the two options that Nick has provided, and so we'll still just have one preferred.

DR. CRABTREE: Okay, so if we choose one of those options, then you guys will just alter the table accordingly?

MR. WAUGH: And my understanding was you didn't want to just select one option down the whole way; you had changes you wanted to make to them was my understanding. If not, yes, then you just pick one option and that would replace them, but I thought you had different –

MR. CURRIN: Because it was a point Brian made about black grouper and I have some concerns about blueline tilefish and where they're grouped and the like, so we ought to at least look carefully at the groupings that are in these options to make sure we're comfortable with all of those groups before we decide to replace the tables or the species in the tables on 4-15.

Let's look at those groups under Options 1 and 2 that Nick presented earlier today, if we can get those up on the screen, and then everybody look at those. Brian raised an issue again about black grouper, and I think we should look carefully at blueline tilefish to make sure we're comfortable with where that group is or which subgroup or group it's in and make sure that we're comfortable with the rest of them. If we are, then we can select one of these options and that

would dictate which species go in the various subgroups and groups and complexes in Table 4-15. Does that make sense?

MR. BROUWER: Also, based on your preferred in Action 1, under the less than 20,000 pound landings' removal option, you would lose sand tilefish, bar jack, ocean triggerfish and yellowfin grouper.

MR. CURRIN: Okay, so let's have some discussion on whether the groups make sense to you or whether you want to move any out or not into separate ACLs or into a different group; establish a different subgroup, if you'd like to do that. I would be comfortable personally with blueline tiles either being a separate one or being lumped with snowy grouper into a group.

If we did that, that would leave yellowedge and – well, sand tile has been removed so that would put yellowedge by itself; so maybe with the removal of sand tile, I don't have any strong objection to having yellowedge and blueline together. The majority of those landings are going to be blueline, anyway. Black grouper is another one and if there are others. Without any motions, we're just going to assume that you're okay with the way it's listed on the sheet with the exception of the removals that Myra just went over. Brian.

DR. CHEUVRONT: I just want to make sure; is black grouper now out of that shallow water grouping because I think we might want to go ahead –

MR. CURRIN: It's not currently out. It's in a subgroup now or a group with scamp and yellowfin, and that got removed?

DR. FARMER: Yes.

MR. CURRIN: Okay, so now it's grouped with scamp. There's still only two of them there.

DR. CHEUVRONT: Does that make logical sense? I mean, that's mostly a South Florida species, so I'm not really sure.

DR. CRABTREE: I don't know that you need to treat black grouper separately. It's not overfished and not undergoing overfishing, and I think it was in good shape by a wide margin. It doesn't have any history of being overfished or undergoing overfishing, so we can split it out – I think you have leeway on how you want to go with it. I think the ones you've got to be concerned to make sure you split out in particular are the ones that are in rebuilding plans or where we've had overfishing problems.

DR. CHEUVRONT: If the folks from South Florida don't have a problem with it, I'm not going to have heartburn with it. I just wanted to make sure that it somehow wasn't going to be to their disadvantage.

MR. CURRIN: Well, it changes a little bit now that we've removed a couple of those species, and they're not so intermingled and mixed up from my perspective. Ben.

MR. HARTIG: Well, in a species assemblage type they don't go together at all. Scamp is primarily a northern fish. It's a deepwater fish where we live. Black grouper is really south of me in the Keys, and it's definitely a shallow water complex, rarely caught in the deep water. I don't know; from what Nick has done, it looks really good overall how these assemblages are put together. They don't fit a hundred percent and never will, but now we're putting two species together that don't make a whole lot of sense to group them together. I'd probably like to see black grouper separated out.

DR. CRABTREE: Well, I think based on what Ben just said, it makes sense to split them out.

MR. CURRIN: Everybody okay with that? Brian.

DR. CHEUVRONT: So, do we need to go ahead and make a motion to split –

MR. CURRIN: It would probably be good.

DR. CHEUVRONT: Okay, I'll make a motion that we separate scamp and black grouper.

MR. CURRIN: Motion by Brian; is there a second? Second by Ben. Discussion? Any objection to that motion? I see none and that motion is approved. Anything else in the species groups that anyone feels needs to be addressed in a different manner than it is? Kenny, have you got a comment?

MR. FEX: Yes, I was just reading through the list of the AP recommendations. The AP recommends that the council remove golden tile from the species groupings. I think the logic was that they're under an ACL already, and they're all mainly caught in sand bottom.

MR. CURRIN: Yes, under this scenario they would be treated separately. I appreciate you keeping us straight on that and thanks for keeping up. All right, everybody okay, then? Of the two options, which is most appealing or which is anyone willing to make a motion to adopt as our preferred? Option 2 to me, off the top of my head and at first glance and talking to a few people about it, seemed to be preferable. Roy.

DR. CRABTREE: Yes, I agree. I think you could go either way, but I think probably Option 2 gives better protection to some of these lesser groups. **I would move Option 2 as our preferred.**

MR. CURRIN: Motion by Roy to adopt Option 2 as our preferred; second by George Geiger. Discussion? Everybody comfortable with that? Any objection to that motion? I see none and that motion is approved.

MS. BROUWER: Okay, the next action, Action 4 is on PDF Page 183; hard copy Page 160, and this is the ABC Control Rule for snapper grouper species that have not been assessed. Before we get into the discussion, just a little bit of background or food for thought, Action 5 would establish an ABC Control Rule for species that have been assessed.

The IPT had some discussions about this, and one of the recommendations is to consider lumping these two actions into one, considering that the SSC has recommended a single control rule. It has not yet been finalized, but there is a single control rule that addresses both assessed and unassessed species at the same time. While we're going through this, just keep that in mind that our recommendation would be to combine Actions 2 and 3 under a single one.

You do have a preferred that is Subalternative 3 to set the ABC equal to 75 percent of the OFL. I will also remind you of a recommendation from the SSC to try to stay away from using OFL when the OFL has not been specified and just looking at instead establishing a percent of median landings instead of using the word "OFL".

Another change that the IPT is recommending is moving Alternative 4 to the appendix. For species that have not been assessed, there is no MFMT and so this alternative really doesn't make sense to include in here.

MR. CURRIN: There is some low-hanging fruit. Roy.

DR. CRABTREE: I move that we move Alternative 4 to the considered but rejected based on the IPT recommendation.

MR. CURRIN: Motion by Roy and second by David. Discussion? Any objection to that motion? I see none; that motion is approved. All right, we've currently got a preferred here. I guess as Myra indicated, if we don't have an OFL from the SSC we're going to have to go another route. I don't think that conflicts with our preferred here necessarily; does it?

MR. BROUWER: No, what we're suggesting – let me just scroll down – so if you combine Actions 4 and 5 into a single action, the wording that we're suggesting as a preferred would be to where applicable, establish ABCs based on the SSC's ABC Control Rule for assessed species and for non-assessed species establish ABC equals to 75 percent of the OFL, which we would change to median landings over the last ten years or something like that, until the SSC's Control Rule can be fully applied. If you do that, it covers your bases and you are applying the control rule; you are adopting the control rule so that once it's finalized it can be applied, and you are not deviating from your previous preferred alternatives that you've already selected.

MR. CURRIN: That makes sense. Brian.

DR. CHEUVRONT: Yes, but there was some discussion yesterday about getting our SSC to look at how the Gulf was calculating some of these ABCs. As Bob Gill pointed out to us, using the median value over ten years is making the assumption that we were overfishing probably half the time or so.

I'd like to make sure that the wording that we've put into our preferred would allow us to change even that interim definition of ABC if, for example, at some point we're able to determine that the SSC wants to adopt a different ABC Control Rule for unassessed stocks.

Now, maybe this will still allow us to do it the way that's worded, that we're just using the 75 percent of OFL as a placeholder for right now and we're precluding them from changing that in the future. I just want to make sure we're not locking ourselves into this 75 percent of OFL is what ABC is equal to. I would like for us to consider some other things.

MR. CURRIN: Well, I'm thinking perhaps – I mean, the IPT's suggestion is that we eliminate the use of that term "OFL" there and base it on median landings for those unassessed stocks where we don't have an OFL. I guess it could be interpreted such that whether it's median or mean landings, that something based upon that such as the way the Gulf is doing it –

DR. CHEUVRONT: Yes, but they've included additional standard deviations or something like that. I just don't want us to lose that as a possibility by selecting as a preferred alternative something that would preclude us from considering that in the future. My concern is just making sure that if we pass this motion we're not stymieing that before we ever got started.

DR. CRABTREE: Well, I wonder if it wouldn't be better to pare down and get rid of some of these alternatives and then add an alternative in here that reflects the Gulf Council's Control Rule. Would that foul us up, Myra, or would that be a reasonable thing to do?

MS. BROUWER: I would think it would be a reasonable thing to do.

MR. CURRIN: Well, the situation from the IPT is to combine those two actions, 4 and 5, and then have alternatives dealing with assessed stocks and then alternatives dealing for unassessed stocks. What I'm hearing from Roy and Brian is there is a desire, if we combine those two actions, to add an alternative regarding unassessed stocks that is based upon the Gulf Control Rule. Is that accurate?

DR. CHEUVRONT: I think so.

DR. CRABTREE: I think so. I think Mark had his hand up and looked eager to pounce.

MR. ROBSON: Yes, I was going to make a motion to make sure we add – in fact, I'll do that – to add that alternative to use the Gulf Council Control Rule – well, we were going to ask the SSC to look at it, so I'm not sure how to couch this motion, but we want to include that as an option to have the Gulf Council Control Rule processes as a mechanism to determine the – I'm lost now.

MR. CURRIN: Myra is trying to capture it on the screen for you; so if you want to take a look at that and make sure it says what you want it to say.

MR. ROBSON: We were talking about – yesterday when we were talking about this, I know their guidance is for unassessed stocks. Bob, maybe you can clarify; is that specifically all that guidance was looking at was for unassessed stocks; when you don't have an OFL, to look at that standard deviation way of looking at it. It could be assessed stocks, too.

MR. GILL: It was for data-poor stocks, but it was broken down to different categories. There's three levels on that tier, and that is just one of them and it was intended for the low-landings'

species. It was the concept that was important. As to how it's applied is going to vary a little bit depending on species to species. But for the low-landings' species that was the process.

MR. CURRIN: I want to make sure the motion is the way the motioner intends for it to be.

MR. ROBSON: Well, I guess I'm still struggling as to whether it should be unassessed or just data poor or both.

MR. CURRIN: I don't think there is a whole lot of difference there. We might have a few that we're struggling to get assessments scheduled for that haven't been assessed yet, but I think in general they're close to the same.

MR. ROBSON: Well, can we just have the motion say for unassessed or data-poor stocks?

MR. CURRIN: It's your motion; you can have it any way you want.

MR. ROBSON: Let's try that.

MR. CURRIN: **Okay, motion Mark to add an alternative to use the Gulf Council's Control Rule to establish ABCs for unassessed or data-poor stocks.** Second by Brian. Discussion of the motion? Everybody clear on what this does because I'm not exactly. There were, as Bob indicated, a number of levels and approaches that they took based on standard deviation. That I'm clear on, but there were .5 standard deviations, 1, 1.5, 2.

DR. CRABTREE: Well, what I'm going to suggest is – and I support the motion and let's approve it but give staff some leeway, but what I would ask Myra to do is get with Andy and folks because they've been involved in the Gulf stuff and see if we can't restructure this action between now and full council, because I'm confused now that we've combined the actions as to really what is left in it and what is not. If you could print it up and show us a restructured – and make it make sense of what the Gulf Council's Control Rule is and then bring it back to us in full council and then we can look at the whole thing and make sure we're all straight on it before we get out of here.

MR. CURRIN: Okay, further discussion on this motion? Any objection to this motion? I see none and that motion is approved. David.

MR. CUPKA: Mr. Chairman, I'd make a motion that we combine Actions 4 and 5.

MR. CURRIN: Motion by David to combine Actions 4 and 5; is there a second? Second by Duane. I guess that's with the understanding that we give the staff some license to restructure those as Roy suggested and eliminate the chaff and have it all make sense. Mark.

MR. ROBSON: So they're going to come back and we'll look at Actions 4 and 5 combined, so do we need to do anything right now with our current preferred for Action 4 or should we wait?

MR. CURRIN: We don't have to now; but before we leave here, it would be a good idea to either reaffirm that or change it to something else. Roy.

DR. CRABTREE: Yes, and I think I'd rather just leave it alone where we are and let them get it all laid out and then we can talk about it at full council.

MR. CURRIN: That makes sense to me. Kenny.

MR. FEX: I just wanted to let you know the AP considered the 85 percent and not the 75 percent for the overfished level for the ABC just because it's an unassessed stock and that margin of error of 15 percent is good enough, but I think 25 is a little bit overboard. I just wanted that to be known on there.

MR. CURRIN: All right, Myra, are we okay with 4 and 5 so far.

MS. BROUWER: Okay, Action 6 would establish allocations for the snapper grouper fishery. It's PDF Page 194; hard copy Page 171. Table 4-19 in your document has the allocations that are currently in place for snapper grouper species under other amendments, so you can refer to that. One thing the IPT would recommend is to remove the reference to poundage from the alternatives to allow for any future changes to the ABC.

MR. CURRIN: We have a preferred here; everybody okay with that? Are you in addition okay with the suggestion from the IPT to remove the reference to poundage within all the alternatives? I'm seeing heads nod okay. You okay with doing that without a motion; direction is okay? All right. Kenny.

MR. FEX: The AP advised that Alternative 2 be the preferred, too, so I was just agreeing with you on that one.

MR. ROBSON: Just a question; the table reflects the current allocations that have been established, so is there information – and I apologize if I haven't seen it – in the document that would show if the preferred is chosen how that would change the allocations?

MR. CUPKA: Yes, there is; there's a table in the back that affects three species, black sea bass, vermilion and red porgy. The black sea bass – this is the commercial – would change from 43 to 50; vermilion snapper from 68 to 65; and red porgy from 50 to 62, so it would change what they are currently. The most it would change it would be like 12 percent for porgy and the least would be about 3 percent for vermilion.

DR. CRABTREE: Well, I guess I thought this was set up was that Alternative 2 would establish allocations where we don't have them but not change the ones that are already in existence, but maybe that's not clear. That's how I understood it, at least.

MR. CURRIN: And that's the way I understood as well, Roy, so it is not clear in the –

DR. CRABTREE: So we need to clarify that, that Alternative 2, the preferred, applies just to stocks where we don't have allocations, and where we already have them it doesn't change them.

MR. CURRIN: Everybody fine with that; is that everyone else's understanding as well? Any objection to that clarification in the amendment, so in effect Table 4-19 will be the allocations for those species not in that table. Where we are establishing allocations under this amendment, we would use the methodology in the preferred Alternative 2. Roy.

DR. CRABTREE: And I would suggest we change the title of Action 6 to something like "specify allocations for snapper grouper fishery where no allocation exists" or something to that effect just so it's clear.

MR. CURRIN: No objection to that; I think it does provide some clarity. David is wondering whether we need some further clarification, but my understanding is Table 4-19, as it states, are previous allocations that have been put in place by other amendments, so those are currently in place until modified, and then Alternative 2 would establish allocations for species outside of that table that are under consideration. Is that everybody else's understanding as well? All right, you clear?

MS. BROUWER: Yes, right. Up on your screen are also some questions that the IPT had regarding what the allocations would do to the ACL. Are the allocation alternatives going to apply to individual species to determine the ACLs and then added up to determine the group ACL? Also, is the council's intent to consider new allocations for species that already have ACLs; you've already dealt with that. Also, red grouper has an allocation that is being dealt with in Amendment 24. These are just things that have come to mind that perhaps need a little bit of thought as we move along with these alternatives.

MR. CURRIN: Is that something you need from us right now?

MS. BROUWER: No.

DR. McGOVERN: My thought was that you'd just add up the ACLs for a group because you already have existing ACLs and you already have existing allocations.

MR. CURRIN: And that would seem to be the cleanest to me as well. Everybody okay with that approach? I'm seeing heads nod in the affirmative. No objection; all right.

MS. BROUWER: The next action, Action 7, is to establish ACLs for the snapper grouper fishery. There have been some – the suggested changes in language are highlighted in yellow. The no action would be to retain the existing ACLs for snapper grouper species or species groups and do not specify ACLs for species that do not have them.

And then we would for Alternative 2 establish ACLs for species as needed where ACL equals OY equals ABC and so on. Again, here we would – well, you can see what the suggestions from the IPT are. One thing that came up in discussion and something the SSC brought up is when you are establishing sector ACLs you are dividing up the ACL and not the ABC. In the

amendment all the alternatives that we currently have are looking at dividing up the ABC. That is also something to keep in mind. I think we need to be consistent with how it has been done in other amendments. For mackerel, as you discussed the other day, you were actually dividing up the ACL into sector ACLs, so we probably should do that in this amendment as well.

DR. CRABTREE: Well, I think they're right; and I agree with Myra, I think we are dividing up the ACLs and we ought to be consistent and use that language throughout.

MR. CURRIN: Motion to that effect.

DR. CRABTREE: So moved.

MR. CURRIN: Motion by Roy to divide the ACLs rather than the ABCs; second by George. Discussion? Any objection to that motion? I see none and that motion is approved.

MS. BROUWER: So do you want to pick a preferred for this action?

MR. CURRIN: We don't have one and we probably should. Kenny.

MR. FEX: The AP recommended Alternative Number 2 as their preferred, so I just figured I'd let you guys know.

MR. CURRIN: What is your pleasure here? Ben.

MR. HARTIG: I don't know; I'm concerned that the one-size-fits-all approach isn't going to work. That's the problem we're in and I'll leave it at that.

MR. ROBSON: Well, that was the comment I was just going to make and we're looking at how could we establish a single mechanism for determining an ACL that comes off of the ABC for all of the snapper grouper species as a one size fits all if it's supposed to be based on some analysis of scientific uncertainty and that is going to vary. I don't know how we can do this.

MR. HARTIG: Well, you could always approve the most liberal one and then you're not precluded from going back, I guess, and using any of them.

MR. WAUGH: Remember, the scientific uncertainty is accounted for in the ABC. When you're setting the ACL, it's a management uncertainty and so there is a little more similarity as to what your management uncertainty is in terms of your ability to track quotas and keep the recreational guys under their allocation, so there is a little more rationale for picking one. I understand the AP recommended setting it to ABC, but we're not supposed to be doing that except in certain instances. We've done that for some species, but I think we should be judicious in setting ACL equal to ABC.

MR. CURRIN: Good advice. Mark.

MR. ROBSON: Well, I stand corrected; I've lost track. I lose track of all the ABC, ACL and the alphabet acronyms we're working with. Yes, it's correct, the ACL is based on management uncertainty, but I would argue that there may not be quite as much variation as there is for scientific uncertainty, but I think there could be variation in management uncertainty as well species by species. I still think the same argument applies; I don't know how you can do a one size fits all for all these snapper grouper.

MR. PHILLIPS: Well, I guess if we've got a species that we do have some management uncertainty, we can always set a catch target on that species and still leave the ACL equal to ABC; can't we?

MR. CURRIN: You can do that, yes. And as you have noted or several of you have noted with regard to the commercial fisheries, because we have trip tickets and the like, that we've been much more inclined to set the – not set an ACT because there is very little management uncertainty there. With respect to the recreational guys, on the other hand, we've been setting an ACT to account for some of those problems with tracking those data and the timeliness. Mark.

MR. ROBSON: Well, I'd like to make a motion that we select Alternative 2 as our preferred alternative based on the discussion that we've just had about having the ability to also adjust for management uncertainty using ACTs. We have an AP recommendation and I think that, again, with trying to make a one size fits all we need to start out with something that gives us the flexibility to work our way down in terms of management uncertainty.

MR. CURRIN: Motion by Mark; is there a second? Second by Charlie. Roy.

DR. CRABTREE: I think what we have to be careful of is what the guidelines say is that the ACL cannot exceed the ABC, and then it goes on to say, "If a council recommends an ACL which equals the ABC and the ABC is equal to the OFL, the secretary may presume that the proposal would not prevent overfishing," which I read as saying the secretary won't approve it.

Provided these ABCs we're talking about are all set below the OFL – and I know in a lot of cases there is no OFL, but we need to make sure that we don't have some cases where we've set the ABC equal to the OFL. I don't know, Myra, if we have anything like that or not, but I think staff is going to have to go through it and look and see because otherwise we're going to have a problem there.

DR. CHEUVRONT: I was sort of wondering along the same lines as Roy; and if I'm not mistaken, if we exceed ABC then we have hit the definition of overfishing, correct?

DR. CRABTREE: Well, normally it would be if exceed the OFL, you're –

DR. CHEUVRONT: And we've set OFL equal to ABC I believe in most cases; not true?

DR. CRABTREE: In a lot of cases there is no OFL; in some cases I think there is an OFL, and I'd have to look back to see what the SSC did with that. I think in some cases they reduced the ABC below the OFL. I think staff is going to have to go through, and, Myra, maybe this is

something else – do you think you could sort through that before we get to full council, maybe? John Carmichael probably knows off the top of his head.

MR. CURRIN: Further discussion on the motion? All in favor of the motion raise your hand, I counted nine; any opposed. The motion passes unanimously; no opposition. All right, that is a good point made and we'll definitely have to check that because we don't want to end up in trouble with any of these species if we've got ABC equal to OFL.

MS. BROUWER: Before we move on to the next action, I would just like to be given the go-ahead by the committee to change the wording in Action 7 based on what NOAA GC mentioned for mackerel to include a reference to OY in the action since it is included in the alternatives. If that's okay with the committee, the IPT can go ahead and do that and be consistent with what was done for mackerel.

MR. CURRIN: Do you want a motion for that or are you okay with it? I assume after what we went through with mackerel, that is the intent of the committee with direction to staff, if that's adequate for you.

MS. BROUWER: Moving on to Action 8, this action would specify accountability measures and annual catch targets for species in the snapper grouper FMU. If you recall, in September your guidance was to fold the ACT alternatives into the AM alternatives, so we've done that for all the pertinent actions in this amendment.

There are some notes that the IPT added for your consideration, so I'll let you look through those. Another change that may need to happen is under Alternative 2 we do not have an action to not specify a commercial ACT, so we need approval to add a subalternative and then change the numbering of those subalternatives to have Subalternative A, do not establish a commercial sector ACT.

MR. HARTIG: So moved.

MR. CURRIN: Motion by Ben; is there a second? Second by Brian. Isn't this the same thing we went through with mackerel again where the Subalternative 2A is essentially the same thing where ACT equals the ACL, so I guess inherent in your motion is to replace Alternative 2A with the wording you suggested; would that work?

MR. HARTIG: Yes.

MR. CURRIN: Is that okay, Myra?

MS. BROUWER: Yes.

MR. CURRIN: Discussion on the motion; everybody clear on what we're doing here, just providing some clarity? **The motion is to replace Subalternative 2A with the verbiage “do not establish a commercial sector ACT”. Any objection to that motion? I see none and that motion is approved.**

MS. SMIT-BRUNELLO: Just to go back to one thing, if you do end up setting your ACL which equals ABC which equals OFL, my read of the guidelines is that Roy is right, the secretary may presume that proposal would not prevent overfishing in the absence of sufficient analysis and justification for the approach. So if you do find that is the approach we've taken, if you have sufficient analysis and justification for it, then the secretary does not presume that it would not prevent overfishing.

MR. CURRIN: Gregg, we may need you or somebody regarding Alternative 2 and the note from the IPT. Alternatives 2 and 3, the language was added "unless the alternative is tied to another AM cannot be reasonable because it doesn't meet the purpose and need by itself,"; do you have any suggestions on how best to solve the problem or does anybody, or does the language that was added take care of that problem?

MS. BROUWER: I have a feeling it should say Alternatives 3 and 4. Scrolling down, the language that's underneath the motion, I believe these are the AM alternatives; is that correct, Jack?

DR. McGOVERN: I think the issue with this one is that it is not an AM by itself.

DR. CRABTREE: If you look at Alternative 6 it just says how we would track things, but it doesn't say what happens if you go over it.

MR. CUPKA: I don't think we're quite to that one, but that's the point I was trying to make the last time, that alternative is not an AM. It simply states how you would calculate a value to compare and then that would trigger an AM. That does need to be changed.

MR. CURRIN: I'm looking at the suggestions of the highlighted area under Alternative 2, trying to take them one at a time, and I guess some verbiage was added there; the verbiage being to apply ACT to the commercial sector AM alternatives, and you said it should be 3 and 4 instead of 2 and 3, and so that takes care of that problem and note from the IPT.

So we would need to pick all three of those as a preferred because they go together, and that's kind of the same problem David was just alluding to with the recreational guys in Alternative 6. What is your desire; no preferreds here and it would be good to have one – commercial sector ACTs and AM's. Brian.

DR. CHEUVRONT: Mac, the three alternatives that need to be selected together as preferreds, 2, 3 and 4?

MR. CURRIN: I believe that's correct.

DR. CHEUVRONT: Okay, I'd like to make a motion that we select Alternatives 2, 3 and 4 as our preferreds under Action 8.

MR. CURRIN: Motion by Brian; is there a second? Second by Charlie. Discussion? Do we also need to have a subalternative under 2 selected? Yes.

MR. HARRIS: What was the recommendation of the advisory panel on that?

MR. FEX: They wanted to combine Alternatives 2 and 3, and then actually their preferred was Alternative 6, I believe.

MR. HARRIS: So they didn't specify one of those three subalternatives as a preferred?

MR. FEX: No, they did not. It actually says the AP recommends Alternative 2 and 3 under commercial AM/ACT, Action 8. I don't remember what the argument or the rationale was.

MR. CURRIN: The only thing they didn't address, Duane, was the paybacks, which is Alternative 4, I believe – or actually it's purchase and sale and then reduce the season, yes, for payback for the overage; that's correct. What about a subalternative under 2; I guess Alternative 2 just implies that we're going to select one of the subalternatives and we haven't done that yet.

MR. HARTIG: Subalternative 2A?

MR. CURRIN: That's your suggestion to the maker of the motion? Would you like to incorporate that, Brian, as part of your motion?

DR. CHEUVRONT: Sure, I'll take that as a friendly amendment.

MR. CURRIN: So the motion then is to select under Alternative 2, Subalternative 2A, as a preferred as well as Alternative 3 as a preferred and Alternative 4 as a preferred for commercial ACT and AM measures. Charlie.

MR. PHILLIPS: Well, if we do Subalternative 2A, wouldn't it be the same thing as if we just picked Alternative 3 and 4 as the preferred because then we wouldn't be using a catch target; we would just be using the ACLs?

MR. CURRIN: That's true; and Myra says that's fine if that's the way you want to go.

MS. BROUWER: The only thing that would change if you do select Subalternative 2A is I would get rid of this language in Alternative 3 and Alternative 4, so you would only be looking at ACLs as opposed to ACTs.

MR. CURRIN: What's your pleasure on this; let's see if we can take care of it and wrap it up. Do you want to include the verbiage on the ACT equal to the ACL even if it's not necessary?

DR. CHEUVRONT: We could just go ahead and modify the motion once again to select Alternatives 3 and 4 as the preferred and we end up in the same place, right?

MR. CURRIN: That's my understanding.

DR. CHEUVRONT: Okay, let's do that.

MR. CURRIN: So the motion has recrafted is to select Alternatives 3 and 4 as preferred, and that's okay with the seconder. Further discussion? Any objection to that motion? I see none and that motion is approved. Now on to recreational measures which are just below it, starting with Alternative 5.

MS. BROUWER: So for this you do have a preferred and that's Subalternative 5C, to set the recreational sector ACT equal to the ACL times 1 minus the proportional standard error or 0.5, whichever is greater.

MR. CURRIN: And this is where David pointed out that we don't actually have an AM selected. We've got a way to trigger it, but we don't have an accountability measure defined. Do you remember the discussion in mackerel where we were talking about giving the regional director authority to reduce bag limits and/or adjust seasons? Bag limits are pretty low on most snapper grouper species as it is; perhaps too high on a few. What is your pleasure on this? Brian.

DR. CHEUVRONT: Right now I believe you're correct when we say that if we have Subalternative 5C as our preferred; but if we select Alternative 8 as our preferred; won't that help take care of that problem?

MR. CURRIN: Yes, and that's what we're missing from our current preferred.

DR. CHEUVRONT: So I'll go ahead and make a motion that we include Alternative 8 as a preferred.

MR. CURRIN: A or B? Gregg.

MR. WAUGH: One clarification in 8; you're talking about the RA taking action if something happens. It includes ACL and ACT. I think you only want ACL in there because the purpose of setting an ACT is that's a lower target, and on the recreational side you oscillate around that target. As long as you don't trigger your ACL, nothing needs to happen.

MR. CURRIN: Good point. Yes, so the references to ACT should definitely be removed from Alternative 8. Everybody okay with those? Duane.

MR. HARRIS: Mr. Chairman, if we accept Subalternative 5C and Alternative 8 as our preferred; do we even need Alternative 6 and 7 anymore?

DR. CRABTREE: Well, I think what Alternative 6 does is use a running average kind of situation.

MR. HARRIS: But couldn't it be combined with Alternative 8, I guess, because in and of itself it's not an accountability measure, so all it is is explaining what to do, and I would think it would go with one of the other alternatives to make it a true accountability measure. It just says how you're going to do it.

DR. CRABTREE: I think you're right. I think there could be quite a bit of consolidation and combining in the way this is laid out, but I think you have to decide if you want to use the running average or do you not want to use the running average for it.

MR. CURRIN: In view of the fact of the timing of the MRFSS data, to me Alternative 7 is unreasonable to consider at this stage of the game, so virtually the one methodology we have seemed to adopt so far has been Alternative 6 in determining whether that overage has occurred or the ACL has been exceeded.

We could combine 6 into 8 if that's cleaner with the calculation of the overage if it occurred or determining whether it occurred and then having the action under 8, if that makes it easier for you guys in reducing alternatives and the like. David.

MR. CUPKA: I was going to make a motion to that effect, Mr. Chairman, that we combine Alternative 6 with Alternative 8 so that the methodology to compute those numbers is spelled out.

DR. CHEUVRONT: Is that a substitute motion because we still haven't voted on the motion that I made about making 8 as a preferred and we were discussion prior to this whether we wanted Subalternative 8A or B, and I was going to suggest that we choose 8B because I think 8A won't solve the problem. As far as I know, we haven't voted on it.

MR. CURRIN: Well, then we're going to have to combine them again and then we're going to have to vote on it again, Brian, so it might be cleaner if you withdraw that motion, let us combine the two and then we'll select a preferred of the combined alternative.

DR. CHEUVRONT: Okay, we'll come back. I just didn't want to lose this.

MR. CURRIN: I'm sorry; I got lost. Okay, with the consent of the committee, we'll withdraw the previous motion. **David's new motion is to combine Alternatives 6 and 8 so that the trigger for AMs, which is the three-year running average – you don't have to capture all that in there – incorporated into Subalternatives 8A and 8B.**

Is that clear, Myra, and I think if you want to look for that verbiage, you can find it in the Mackerel 18 Amendment where they were combined. So now what we'll have, there will be no Alternative 6. We've got to deal with Alternative 7. We'll have two new alternatives, 6A and 6B or whatever they are currently, 8A and B, and we need to select a preferred of those.

DR. CHEUVRONT: I'll second this one for you, Mac, because I don't think you ever got a second, either.

MR. CURRIN: Thank you. All right, we have a motion and it has been seconded by Brian. I'll read it for you. Discussion on this motion? All right, the motion is to combine Alternative 6 and Alternative 8 so that the trigger for AMs is incorporated into the subalternatives 8A and 8B, which are in fact the AMs. Everybody clear on what is being done here? **Any objection to this motion? I see none and that motion is approved.** Roy.

DR. CRABTREE: The way I read Alternative 8 is that 8A you're deciding whether you want to have a payback or not, and then 8B is the actual accountability measure – well, it's the second part which is reduce the length of the season the following year. Now, generally I agree with you that Alternative 7 and in-season closures in the recreational fishery is not a very attractive way to go; but if you choose to have a payback, I think you need to have in-season closure.

Because what will happen sooner or later is they'll catch their whole ACL up by March or April; and if there is a payback and we don't close them down, we could sit there and watch them catch two to three times the ACL, which means there will be no fishery the following year. To me, if there is a payback and you see they've already gone over, you need to shut them down to avoid having them dig themselves even further in a hole.

It's up to you, but I think that's how this all works and you ought to think about that one because I can tell you I watched in the Gulf of Mexico with red grouper one year that they caught three times their allowable amount, and we knew they were doing it by June of that year; and so think about it.

DR. CHEUVRONT: That's why, for that reason that Roy was talking about, before we combined and everything, I was just going to go ahead and suggest that 8B would then be our preferred because that would solve that problem, because you're going to shorten the season the following year.

8A would allow the season to continue, but 8B requires a shortened season the next year, so you would then estimate it in the following year what they would need to do to stay under the ACL. I'm assuming that would solve the problem without having to go into this other – or am I reading that incorrectly?

MR. CURRIN: Yes, I think Roy is suggesting that we should consider some sort of mechanism for an in-season closure; that when the data comes in from MRIP – and it may be two months late – there could be an indication that there is this huge overage in the recreational fishery; and if we allow that to go for the rest of the year, it's going to increase and the following year's accountability measures' penalties are going to be much greater than if he had the discretion to shut that fishery down in midyear, as he indicated in the Gulf. Roy.

DR. CRABTREE: Well, that's if you choose 8A, which is the payback. If you just chose 8B, then that's a different situation, I think, because now you're just adjusting the season to avoid going over again without a payback.

MR. CURRIN: Well, but 8B says adjust the season the following year; and if we wanted in-season management or in-season quota management, then we would need to select Alternative 7 and 8B, I presume.

DR. CRABTREE: Correct.

MR. PHILLIPS: Now I'm confused because if we're going to use a three-year range of landings to catch spikes and then we come up on a year where we see they're catching a whole lot of fish

and we need an in-season closure then, how are we dealing with the three-year average on the longer spikes? Now I'm confused.

MR. CURRIN: Well, it's a good point, but I guess where the three-year running average, which because of that variability to me makes the most sense on the best way to manage the recreational fishery, where it wasn't getting greatly – or didn't greatly escalate and was just out of control in an early part of the year, then you wouldn't close it down during the year. Even if he had discretion, he would use the three-year running average to calculate what the overages were and determine whether accountability measures need to be implemented. Charlie.

MR. PHILLIPS: So maybe we want to put something in there like if it's – and I'm just picking a number – if it looks like it's going to be 10 percent or less of an overage, that he could take it off of the next year; but if it appears to be more than 10 percent, then they do an in-year closure. I'm not sure how to word this, but an emergency – do you know what I'm saying, a backup plan.

DR. CRABTREE: Well, one thing I see with Alternative 6 is it says for in-season and post-season accountability measures, but I don't think you can use a range or a running average for an in-season. I think that's only for a post-season situation where you're looking back. If you want to have an in-season closure, then it's just going to be based on a number and how many fish they've caught. I think the in-season needs to be taken out of that one.

MR. CURRIN: Yes, it does. I noticed that as well when reading through this. That alternative is purely dealing with post-season accountability measures. Well, Roy, I see your point with the in-season accountability measures, but knowing the variability that occurs in a number of our snapper grouper fisheries for the recreational side – and it's getting better.

If you look at the PSEs that we dealt with the other day on cobia and mackerel and some of the others, it's getting better; but when you start looking at snapper grouper species, those PSEs are huge or they're much larger, and that indicates that we're going to see these spikes in here, and so Charlie's point is a very good one.

We may well see a spike in a recreational fishery for a year and not know until the end of that whole year whether that is real or not because it's based on two samples or three samples or a small number, and so then we're shutting down the whole fishery because we didn't get adequate sampling of snowy grouper catches from the recreational community, so that's the downside of the risk you run on the other end of that spectrum, Roy.

DR. CRABTREE: Well, I think that's possible because what we get when do in-season looks or the preliminary estimates, but in my experience I have not seen the preliminary estimates change very often; so usually when you get them, they're very similar to where you're going to wind up. It's possible that what you're saying would happen, but I haven't seen it happen very often.

MR. CURRIN: Yes, but there's a difference in the numbers changing from one period in the year to the end of the year. Those PSEs still could be extremely large, indicating that the sample size was very small; whereas, the next year with a larger sample size we're not going to see that

extreme variation and that high an estimate, so that's the rationale for going to the three-year running average, which is the only thing that makes sense to me.

DR. CRABTREE: I think the three-year running average does make sense to use for the post season kinds of things.

MR. CURRIN: All right, we've got these two alternatives combined, but we haven't selected a preferred for these. What's the committee's pleasure on a preferred for accountability measures for the recreational community? Brain, do you want to select whatever our new alternative's number is, 6B or 8B as a preferred?

DR. CHEUVRONT: I'm still partial to 8B, but I'm not sure it's the right motion to make anymore. I'll just go ahead and make it; a motion to select Alternative 8B as a preferred.

MR. CURRIN: A motion by Brian to select the new Alternative 8B as a preferred; is there a second. Second by Charlie. Discussion of that motion? Any objection to that motion? I see none and that motion is approved. Is everyone comfortable with the accountability measures for the recreational sector as it is now? You don't want to go down the in-season road? Charlie.

MR. PHILLIPS: I would like to ask Roy if he thinks he can get a preliminary number that is stable enough to give him a good idea of are we going to be drastically over in a year or something where we might want to look at them halfway through the season or something? Do you have the data that might tell you something if we wanted to put an in-season closure in it for an emergency?

DR. CRABTREE: The expert on all these things is Andy, who has done all those calculations. Andy, are you listening to us? Haven't we found that if you look at the catches in the first few waves, that is generally a very good predictor of what is going to happen and give us some of your wisdom on using MRFSS for in-season closures.

MR. STRELCHECK: We've used MRFSS in-season closures of red snapper and greater amberjack, although red snapper is really done before the season even starts and has not been a good predictor, obviously, with some overruns in the Gulf of Mexico. With greater amberjack, the peak landings usually are Waves 3 and 4; so to the extent that the fishery runs into at least Wave 3, it really strengthens our predictability of estimating when the quota may or may not be met. The farther you get in the year, if you get to Wave 4, obviously it helps with predicting catches, but there are limitations because obviously there is quite a bit of variability just within a wave from one year to the next.

DR. CRABTREE: And we usually get Wave 3 in early August?

MR. STRELCHECK: Yes, there is a 45-day time lag from the end of the wave, so Wave 3 is usually mid-August and Wave 4 would be mid-October.

DR. CRABTREE: So most of these fisheries, by August we'd have a pretty good idea if they were going to have a substantial overrun. Now, a little overrun, we wouldn't know that until the season was over, but if we saw – I mean in a lot of these cases we might see they've already caught the ACL by then.

MR. CURRIN: Well, my point is you're going to have a good idea of what the yearend estimate is going to be, but you're not going to have – maybe you're going to have a good indication of the level of the PSE, the variability about that estimate. You just have to look at – and snowy grouper, I'll use it again, look at the annual landings of snowy grouper in the recreational community, and it will track along at what we think is a reasonable estimate of the annual landings of snowy grouper, and all of a sudden in one year it's up to 100,000 pounds.

Well, obviously, whatever the estimates are that come in, you're going to look at that and go, holy cow, these guys are hammering snowy grouper. I would argue that is not really a very good estimate of what the fishery did that year, and that's why it's much more appealing to me to look at these three-year running averages.

DR. CRABTREE: Well, I'd agree with you and I wouldn't want to have to try to do an in-season closure on snowy grouper, but on something like sea bass where you've got pretty substantial landings and things, if you're going to have a payback – and I'm not telling you you need to have a payback. You guys will have to decide that, but I think yesterday in mackerel you chose to have recreational payback in the recreational fishery.

All I'm saying is if you're going to have a payback, you ought to think about a seasonal closure to avoid having to pay back so much that you don't have any fishery. Snowy grouper and a lot of these; I mean there is no good solution to those because we really don't have a system that can track any of that.

I wouldn't want to have any kind of payback or in-season sort of thing with snowy grouper, but understand with something like snowy grouper you're very likely – if you have extremely high catches one year, it could leave you with an extremely short season the next year; and maybe averaging over the three years helps with some of that.

Like you're saying, you have a thousand pounds, a thousand pounds and a hundred thousand pounds one year, even if you average over three years it's still going to be a huge overrun; and then when you shorten the season to account for that the next year, there is not going to be any season even though the next year they may be back to catching a thousand pounds.

Now we can and we would I think, Andy, look at what happened if we saw something really out of line. I can tell you when we do greater amberjack and these things, we really look at those numbers and go through them; and if we see something that's really weird like that, we'll go back to the MRFSS people and see if there is not a way to compensate adjust for it. But with a lot of these uncommon stocks, there is no good solution.

MR. CURRIN: And I agree and that's what scares me a little bit is asking you to do this and then having to use your judgment to decide whether there is some anomaly in the data for that year. Andy, to that point.

MR. STRELCHECK: And I'll add that I was at the Beaufort Laboratory yesterday talking to Ken Brennan, who heads up our headboat logbook program. We were talking about potential in-season availability of landings' data for that program as well so it wouldn't solely necessarily be based on MRFSS on the future, so there is potential for that as well.

MR. GEIGER: Mr. Chairman, I was thinking the same thing about snowy grouper, but, Andy, to your point about red snapper, you don't use it for in-season management, you use it to determine the length of the season you're going into, correct? You've never had a –

MR. STRELCHECK: Correct, because the season itself has –

MR. GEIGER: You set the season.

MR. STRELCHECK: – averaged about 60 to 75 days the last few seasons; so by the time that we would get the data, the season would already be over.

MR. HARRIS: Mr. Chairman, my concern are these artifacts, that when you expand these data and you have encountered a very large catch of what would normally be considered a rare species and you expand them and it looks like you've got 50,000 pounds of landings; if Roy and Andy and his staff down there can make a decision based on seeing these strange occurrences and say, well, that's probably not really the case, then I think an in-season closure is possible, but that's got to be for the species that are very, very commonly and we know a good bit – we've got a good history of what those catches are, because you'll be closing fisheries down just because of a number that doesn't make any sense at all if you can't do that.

MR. CURRIN: Well, if you decide to go that way and select Alternative 7, then there is going a whole lot of "trust me" in that or either we're going to have to specify which fisheries might be considered for that in-season monitoring and AMs. George.

MR. GEIGER: And, Duane, you refer to things I guess like snowy grouper as rare species, but in a lot of cases these species that are rare are not rarely caught. They're just rarely intercepted at the dockside inspection, and there is a substantial fishery for snowy grouper, which was the argument we discussed when we discussed the original allocation issue that in fact the landings are a lot higher than are reflected. They're just not intercepted dockside and recorded as such. Under MRIP, if you're looking at an enhanced sampling program where the frequency of interception at the dock is going to be higher, the intercept of these animals is probably going to be significantly more.

MR. CURRIN: They're going to have a greater chance. I don't know how much and significant probably is a stretch. Anyway, that's where we are, folks, so what do you want to do about this? Are you comfortable with the current preferred or do you want to go down the in-season quota monitoring road? Charlie.

MR. PHILLIPS: Well, would it be possible to let Roy monitor it? If it looks like it's going to be over 25 percent above their limit, then he can do the closure there, and you've got a 25 percent limit which keeps it from getting crazy, but it still allows for your spikes..

MR. CURRIN: If he would be comfortable with that sort of direction, he can answer that, but I don't see why that kind of bound couldn't be put on his ability to do it if that's what you want to do. Roy.

DR. CRABTREE: Well, my preference is either tell me you want me to do in-season closures or tell me you don't, but I don't know how we justify – if we're going to do an in-season closure, how do we justify letting them go over by 25 percent? Now, I think you can argue, one, you don't want a payback so you don't want in-season closures or you can roll the dice and have a payback and not do in-season closures, but it's hard for me to see how we justify doing an in-season closure but letting them run over.

MR. HARRIS: Mr. Chairman, I would move that Alternative 7 be moved to the considered but rejected appendix.

MR. CURRIN: Motion by Duane; is there a second? Second by Tom. Discussion on the motion? Roy.

DR. CRABTREE: Well, I don't think you ought to do that because I don't think it's an unreasonable alternative. I don't think you have to select it, Duane, but I wouldn't take it out of the document.

MR. HARRIS: I just wanted to get it on the table for discussion. I want to know how people feel about it. I don't care.

DR. CRABTREE: I think your best to leave it in the document rather than remove it, so I'd oppose the motion.

MR. HARRIS: If there is no objection, I'll withdraw the motion then.

MR. CURRIN: Without objection that motion is withdrawn. I see no desire to select it at this point. It may be down the road that we're all sitting here begging to do it because of the implications, but at this point I can't find much comfort in going down that road, personally. All right, are we okay with that action, Myra?

MS. BROUWER: Okay, the next action would specification allocations for the wreckfish fishery. You have not yet selected a preferred. Alternative 1 is to not specify an allocation, and that would essentially leave it a hundred percent to the commercial sector. Alternative 2 is to divide it 90/10, commercial/recreational; 3, 95 and 5; and then Alternative 4 would officially allocate a hundred percent of the catch to the commercial sector. This is PDF Page 211.

MR. CURRIN: What's your pleasure here, folks? Kenny.

MR. FEX: Alternative 3 was the AP's preferred.

MR. CURRIN: What's your pleasure here, folks? Charlie.

MR. PHILLIPS: Wasn't it right at 5 percent that they could not find the owners of those shares? Isn't there a certain percentage that they can't the owners for or something; isn't it close to 5 percent?

MR. CURRIN: There was some percentage, Charlie, I couldn't tell you what it was. I know there were some people that they had either moved or died and they weren't sure which, but they were shareholders, so there are some unused coupons out somewhere. Duane.

MR. HARRIS: Mr. Chairman, I would move Alternative 3 be our preferred alternative.

MR. CURRIN: Motion by Duane to select Alternative 3, which would divide allocations of wreckfish 95 percent commercial and 5 percent recreational; is there a second? Second by Charlie. Discussion?

MR. HARRIS: Mr. Chairman, the reason I made the motion is because George wasn't sitting at the table and I knew he would if he had been sitting here.

MR. CURRIN: Well, keep in mind this is an issue that we've all been hearing about not only from the recreational folks but from other commercial fishermen who don't have access to coupons that have been encountering wreckfish in places off of Virginia and off northern North Carolina and have had to throw these things back because they weren't allowed to keep them. This is some attempt on the council's part to allow what I feel are a few recreational fishermen that encounter a wreckfish to not throw it back overboard dead. Roy.

DR. CRABTREE: I just did some back of the envelope so you've got a 250,000 pound ABC, I believe, for wreckfish and 5 percent of that is 12,500 pounds. I think wreckfish run around 40 pounds average, so you're giving them about 300 fish, which I don't think is enough fish to have a fishery, so I think what you still need to do, if you do this, is keep the recreational fishery closed; and then for the occasional guy who doesn't know what it is he caught and brings it in, they're covered. But, I don't see how you can have a fishery – I mean, that's worse than snowy grouper. I just don't see how you can have a fishery with 300 fish for the ACL.

MR. CURRIN: And I think that's the intent here, Roy, but is there some other way to – I mean, if the wreckfish fishery is closed to the recreational fishermen, how do you permit them to retain one?

DR. CRABTREE: I don't have a solution to that. I just think if that's the minor amount of fish that you allocate to them, it's not enough to have a fishery.

MR. CURRIN: Well, it's kind of what we did with snowy grouper. I think we got 534 for the entire recreational community.

DR. CRABTREE: And I don't think that's going to work, either, but this is even a smaller number of fish and it's just not real workable. If you go down this path, we'll make the best of it.

MR. GEIGER: Well, the other option is to make it more.

MR. PHILLIPS: Well, back to the 3, 4, or 5 percent people that you can't find, I can see letting the recreational people catch those as a bycatch or whatever; but you've got to remember when we made this ITQ, those guys bought those shares and bought those percentages in good faith, and they were promised this is yours.

When we start chopping 10 percent of their value off, we're going against what we told them. I don't mind – if we don't have somebody that's using their shares that we can't find, I don't mind giving those to the recreational and letting them use it. There has not been a recreational fishery except for an occasional interaction.

MR. CURRIN: And that's the intention from my perspective to cover it, and keep in mind that the wreckfish guys, when the ITQ program was set up, were told these are their fish until the council decided to do something different with it. Further discussion on the motion? George.

MR. GEIGER: Mr. Chairman, in addition to that there is an arching connection to the limited access privilege – what are we going to call – the catch shares program and the redesign of the Wreckfish ITQ. There is a provision in there to have an allocation for the recreational sector that I believe mirrors what we have here.

MR. CURRIN: I think we actually ended up taking that out and putting it here, did we not? I can't recall.

MR. GEIGER: Was it taken out?

MR. CURRIN: Yes, I think we moved it over here so we could deal with it with the ACLs, but I'm not positive of that. Anyway, the motion is before you. Brian, the last word.

DR. CHEUVRONT: If I'm not mistaken, isn't it true that the folks who do have allocation right now under the ITQ for wreckfish, not even half of the 250,000 pounds is even being caught. I seem to remember that the landings are considerably lower.

MR. CUPKA: I'm not sure exactly what the landings are but I know some of the more active people in the fishery, which is a small number, but they've told us that the current ABC wouldn't allow them to even catch what they're catching now, but I don't know what the exact number is.

MR. CURRIN: Yes, the landings are confidential because of the small number of participants.

MR. PHILLIPS: Brian, I've talked to John down at Kings who has significant shares – and I think they're rigging out another boat – and he told me that with the 250,000 pounds, he said they can catch that easily.

MR. CURRIN: All right, let's go ahead and vote on this motion. **Is there any objection to the motion? Three in opposition; the motion is approved.** Let me ask for the abstentions; one abstention. I still believe – somebody correct me if I'm wrong – that the majority is in favor. In favor, raise your hand, please, seven, so the motion is approved then.

MS. BROUWER: Moving on to Action 10, this is to establish an ACL for wreckfish. Again, we would change the wording of this action to incorporate OY. You do have a preferred alternative, which is to set the ACL equal to the ABC. The ABC, as was mentioned, has been recommended by the SSC to be 250,000 pounds.

MR. FEX: The AP agrees on your preferred alternative.

MR. CURRIN: Any desire of the committee to change the preferred here? Yes, Roy.

DR. CRABTREE: Is the preferred 2A or 2B; don't we need to decide that?

MS. BROUWER: Since you just picked a preferred allocation, I would think then 2B?

DR. CRABTREE: Maybe it even says that because it says based on preferred allocation alternative, but I guess we just need to clarify it.

MR. WAUGH: I would suggest we remove all those subalternatives. It surfaces later and we will deal with it in dolphin and wahoo as well, but we have allocations for all our species. We're allocating all our species. I don't see the sense in having sub-allocations then that would lump them back to one combined ACL or continue with a separate one.

MR. CURRIN: That's a very good point, so, Brian, there is some more low-hanging fruit. Brian.

DR. CHEUVRONT: I'd like to make the motion that we remove the subalternatives under Alternative 2A, 3 and 4 to the considered but rejected appendix.

MR. CURRIN: The motion is to remove the subalternatives under 2, 3 and 4 to the considered but rejected. Second by Duane. Discussion? Roy.

DR. CRABTREE: I think that's okay, I guess, but somewhere in the document then you need to reflect the council's decision that these ACLs are then allocated into sector-specific ACLs.

MR. CURRIN: Is everybody comfortable with that? **Any objection to that motion? I see none; that motion is approved.** Thank you, Gregg, that's a good suggestion.

MS. BROUWER: On to Action 11, that's accountability measures for wreckfish. This is going to be similar to what you went through for snapper grouper.

MR. CURRIN: What's your pleasure here, folks, accountability measures for the recreational fishery for that 300 fish that they've got or might have? This is another one where we might be

able to combine – we don't have any PSEs for wreckfish so there is another low-hanging apple that we can remove. Roy.

DR. CRABTREE: My suggestion to you is that the accountability measure be that if the recreational fishery exceeds it, the RA closes the fishery down, period, and comes back to the council and asks you to figure out how to manage a fishery with only 312 fish.

MR. CURRIN: That's not a bad suggestion. Is everyone okay then or is there a motion to remove Subalternative 2C to the considered but rejected? There are no PSEs. Motion by George; is there a second? Second by Brian. Discussion? **The motion is to move Subalternative 2C under Action 11 to the considered but rejected appendix. No objection? I see none; that motion is approved.** Roy.

DR. CRABTREE: Well, I don't really see how ACTs and all this is workable. There is not enough fish there to reduce it down by some amount and think that really accomplishes anything, it just seems to me.

MR. CURRIN: Well, I don't disagree with you; it's a very, very small number of fish and it's going to be hard simply to track. What's your pleasure here, folks? You all created this monster. Brian.

DR. CHEUVRONT: Actually I think Roy was sort of tongue of cheek in what he was saying before, but really what else is there to be done other than if the ACL is exceeded shut the fishery down until the council figures out what to do about it. Obviously, it's not going to work because if it gets exceeded in one year and we're talking 312 fish or whatever it is – I mean, this is a worse mess than snowy grouper, which is why I voted against the original motion for having the recreational allocation in the first place simply because we couldn't manage it.

MR. CURRIN: Well, there are lots of problems and I wish we had some solution to allow these guys to retain a fish that they'd caught and bloated and obviously are going to die. The only way I know under the Magnuson Act could do that is to establish an allocation and I don't know if there's another way.

DR. CHEUVRONT: And I'm sure some guys are keeping them already just out of ignorance, so it's still happening.

DR. CRABTREE: And I was partially tongue in cheek, and I guess my read of all this is to me an AM is a one-year deal to adjust to what happened. I'm not sure that you could close a fishery down permanently under an AM, so I think there are some legal questions. You could set it up so that if the ACL is exceeded, the fishery is closed the next year and would reopen the following year, Mac, at the original ACL again, and that would give you a year to take some sort of framework action or figure something out.

I don't know how we could do any – I mean, the trouble is if they double the ACL, I guess we could shorten the fishing season down to six months the next year, but I'm not sure that would

really work either. It's just not enough information to be able to do any analysis to figure out what you would do.

DR. CHEUVRONT: But didn't we just say a little while ago we can't calculate a PSE on this, so how are we even going to know if they've gone over or not?

DR. CRABTREE: Well, determining whether you went over has nothing to do with the PSE. I won't even look at the PSE. We just look at the number, how many fish were caught; and if the number caught is over the – well, if you're going to set this up – I think the way you've got it set up it's pounds now, we would just look at how many pounds were caught. But if they don't weigh a wreckfish, I guess we'll use some average with a number; and if the point estimate is over, then it's over, and we would do something the next year.

DR. CHEUVRONT: But I thought part of the PSE was included in the calculation for the total amount of estimated landings?

DR. CRABTREE: No, you've included it in your calculations of ACTs on some of these, but MRFSS gives you a point estimate of how many pounds and then a PSE. We just look at the point estimate; and if it's over, it's over.

DR. CHEUVRONT: Yes, and I guess I've always looked at the PSE as a reliability measure for how reliable that number is of that estimate; and it could be then that if absolutely none were encountered by MRFSS or MRIP, then they would show a landing of zero when in fact there could have been 600 fish landed and we would never know.

DR. CRABTREE: That's true, but if it says zero were caught, then I'm going to say they did not exceed their ACL. I have no idea what they really caught; and if it says 380 were caught, I'm going to say they did exceed their ACL. None of this is going to be reliable and we all know that going in.

MR. CURRIN: David is making the suggestion in looking at this Action 11 to specify accountability measures, we're obviously are going to have to have some accountability measures, but I don't see us setting any ACTs for this, so we might consider getting rid of Alternative 2. David.

MR. CUPKA: I would so move, Mr. Chairman, that we move Alternative 2 to the considered but rejected appendix.

MR. CURRIN: Motion by David and second by Duane to remove Alternative 2 relating to ACTs for the recreational fishery to Appendix A. Monica.

MS. SMIT-BRUNELLO: It's just something Roy said earlier about accountability measures, thinking of them on an annual basis because you do have those in order to keep your ACL, which is an annual catch limit so it would seem that is annual, but the guidelines do have – the National Standard 1 Guidelines, anyway, allow for some deviation from the guidelines if you have sufficient justification and can make the rationale. If you did want to put in something like

you close the fishery and then the council addresses measures to be taken, you could have that as an alternative and we could see if we could justify it sufficiently.

MR. CURRIN: Okay, the motion is before to move Alternative 2. Any further discussion? **Any objection to that motion? I see none; that motion is approved.** All right, we are going to have to craft some kind of accountability measure for the recreational guys so put your thinking caps on. The three-year running average is probably not going to work here, either. Charlie.

MR. PHILLIPS: I thought you were through with that. Could somebody refresh my memory on what the TAC is on wreckfish because it was 2 million pounds and I don't know that it changed because the ABC changed.

MR. CURRIN: The ACL now is 250,000 pounds, roughly. That's what I recall.

MR. PHILLIPS: So that's also the TAC, so all the share values changed their poundage values?

MR. CURRIN: That's correct. Roy.

DR. CRABTREE: Well, this is going to be a huge problem because I think we will effectively shut down the commercial fishery as it has existed in the past because the few people who are actually participating in the fishery are going to have about a tenth of the landings they've had before; and unless they can go out and acquire virtually all the remaining shares that aren't being used in the fishery somehow, it's going to cease operating.

I think, Myra, we've got another amendment – I don't remember the number – which is to revamp the IFQ program, but I suspect it will be a year after this one in terms of timing. I think the problem you've got is you're going to have a commercial fishery that's going to be effectively shut down.

I again come back to you're trying to have a recreational fishery but you don't have enough fish to have a recreational fishery, and I would urge you not to have it. I think you ought to shut this – if you want to allocate the fish to it, go ahead, but I think until you can figure out some way to have a fishery with only 300 fish, you ought not have it. I think you're going to create just a lot of problems, and I think the government and the council is going to go through a lot of exercises trying to manage this. I don't think it's going to produce any real benefits to anybody, and I just don't think it's enough fish to have a fishery.

MR. CUPKA: Roy is right, we've already been told by at least one fisherman who is a highliner in this fishery that if he can't acquire more share, he is not going to be able to make it. He has also said that I think he has attempted to acquire some additional share and has not had any success at it. They're facing a serious situation if this ABC remains at 250,000 pounds.

MR. GEIGER: Well, you're right, David, but this goes back to a general question that we had back when we were discussing the redesign of the IFQ program for wreckfish. It's patently unfair to shut the public out of a public resource. Those animals are being intercepted now in much greater numbers in much shallower water.

We know that there is release mortality associated with these fish even in the shallower areas, they're still being caught in deep water, and it's waste. Everyone has expressed their displeasure with throwing animals back and watching them float off dead, so there should be a mechanism whereby there is some allocation for people who encounter these things while deep-dropping or fishing for other species to land them.

MR. CUPKA: And I agree with that, but my main concern about the allocation to the recreational sector is just to try and deal with the issue of bycatch, because it is a waste and it is going to happen, but that's still not going to impact what is going to happen in the commercial fishery, which was the point I was trying to make.

MR. GEIGER: If I may, to that point, and that's why when we debated this back when we were talking about the Wreckfish IFQ, we went through these ranges of alternatives, and the council settled on a 5 percent recreational allocation. That was before we had to set ACLs and before we got a reading back I believe from the SSC lowering the allowable catch. I mean, here we are and maybe we need to revisit the allocation issue again, which we're doing here, so there's an opportunity to increase it.

MR. WAUGH: You have allocated 5 percent to the recreational sector, but they still have to have a coupon and shares in order to possess those fish; so unless you make some change to that, they are going to have to go out and buy coupons or shares in order to retain fish.

MR. CURRIN: Well, if in fact that's case, then we need to go back and revisit that allocation because the commercial guys can't even get a coupon now I guess until something is done in 21 with the wreckfish. Roy.

DR. CRABTREE: Well, it's my opinion here that this change that and you're going to establish some sort of recreational bag limit, that people who don't have those allocations and don't have IFQ coupons and all that will then be able to retain some amount of fish. I think where you are now is you can allocate some fish here however you want to do it, but then I think you've got to think about – I think the only practical way to do this is some kind of fish tag system where people apply and there is a lottery and they get a tag to go catch a wreckfish.

That's going to take yet another amendment and maybe you could do it in the amendment that sets up or revamps the Wreckfish IFQ, but I think it's something that we're going to have to do down the road a little bit. I think you could do the allocation here but don't reopen the fishery until you get some sort of program like that put in because I honestly can't think of another way to manage something like this where you only have 300 fish.

George, if you're right and people are starting to catch these, then they're going to bring them; and as soon as we intercept anybody, it's going to get expanded to an estimate that goes way over the ACL. I can't think of another way to do it. With the IFQ program, I guess you could give some thought to suspending it until you can get it revamped to avoid just shutting everything down or you can just effectively have the fishery be shut down to a very low of harvest until you get it done, and you'll have to sort through that at some point.

I guess we could look at – with this reduction and we know what proportion various people and we could estimate what they'll be able to catch but unfortunately I think Monica will tell me I can't tell you what those numbers are because they're confidential. That's kind of the problem here, but I just don't see how to do the recreational – and, you know, George, you can go back to the allocation thing, but say you allocate 10 percent to it, well, that really doesn't fundamentally solve the problem; there's still hardly any fish. Those are my thoughts.

MR. CURRIN: It's harder to do the right thing than you would think. George.

MR. GEIGER: And, of course, the tag program is an innovative idea. Unfortunately when you have a tag program, you're creating a fishery that somebody is going to go out and actually fish for the darned things whereby we're trying to establish a bycatch to allow somebody, if they encountered one while they were deep-dropping for other species, to retain it rather than throw it away dead and create discard mortality. But if you have a tag program, now you're incentivizing somebody to go out and fish for them and God knows what kind of damage we're going to have.

DR. CRABTREE: If we only had 300 tags, period, and there was some sort of a lottery, you can I think control harvest of that. You're still going to have some dead fish happening, but I suspect the numbers of dead discards is relatively low. I don't have a good solution because there is no good way to tell people to just bring in one if you happen to catch it and not know if they're going to target or not, but I think you're more likely to have people target if you just reopen this fishery than you would with a tag system if you said tags are non-transferable and nobody can have more than one tag. I guess in the management measures we're going to have something like a one-per-vessel limit, something like that. Would anyone target a wreckfish with a one-per-vessel limit? Charlie is saying yes; I don't know.

MR. GEIGER: Well, I would bet they would.

DR. CRABTREE: So I don't know how to get around that.

MR. GEIGER: And I could tell you that in the recreational periodicals over the course of the last year or year and a half deep-dropping has become du rigueur. I mean, every magazine every month has an article about deep-dropping and newspapers are printing articles about it, and it's becoming a very, very real thing; see how many species you can catch.

MR. CURRIN: All right, let's take a ten-minute break and then let's try to decide what we're going to do with recreational wreckfish very quickly. We're spending a lot of time on this and I'm not sure it's worth it.

MR. CURRIN: If we can get everybody back to the table, we will resume. All right, we have wrapped ourselves around the axle here over 300 fish and spent way too much time talking about it, I think. If we're going to continue with this allocation to the recreational fisher, we're going to have to come up with some kind of accountability measure.

Subalternative 4B is one you're familiar with, which says that if the ACL is exceeded the regional administrator will publish a notice to reduce the length of the following fishing year by

the amount necessary to ensure the landings did not exceed the recreational sector ACL for the following year. I guess we could craft that and if it took more than one year, then we could ask him to do it for additional year or years.

That's one approach; one he figures out that they're over, close the fishery. I don't know, but we need some kind of accountability measure here and we need to move on, so I have asked the committee for some suggestions on an accountability measure for recreational wreckfish allocation. Anybody; what makes sense?

Do you want to just ask him to close it once the allocation has been reached; ask the director to close it? It's not going to be likely until the year after when all the landings are in. I guess that we could leave it open-ended so that he could that during the year if he saw the catches trending or heading or actually over. My guess is one or two samples, if they encounter three people that have actually been and somebody caught fish, then it's going to be done. Duane.

MR. HARRIS: Mr. Chairman, that's the only thing that concerns me is as you said and as Roy said you encounter one fish, the expansion factor is going to suggest that the entire fishery has been caught and the entire 300 and some fish have been caught, which maybe that's accurate and maybe it's not.

I did a survey one time where they encountered 19 amberjack at one very low probability boat ramp and the projection was that 47,000 pounds of amberjack were caught that year in Georgia, and that obviously didn't occur. That's the only thing that concerns me about that, but I do think we need to close it when we're sure that the numbers of fish have been caught.

MR. CURRIN: Well, I guess the other thing to consider – and we don't want to get into here or I don't, anyway, and, Duane, you brought it up, and that's how to deal with the ITQ program. There is some suggestion that the fishermen aren't going to fish on 250,000 pounds of fish, it's not economically feasible. I know there is one guy that's trying to put together enough coupons to make it worthwhile. I hear that, anyway.

But it may end up with the ITQ program being withdrawn under Amendment 20 and that we deal with these issues there if and when we decide what to do with the Wreckfish ITQ Program. I guess the third option is we reconsider and withdraw that allocation we just made a little while ago and leave our heads in the sand with regard to recreational catch of wreckfish now, but we need to do something. George.

MR. GEIGER: And Duane is right about the potential for encounters, and remember we've had information that there is at least one charter operator who has wreckfish shares. If I'm not mistaken, it's more than one but I know of one actually. If that guy gets intercepted and the fish were caught legally, that could be the scenario that Duane pointed out. Are you looking for a motion?

MR. CURRIN: I want a motion to do something so we can get off the dime here. Charlie, you have something that you wanted to say.

MR. PHILLIPS: I guess you could leave that 5 percent as just as bycatch allowance and you give them one fish per boat and you think it's done, but it's not necessarily a fishery, just a bycatch allowance. Once they think 300 or 400 fish, whatever it happens to be, is landed, then you just can't land anymore. Yes, you may have some discards, but it might help stop it from becoming a fishery.

MR. CURRIN: Well, that's kind of what I'm looking for is some kind of a motion to set some sort of accountability measure for the recreational fishery. That's what we need so we can move on from here. George.

MR. GEIGER: I make a motion that we select Subalternative 4A.

MR. CURRIN: Motion by George to select Subalternative 4A as a preferred; second by Duane. It will read when the ACL is exceeded, the regional administrator shall publish a notice to reduce the recreational sector ACL in the following season by the amount of the overage. If landings are encountered in any number at all, then that certainly closes it for the next year.

MR. GEIGER: And understanding that it may be closed entirely based on the amount of fish that were landed.

DR. CRABTREE: Which I think means you need to select Subalternative 4B as well, because all 4A does is reduce the ACL the next year. I think you then need to shorten the season next year to not go over it, right?

MR. GEIGER: Mr. Chairman, I will accept that as a friendly amendment.

MR. CURRIN: I think in this case they would both be appropriate.

MR. GEIGER: Yes, I accept that as a friendly amendment.

MR. HARRIS: It's okay with the seconder.

MR. CURRIN: Okay, so the motion is to read that the council's preferred under this action is to Subalternatives 4A and 4B. Further discussion on the motion? **Any objection to the motion? I see none and that motion is approved.** I'm not sure that handles everything we need to handle with respect to recreational wreckfish fishing, but it will at least get us off the block. Ben.

MR. HARTIG: In trying to really get a handle on this, could you do a one fish per boat per year trip limit? Well, it wouldn't be a trip limit; it would be a yearly limit.

DR. CRABTREE: I think no; I think it would be unenforceable. You'd have to have a tag system or something. Now, you can do a one-fish-per-boat limit and you can do a very short season and maybe you can keep them from going over this if you give them a few weeks or something, but then that doesn't solve the discard issue.

The best idea I can come up with the discard issue is have some sort of tag system and a lottery and you issue tags and presumably people who are going to catch them anyway would get the

tags, but probably some people who want to target them would get the tags and a whole bunch of get on the boat with tags and go out and target them. I don't have a good solution, but I think your idea, I don't see how law enforcement would know if you'd already caught one or not.

MR. CURRIN: And we've got some management alternatives in here later in the document so we can talk about whether they're adequate or we need to add a different one at that point. All right, Myra, let's move on.

MS. BROUWER: Action 12 is management measures for wreckfish. Alternative 1 is the no action, which is to retain the January 15th through April 15th spawning season closure. This is PDF Page 221; hard copy Page 198. Wreckfish is included in the 20-fish aggregate bag limit, and the TAC for wreckfish is right now 2 million pounds.

Alternative 2 is to eliminate the closure. There is a note that this action was suggested by some members of the IPT since many catch share programs eliminate seasonal closures, but then we have another note to reiterate that this is not a seasonal closure. It is a spawning season closure so there are a lot of benefits to having a spawning season closure, and that has been corroborated by the industry as well. And then you have the recreational sector Alternatives 3-6 to give you some options for bag limits for wreckfish and vessel limits.

MR. CUPKA: Mr. Chairman, I'd like to make a motion that we move Alternative 2 to the considered but rejected appendix.

MR. CURRIN: Motion by David; second by Ben. Discussion? Any objection to that motion? I see none and that motion is approved. All right, how about management measures for the recreational sector? George.

MR. GEIGER: I make a motion that we select Alternative 4, implement a one wreckfish per vessel per day bag limit for the recreational fishery.

MR. CURRIN: Motion by George; second by Duane to select Alternative 4 as a preferred, which is to implement a one wreckfish per vessel per day bag limit for the recreational fishery. Discussion? Robert.

MR. BOYLES: Mr. Chairman, should we also include Alternative 3 a preferred there as well?

MR. CURRIN: I think you're probably right. There is no motion for that. George, discussion on your motion.

MR. GEIGER: I wanted to talk to Robert.

MR. CURRIN: Kenny has some input as well.

MR. FEX: Yes, the AP advised that Alternative 4 be their preferred.

MR. BOYLES: Mr. Chairman, I would offer it in the hopes it would be a friendly amendment. I make a motion that we select Alternative 3.

MR. CURRIN: Well, we've got Alternative 4 up there as a motion so let's go ahead and deal with that, and that deals strictly with management measure on the bag limit. Roy, discussion on this motion.

DR. CRABTREE: I just don't think it's sufficiently restrictive to have any hope of keeping the fishery within the ACL you're setting, so I think at least you ought to have this be a relatively short season initially. My suggestion to you would be to open this up for maybe two months, one wave, and set the two months so that it actually corresponds with a wave and see how many fish are actually caught in that wave. And then if it's a manageable number, maybe you can do it, but I think you ought to open this up for a very short period of time and see what we find out about it because I just think with that restriction there, there's too much chance that you're going to go way over the ACL.

MR. CURRIN: Well, I think we can handle in an additional motion regarding a season. Any further discussion of the current motion on the floor, which sets a one fish per boat bag limit? **Any objection to that motion? I see none.** I don't know what the implications of Alternative 3 are, whether it needs to be removed from the 20-fish aggregate snapper grouper bag limit. I'm not sure – with a bag limit of one per boat per day, I don't know what the implications are. Monica.

MS. SMIT-BRUNELLO: Two things; but just to address your last point, if you did a one fish per vessel per day, that would eliminate it from the 20-fish aggregate bag limit because you would be putting in a new bag limit. But I would like to know if the council's intent that if you actually do implement a bag limit in here, do you then mean that the current structure, disjointed as it is, you would not want to require recreational fishermen from having a wreckfish permit or having IFQ shares in order to possess wreckfish? I would assume that's your intent.

MR. CURRIN: That is the intent, I'm sure, so I guess we would need some sort of motion from the committee to exempt the recreational anglers from the requirement to have coupons and/or wreckfish permits. Would that take care of it?

MS. SMIT-BRUNELLO: I think it would. What we could do is put it in the discussion so it's clear to the public that is what you mean. I don't know that we would need a motion because we just have it on record that is what the council would want. Maybe the clearest way would be to do a motion.

MR. CURRIN: Yes, and I'm just wondering whether it needs to be in the regulations, too.

MS. SMIT-BRUNELLO: Pardon me?

MR. CURRIN: I'm just sitting here wondering whether that needs to be also implemented in a regulation to exempt them because the regulations –

MS. SMIT-BRUNELLO: Well, what we would do is treat it much like the other kinds of recreational bag limits in that in order to possess wreckfish in excess of the bag limit, you would need X, Y and Z, so we could take care of it that way.

MR. CURRIN: Okay, so is there a motion then to exempt the recreational anglers from –

MR. GEIGER: I thought she said we didn't need one.

MR. CURRIN: I think she decided we did need a motion; it certainly wouldn't hurt.

MS. SMIT-BRUNELLO: It would be the clearest thing for the record if you could do it, but we'll put it in the discussion I think of the document.

MR. GEIGER: Okay, I'll make a motion that we exempt the recreational sector from the requirement to have a wreckfish permit/coupon to land the one wreckfish recreational bag limit per vessel – one wreckfish per vessel bag limit; wreckfish coupon as opposed to permit.

MR. CURRIN: I think it probably should state permit and coupons because they both are required.

MR. GEIGER: Okay.

MS. SMIT-BRUNELLO: Well, yes, and a commercial snapper grouper permit is required so maybe you should say commercial permits and wreckfish shares, something like that. I'll work with Myra to clean that up, and really I think you would want that applicable regardless of whether you went with a one vessel limit or anything so you would just say for the recreational limit, something like that.

MR. CURRIN: Exactly. Okay, motion by George; is there a second? Second by Duane. The motion is to exempt the recreational sector from having to have a commercial permit, wreckfish shares and coupons to land wreckfish. Discussion? David.

MR. CUPKA: Well, it's a small matter, but I think instead of saying "a commercial permit," it would two – it would the commercial snapper grouper plus the wreckfish permit, so you could say commercial permits, and you may want even to spell them out in parentheses or something; just a suggestion.

MR. CURRIN: Any further discussion on the motion? **All right, the motion is to exempt the recreational sector from having to have commercial permits (snapper grouper and wreckfish), wreckfish shares and coupons to land wreckfish. Any objection to the motion? I see none and that motion is approved.** Dr. Crabtree's suggestion about some sort of season for consideration – George.

MR. GEIGER: Yes, an issue that came up before was Robert's request to add on to my motion as a friendly and I didn't accept it, and I wanted to explain why, Robert. The bag limit already is 20 fish. Wreckfish is a large animal. I don't understand how we would allow them to catch a

20-fish bag limit of snapper grouper species and in addition an average 40-pound or whatever giant wreckfish. How many fish do we need here? This is an opportunity to retain a fish that is caught as bycatch that should consist partially of the bag limit if they retain it, in my opinion.

MR. CURRIN: What about the consideration of setting a season? I have no idea of what would be appropriate for a two-month wave for this and when the majority of the effort might occur.

DR. CRABTREE: Well, my suggestion would be that – I mean we could put a couple of alternatives in here, but what makes sense to me would be to have a July/August season. That's Wave 4; it's when it's the calmest. They're going to go way offshore in deep water. We kind of ease into this thing, let them try this with one wave.

There is no way to analyze it because we have no data to analyze, so it's almost like an experimental fishery. We've allocated them some fish, we give them one wave, and we're going to review it and see how many fish they catch. If there aren't any or something like that, we can reconsider it, but it makes sense to me to kind of ease into this.

MR. CURRIN: Is that a motion to select July/August, Wave 4?

DR. CRABTREE: Let me ask Monica if we want to put a season alternative in here; do we need to have a couple of alternatives or could we just specify a season?

MS. SMIT-BRUNELLO: Well, what's the reasonable alternative? I mean what season are you thinking about.

DR. CRABTREE: Well, I was going to put a July/August season in here.

MS. SMIT-BRUNELLO: So now you need to justify why that would be the only reasonable alternative.

DR. CRABTREE: Okay, then I'm going to suggest that we have a couple of alternatives for seasons; one would be July/August and one would be May/June and one would be September/October. I'm choosing the calmest months with the smoothest seas.

MR. GEIGER: September is not a good month; why don't we split the months and have like mid-June to mid-August?

DR. CRABTREE: Well, because we want to have some hope of seeing what they catch; and if you split the season across waves, it is –

MR. GEIGER: You're right.

DR. CRABTREE: – that much more difficult to figure it out. I don't know; maybe May/June and July/August are the best. Does that seem sufficient to you, Monica? **I move that we add two alternative seasons, May/June and July/August.**

MR. GEIGER: Second.

MR. CURRIN: Motion by Roy and second by George to have a couple of alternatives for wreckfish recreational seasons, two-month seasons matching the MRIP Wave 4 and 5, I guess it is, or 3 or and or whatever.

DR. CRABTREE: Three and four waves.

MR. CURRIN: Three and four, thank you. Further discussion?

MR. GEIGER: I like the ease-into-it language that Roy used.

MR. ROBSON: Well, just a question. If you move to a seasonal approach like this, then you're going to transfer the ability to go ahead and harvest, even though they may exceed their recreational ACL, to a very high level of presumably discard mortalities for the times of the year when you're not allowed to keep them. How do we factor that into the – it seems like it's a tradeoff. We may know a little bit more about the actual harvest levels and harvest pressure, but it's not going to maybe result in any real difference of the amount of fish that are killed each year.

MR. GEIGER: And you're right and I have the concern, but it's going to result in less fish being killed because we're going to be able to keep them for two months. As Roy said, we're easing into it. From the sounds of it, hopefully after I'm gone it will be revisited at some point and if necessary it will be adjusted.

MR. PHILLIPS: George, I beg to differ. I think it's going to lead to more fish being killed because if they're not targeting them now and you have incidental kill because they're obviously not going back to the bottom and now they can legally go catch them and keep them, they are going to target, so we're going to have more fish killed.

DR. CRABTREE: I don't who is right about that, and that's what we'll find out when we do it. My preference would be not to have a fishery. I don't think it's enough fish, but given that we're going to do this – and I'm going to move that July/August be the preferred alternative.

MR. CURRIN: Let us vote on this motion, first, to add these alternatives. Any further discussion to add these alternatives? **Any objection to the motion? I see none; the motion is approved.** Roy.

DR. CRABTREE: And I would move that the preferred alternative be the July/August recreational season.

MR. CURRIN: Motion by Roy; second by David. Discussion on the motion to select July/August as the preferred season. **Any objection to that motion? I see none; that motion is approved.** All right.

MS. BROUWER: Okay, the next species we deal with is black grouper, and the actions start on Page 224; hard copy Page 201. Action 13 deals with jurisdictional allocations for black grouper. You do have a preferred, Subalternative 2B, which is to make 47 percent of the ABC go to the South Atlantic and 53 percent to the Gulf. You have a formula and years of catch to establish that catch history.

MR. CUPKA: Mr. Chairman, that needs to stay as our preferred. The Gulf has taken action on this and has concurred with that so it would be best just to leave that as our preferred and move on. Thank you.

MR. CURRIN: Thank you. Any desire by anyone else to have discussion about why that should not be the preferred? All right, I see none and let's move.

MS. BROUWER: Action 14 is on PDF Page 228; hard copy Page 205. This is to establish sector allocations for black grouper. Again, we'd like your guidance to remove the language specifying the pounds and just use percentages like we're going to do in other actions and in other FMPs. Your preferred right now is to divide the ABC into two sectors, and then there are several subalternatives for that. Again, I'll remind you that we've decided that it would be more appropriate to divide the ACL into sectors as opposed to the ABC.

MR. CURRIN: Everybody is fine with that, I think. Brian.

DR. CHEUVRONT: Just a quick reminder here; we've set ACL equal to ABC for this species; is that correct?

MS. BROUWER: You have not yet picked a preferred for the ACL; that's the next action.

DR. CHEUVRONT: Okay, because that will affect how we handle the language in this action, whether we can just swap out ABC for ACL if that's in fact what we were going to do. We might have to defer action on the IPT's request for that part of it until after we take care of the next action.

I don't have a problem with their request for changing pounds to percents, and I don't know if we necessarily need a motion for that. I think we can probably just give direction and tell them, yes, we agree with that, but I think the other issue of changing the allocation to ACL from ABC, we really can't determine until we do the next action.

MR. CURRIN: That's fine if that's the way you want to do it. I'm okay with moving it either way, so do you want to jump ahead to the ACL and set the ACLs and then we'll come back to this one?

MS. BROUWER: So Action 15 is on PDF Page 232; hard copy Page 209. The IPT did rearrange the alternatives a little bit to make it consistent with how the other ones are presented for other species in the document. You have on your screen the various alternatives for this action.

MR. CURRIN: What's your pleasure here for setting ACLs for black grouper?

MS. BROUWER: Also, I'll remind you that you did make a motion to remove the subalternatives from this action for snapper grouper; so to be consistent, we'd like to do the same for this one.

DR. CHEUVRONT: I would like to make a motion that we remove the subalternatives for Alternatives 2, 3 and 4 in Action 15.

MR. CURRIN: Motion by Brian; second by Charlie. Discussion? This is what we did in a previous action. **Any objection to the motion? I see none and that motion is approved.** All right, how about a preferred for ACL? Mark.

MR. ROBSON: I would make a motion that we select Alternative 2 as the preferred alternative, setting ACL equal to ABC.

MR. CURRIN: Motion by Mark to select Alternative 2; second by Brian. Discussion? Any objection to that motion? I see none; that motion is approved. Back up to Page 229. Now since ABC is equal to ACL, I guess no one has any objection to changing the language in the action in all those alternatives to reflect that changing ABC to ACL. The other language that the IPT suggested striking, we've done that in the previous action I think. As Brian indicated, I don't believe we need a motion for that with direction to staff; is that okay, Myra?

MS. BROUWER: Yes, that's okay. Gregg just pointed out that the language reads the commercial and recreational ACL specified for 2011 will remain in effect – that language also is no longer needed here. It's more appropriate under the ACL action; so if that's okay with you, we'd like to remove that as well.

MR. CURRIN: Any objection to having that language removed? I see none, so direction to you guys okay with that. We have a preferred, Alternative 2E, as far as an allocation; everybody okay with that? It seems like it.

MS. BROUWER: Action 16 establishes accountability measures and management measures for black grouper. This is on PDF Page 235. There is a Table 4-26 on PDF Page 238 that has the projected black grouper landings for 2010, so I would refer you that table.

DR. CRABTREE: Can you tell us what the ABC is and then how much that is when you allocate it out according to the preferred alternative; do you have those numbers?

MS. BROUWER: I don't have those numbers in front of me.

DR. CRABTREE: Well, can you tell us what the ABC that we have is, but I guess you have to break that down by South Atlantic and Gulf; right? Are these just South Atlantic landings in the table or are these total?

MS. BROUWER: I'm looking for that table; just give me a second to locate it. These are just South Atlantic landings.

MR. CURRIN: The best I remember from looking at earlier tables, Roy, I think the Gulf landings were fairly minor in comparison.

MR. CUPKA: No, they ended up with 53 percent.

MR. CURRIN: At 53 percent, okay, so I guess not, then. All right, we've got preferreds for this, but we've got the same situation we've dealt with in an earlier action about combining Alternative 4 with the subalternatives or 6 – I'm trying to pick them out and I can't. What I'm trying to do is combine the accountability measures with the –

MS. BROUWER: I believe for the commercial ACTs, what you selected was Subalternative 2A and then Alternatives 3 and 4 as your preferreds.

MR. FEX: The AP chose Alternatives 2 and 3 as a preferred for the AM, and they recommend the council should consider management actions to address underages. That was one of their points.

MR. CURRIN: All right, I take it there is no desire to set a commercial ACT because of the monitoring. Alternative 3 closes the fishery when the harvest has been reached and that's the preferred. Alternative 4 deals with overages; that's a preferred. Recreational, we have Alternative 6 as a preferred and 7. Roy.

DR. CRABTREE: And 7 is an in-season monitoring and closure, which you haven't been selecting in other things, so do we want that here?

MR. CURRIN: That's up to the committee. Mark.

MR. ROBSON: I would move that we remove – well, not remove Alternative 7 but not make it a preferred alternative as shown here.

MR. CURRIN: Motion by Mark to remove the preferred status from Alternative 7; is there a second? Second by Ben. Discussion on that motion? I think we had plenty previously over the same issue. Is there objection to that motion? I see none and that motion is approved.

MR. CUPKA: Mr. Chairman, I would make a motion that we combine Alternative 6 with 7 and 8.

MR. CURRIN: Motion by David to combine Alternative 6 with 7 and 8 – I'm sorry, with 8; the preferreds just to reflect the methods of determining whether an overage occurred meshes with the action to address the accountability measure; to address that overage if it occurs. Second by Duane. Discussion on that motion. **The motion is to combine Alternative 6 with Alternative**

8. Any discussion? Any objection to that motion? I see none; that motion is approved.
Roy.

DR. CRABTREE: So that leaves you with you're going to use averaging for the post-season measures – and, Myra, we need to remove that “in-season” in Alternative 6 again – and then you're got that you're going to have a payback, which is Alternative 8. You go over it gets deducted off the next year's, but I think you need to select Subalternative 8B, which is that we shorten the season the next year to prevent another overrun, right?

MR. CURRIN: You certainly could do and we did that earlier.

DR. CRABTREE: Well, I think you have to because otherwise all you've done is alter the ACL, but you haven't done anything that actually affects how many fish are caught. At least that is how I'm understanding it.

MR. CURRIN: Yes, it doesn't make sense.

DR. CRABTREE: So I move that Subalternative 8B also be a preferred.

MR. CURRIN: Motion by Roy to select Subalternative 8B or the new 8B; second by Duane. Discussion? Any objection to that motion? I see none; that motion is approved.

DR. CRABTREE: Mac, I think we were ACTs in the last couple and we don't have an ACT here; do we want to do that?

MR. CURRIN: Yes, I noticed that as well. What we've been doing is going with the PSE alternative to date. We don't have to do that. What is your desire for setting an ACT for the recreational sector in the black grouper fishery? Mark.

MR. ROBSON: Well, I don't know if we need to. The indications are this fishery is in pretty good shape. I don't know what management uncertainty we would be dealing with in setting a lower ACT.

MR. CURRIN: Say that again, Mark.

MR. ROBSON: I'm not sure we need to have an ACT.

MR. CURRIN: Well, the general kind of approach that we've taken so far with recreational fisheries is because of the management uncertainty and the methodologies that we have like MRIP to monitor those fisheries. So far we have deemed it appropriate to reduce the ACL somewhat by setting an ACT. That seems to make a lot of sense to me. What is the committee's pleasure? Bonnie.

DR. PONWITH: I was going to say exactly that, that the purpose of the ACT is to account for the management uncertainty. It's independent of the status of the stock.

MR. CURRIN: What is your desire, folks? We don't have a table of the PSEs in here and I don't know what they are for black grouper. I imagine since the fishery occurs in Florida and all the sampling and effort and catch occurs there, my guess is that they would be relatively small. Keep in mind, Mark, the other ones with mackerel, which again are fairly common species, in the surveys it was 6 to 8 percent, so you're talking about a reduction 6 to 8 percent below the ACL. Roy.

DR. CRABTREE: Well, in fact if you pull up South Atlantic only black grouper, the PSEs range generally from 20 to 60 percent, so they're pretty substantial. Well, if you were to pull up black grouper, period, meaning Gulf and South Atlantic, I suspect they come down; I didn't do that. My guess is you're looking on average in the neighborhood of 40 to 50 percent.

MR. ROBSON: And I'm guess that despite the concentration of the fishery in South Florida, there are relatively low encounters in the survey. Well, the low encounters would be the result – would result in the PSEs being so high.

DR. PONWITH: I'm not sure whether it's the low encounter rates or whether it's that as you get into the margins of the distribution of the fishery that those encounter rates are more sporadic.

DR. CRABTREE: The reason is because Monroe County, if you go into MRFSS and pull it up, is Gulf. All Monroe County goes into the Gulf; so when I pulled up just now South Atlantic black grouper, it was excluding Monroe Country. However, when you pull it up for Florida total, which I'm looking at Gulf and South Atlantic, they're still substantial in the 30/40 percent neighborhood, and I don't know why that is.

MR. CURRIN: Can you give me an idea of what it is in Monroe County because I think that would be –

DR. CRABTREE: I can't do that; all I can do is pull up Gulf, South Atlantic or Florida, but I can't pull out Monroe County.

MR. CURRIN: All right, what do you want to do here, folks? The PSE thing says set at 1 minus PSE or 50 percent, whichever is greater, and then we have other options that set it at a different level, some percentage below the ACL. We have an option to set it equal to the ACL. Mark.

MR. ROBSON: I do not favor setting an ACT that's that prohibitive if you use the PSE formula. I'll go ahead and make a motion that we set it – this is very limited fishery. It was very localized. I would recommend that we set it with the ACT equal to the ACL. That's a motion.

MR. CURRIN: Motion by Mark to select as a preferred the alternative that sets the ACT equal to the ACL; is there a second? Second by Duane. Discussion? Roy.

DR. CRABTREE: Now I think you're getting in some difficulties in terms of being consistent in your approach and your rationale because this species has relatively high uncertainty in the recreational estimates and it's not clear to me how you can justify using the PSE on all the other stocks but on this one, because it's more of a reduction, there is more uncertainty, you're not

going to use any correction for the ACT. Now I might see you arguing to use something a little less restrictive; but to say we're not going to do any here seems completely contradictory to your record and what you've done previously.

MR. ROBSON: Well, I'm thinking back to what the ACL – we looked at a table that showed the estimated landings versus what would be the ACL, and it looked like it was significantly – the landings would be significantly under the ACL.

DR. CRABTREE: Well, I think that's table 4-26, which recreational is projecting 31,863 which I think is significantly under the ACL, but it seems to me that's an argument that seems to suggest that it wouldn't be that much of a problem to set a lower ACT because they're not likely to go over it, but I don't think that really is relevant to how you're setting the ACT.

I don't have the numbers and can't figure it out just sitting here, but it would be nice if we could calculate the ABC, how much the recreationals get; and then if you use 50 percent, what would the number be. This table says projected landings are 31 percent. If the ACT – even with the adjustment still is well above that, then it seems to me it's not that much of a problem necessarily.

MS. BROUWER: Roy, the ABC – it's up on the screen – would be 245,810 pounds with the preferred jurisdictional allocation.

DR. CRABTREE: And then the recreational allocation would be 35 percent of that; is that what we did or did we give them more? Jack is going to do a quick calculation here.

MR. CURRIN: It's 35 percent.

DR. CRABTREE: Well, 35 percent of 250,000, which is close to what the ABC was, right, is 87,000 projected landings; so if you took the 87,000; and then even if the PSE is 50 percent of that, it's still higher than what the projected catch is.

MR. CURRIN: Roy, would it be possible to calculate the PSE from the MRIP data solely from Monroe County; can that be split out?

DR. CRABTREE: Well, you probably can but I don't know how to do it, and I suspect it would just be higher. The more you split it out, the more it's going to come up.

MR. CURRIN: That's interesting; I would think because that's the center of that fishery, that it probably would be less there, but maybe I'm wrong.

DR. CRABTREE: Well, the smaller you break the geographic area down, the fewer intercepts there are going to be, and I think it goes up. I don't know; we'd have to ask – it might be if there is something specific you want to know that Jack could send an e-mail up and we could ask somebody, but I think it takes some time to split out Monroe County.

MR. CURRIN: Just curious. All right, we have a motion on the floor; further discussion on the motion? I would speak against the motion and would vote against it. I think it's too risky. **All in favor of the motion raise your hand, 4 in favor; against, 8 against. That motion fails.**

MR. ROBSON: Well, let me try another motion, but I still don't like the idea of using the PSE formula for an ACT based on the problems that we were talking about in what kind of PSEs you get because of the way this fishery is broken up jurisdictionally. &&I would make a motion that we set the ACT at a percentage of the ACL, and I would like suggest 90 percent.

MR. CURRIN: **Motion by Mark to set the ACT at 90 percent of the ACL;** second by Duane. Discussion? Roy.

DR. CRABTREE: It still seems inconsistent with the decisions you've made and the approach you've taken. I still don't really understand the rationale.

MR. HARRIS: I'll speak to the rationale. It's a different species. It's largely centered in Monroe County where the bulk of the landings are. Because of the MRIP Program, they're combining all those landings, so there are a lot of differences in this species than the other species that we set that one minus PSE for. That's my rationale.

DR. CRABTREE: Well, I agree that there are differences, but I think most of them increase the management uncertainty. First off, there is going to be the uncertainty of knowing where the fish were even caught in Monroe County; and, secondly, there are the problems of splitting all this out, which increases the amount of uncertainty. I guess that's what is bothersome to me because all the arguments I'm hearing I think tend to increase the uncertainty and not decrease it.

MR. CURRIN: To me the actual PSE itself is a good measure of that uncertainty and the effort by the samplers and everything else, and that's what is appealing to me about it. The fact that it's as high as it is for this species kind of leads me to be a little more cautious with it. Mark.

MR. ROBSON: Well, let me ask a question then about how we use the ACTs in management. Are we going to look at management measures basing them on the ACT or on the ACLs? I mean what does it mean if we actually run into a year when they exceed ACT?

DR. CRABTREE: Well, we need to clarify what we mean here because the accountability measure still says ACL or ACT, but I think it should say ACL because that's what drives the accountability measure; so the ACT, you would try to put in place management measures that achieve that ACT understanding you're going to be above sometimes and under it sometimes.

So whether we've got enough management in place right now to restrain catches at the ACT, I don't know, but the accountability measures kick in when the ACL is hit typically and not the ACT. So what you're trying to do with setting a more conservative ACT is avoid hitting the ACL and avoid triggering accountability measures.

MR. ROBSON: But if I understand correctly, Roy, there are two parts to that, because the other part is you might wind up setting management measures to try to achieve that ACT target, and

that's separate from the ACL – you know, accountability measure issue, so here is a situation where we have a localized fishery that the latest stock assessment indicates is in good shape and we have management measures in place to control harvest in the fishery; but because we decide we're going to be fairly conservative with an ACT, we could wind up having to look at further restrictions and management measures that may not really be necessary.

DR. CRABTREE: It could be, but if the numbers we're looking at here are pretty close, what I'm seeing for 2010, the projected landings of 31,000 would be below the ACT even if you set it at 50 percent of the ACL, and so no additional management measures would be required. Now, AMs would not trigger until they exceeded the ACL.

If we see over the coming years that their catches are consistently above the ACT, then I would probably come to you and say catches are consistently above the ACT, but you would have to then take an action to put management measures in place to bring them back down. Nothing would automatically happen.

The risk you would run is that if you didn't do that, the odds that they're going to hit the ACL would start going up. I think we all understand that particularly recreational fisheries hitting the ACL and having the accountability measures kick in is going to be a real problem. I don't know, Mark, if we'll be able get the state of Florida to go along with an in-season closure based on an accountability measure, and so then you're going to have all this additional uncertainty and everything happening.

But I think just setting the ACT right now, what I'm seeing is we appear to be pretty consistent with it in terms of the projected catches. I don't know what is going to happen. In the future the economy starts perking up and effort down in the Keys goes way up again and then, yes, we might run into some problems.

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

MR. ROBSON: Thank you, I understand, and I understand everything Roy is saying. To me the management uncertainty here is a little unusual in that the error is associated with the way we're conducting MRIP and splitting up jurisdictional issues. It's not about a rare species or rare encounters in MRIP.

It's a management uncertainty that we've created in the way that we manage that fishery in southern Florida between the two councils and with Monroe County and all that confusion, and we're continuing to basically penalize the fishery because of that artifact of how we have to manage the data collection.

DR. CRABTREE: I'd offer a substitute motion that the preferred alternative be Alternative 5C.

MR. CURRIN: Substitute motion by Dr. Crabtree that the preferred alternative be Subalternative 5C; is there a second? Second by George. Further discussion? All in favor of the motion – I'm sorry, Ben.

MR. HARTIG: Yes, I got confused all of a sudden. If we set the ACT based on 30-something percent less than what – or whatever the one minus PSE is; when they reach the ACT, what happens, Roy?

DR. CRABTREE: Nothing.

MR. HARTIG: Nothing?

DR. CRABTREE: And they would be expected to be over it some years and under it some years. It's just a target. The only time something happens automatically is if they go over the ACL. Now, again, if they're consistently going over the ACT, then we would probably want to come in and make an adjustment to get them closer to it, but that would be something the council would have to in and do and vote on.

MR. CURRIN: All right, no further discussion? **All in favor of the substitute motion raise your hand, 7 in favor; all opposed, 4 opposed. The motion is approved;** it's now the main motion. Any further discussion on the motion? All in favor of the motion raise your hand, please; all opposed. Seven for; the motion is approved.

All right, I think we're done with black grouper. Dr. Crabtree has a town hall meeting scheduled in 20 minutes. We will need to get in here tomorrow early, folks, we've got a lot to do and much time to do it in. We're only scheduled to go through noon tomorrow, so we need to get rolling as best we can the first thing in the morning. I assume eight o'clock is plenty fine; how many people would really object if we try to start at 7:30? All right, let's do it at eight o'clock.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Hilton New Bern/Riverfront Hotel, New Bern, North Carolina, Thursday morning, December 9, 2010, and was called to order at 8:00 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: All right, we'll begin. We are in the Comprehensive ACL Folder and the comprehensive document and PDF Page 241. Again, I'll remind everybody on the committee that it looks like we're going to be running late, so let's try to minimize that as much as we can. We've got lots to do today, and so let's keep all the discussion relevant and as brief as possible.

MR. WAUGH: We start on Page 241, the maximum sustainable yield, there is no updated MSY estimate. The SSC did not provide any new guidance on MSY; therefore, the existing MSY will remain until a SEDAR assessment is conducted. Minimum stock size threshold, there is no updated minimum stock size threshold estimate. The SSC did not provide any new guidance; therefore, the existing MSST will remain until a SEDAR assessment is provided.

The SSC did provide us an OFL. That value is 11,882,898 pounds, so we will be using that as we go through our deliberations, and we can talk about adding other alternatives if we choose to do that. The SSC has provided a new value for the maximum fishing mortality threshold, which is now called the overfishing level.

The South Atlantic Council is withdrawing the MFMT for the Atlantic and replacing the value with the OFL value. So then we come to the ABC Control Rule and we'll just look at a spreadsheet similar to what was done for spiny lobster and mackerel. Again, we're on PDF Page 242; it starts at the bottom of PDF Page 242.

Alternative 2 is to establish an ABC Control Rule where ABC equals the OFL. Alternative 3 is establishing a series of alternatives basing on our percentage of OFL, 65, 75, 85 percent. Currently Alternative 3C is your preferred, setting an ABC equal 85 percent of the OFL, which is 10,100,463 pounds.

Alternative 4 is to establish an ABC Control Rule where ABC equals a percentage of the yield at MFMT, and we really don't have ability to calculate that right now. There values were estimated based on the old MFMT; and now since we have a new poundage value, this alternative really should be removed to Appendix A.

In considering this, we want you to consider adopting the SSC Control Rule as were done for mackerel, spiny lobster and yesterday for snapper grouper. You could do that by revising Alternative 3 to say adopt the South Atlantic Council SSC recommended ABC Control Rule and establish ABC equal to a percentage of OFL, so it would just be rewording Alternative 3.

MR. CURRIN: Okay, you've heard the suggestions from staff about moving Alternative 4 to Appendix A and then some modification to our current preferred on Alternative 3. George.

MR. GEIGER: I make a motion that we move Alternative 4 to the appendix.

MR. CURRIN: Motion by George; second by Ben. Discussion? Any objection to that motion? I see none; that motion is approved. Okay, under Alternative 3 the recommendation from staff is to adopt the SSC's ABC Control Rule.

MR. GEIGER: So moved.

MR. CURRIN: Hold one second, George. Okay, George.

MR. GEIGER: The motion was to accept the staff recommendation on Alternative 3 to adopt the SSC Control –

MR. CURRIN: Recommended ABC Control Rule.

MR. GEIGER: Recommended ABC Control Rule.

MR. CURRIN: And as you can the preferred is Alternative 3, Subalternative 3C, which sets the ABC equal to 85 percent OFL. Is there a second to that motion? Second by Ben. Yes, Roy.

DR. CRABTREE: I guess just for consistency there has been interest in adding the Gulf Council Control Rule into a lot of the previous ones, and I wonder if there is any thought that you may

want to look at that one with respect to dolphin, you best add it in now rather than bring it up later.

MR. CURRIN: We'll talk about that as soon as we take care of this motion. **The motion is to modify Alternative 3 to read "adopt the SAFMC SSC Control Rule and set ABC equal to a percentage of OFL. Discussion on that motion? Any objection to that motion? I see none and that motion is approved.** You heard Roy's suggestion that yesterday at least we did consider the Gulf SSC's Control Rule for unassessed and stocks with little information. Brian.

DR. CHEUVRONT: Mr. Chairman, I'm not sure exactly how to word this, but I'd like to make a motion that we add an alternative to consider the application of the Gulf's ABC Control Rule for dolphin in the South Atlantic.

MR. CURRIN: Motion by Brian; second by George. I guess it may actually be more than one alternative because there were different levels or maybe subalternatives under that. I guess with direction to staff we can allow you guys to flesh that out. Discussion on the motion? **Any objection to that motion? I see none; that motion is approved.** Yes, Mark.

MR. ROBSON: Gregg, does the spreadsheet show the current landings or landings' history relative to what might be the preferred ABC?

MR. WAUGH: Yes, and we will get into that when we look at the ACL, but we can look at it now as well.

MR. CURRIN: Let's wait and do it once.

MR. WAUGH: And Myra reminded me, too, that remember under snapper grouper you were talking about revamping a set of control rule alternatives that will include the Gulf's as well, so we'll have that to look at as well. The next item is allocations for dolphin, and what we have, Alternative 1 is what is in the Dolphin and Wahoo FMP now; 13 percent commercial and 87 percent recreational. Alternative 2 would be based on the years 1999-2008. That would be 7 percent commercial and 93 percent recreational.

Your current preferred is Alternative 3, which is Boyles' Law for two sectors – using 1999-2008, 50 percent on that and 50 percent based on 2006-2008 – that gives you an 8 percent commercial and 92 percent recreational. Alternative 4 is Boyles' Law for three sectors; 7.7 percent commercial and 0.3 percent for-hire and 92 percent private recreational.

MR. CURRIN: Everybody comfortable with the preferred as it stands? Tom.

MR. BURGESS: I was wondering about the changing of the allocation that is in the FMP. And kind of going back to Action 6, the allocations for snapper grouper, where we did have established allocations, and what the reasoning was being changing that?

MR. CURRIN: Well, Tom, I think it was a loose allocation. It wasn't hard and fast in the original amendment. It was either 13 percent of the recreational catch or 1.5 million pounds, and

it was a trigger almost. It wasn't a quota or a cap. It was a trigger to say if the levels reach that – the commercial landings reach either of those levels, that the council would then look at it.

I think in 2009 it did in fact reach that level and we're going back through establishing hard allocations now because we have to address the ACL. Being consistent with the way we've dealt with other allocations, I think the council has seen fit to choose some consideration of early landings and late landings to formulate an allocation scheme. That's the basis, though. Charlie.

MR. PHILLIPS: I'm just curious; how close is the recreational sector toward catching their allocation?

MR. CURRIN: I think the landings' table will probably give you some indication of that, and that's on PDF 246 from 1999-2009. I don't know what that allocation would be or of the ACL.

MR. WAUGH: And what we need to do is – what we're talking about now is the allocation. If you look at your preferred allocation and your preferred decision on ACL, which is to set ACL equal to ABC, then here are the allocations; 808,000 to the commercial; 9.29 to the recreational. And if you look at the landings' data – this is Table 4-27 in the Comprehensive ACL Amendment.

I've added a total column here, but if you look at setting the ACL, 12.58 – and we still haven't talked about a recreational ACT yet, so let's just look at the ACL; separating the ACL, 12.5 million pounds; you can look at the total recreational going back in time, and that allocation would have been exceeded back in 2000 and 2001.

MR. CURRIN: Does that answer your question? Two times since '99 has it exceeded at least the ACL. All right, is everybody okay with the preferred that we have for allocating dolphin among the two sectors? All right.

MR. WAUGH: So, we're okay with allocations and we're okay with the ACL?

MR. CURRIN: That's 249, Action 19.

MR. WAUGH: I should have clarified that. On PDF 249 where we're talking about the annual catch limits, Alternative 2 – the way this document was structured before, we had an OY as a separate item and that has been folded over into the ACL discussion now, so your previous preferred for OY had it equal to ABC equal to 10.1 million pounds. It would probably be good to reaffirm that in a motion or choose a new –

MR. CURRIN: If I understand you, Gregg, then the previous preferred would be analogous or equivalent to current Alternative 2 that has incorporated the OY values as we've done in the others. It would probably be good to have a motion if that's your desire to keep that as our preferred. George.

MR. GEIGER: Mr. Chairman, I make a motion that we keep Alternative 2 as the preferred alternative.

MR. CURRIN: Motion by George; is there a second? Second by Duane. Discussion? Any objection to that motion? I see none; that motion is approved.

MR. WAUGH: Then continuing on PDF Page 252, accountability measures; Alternative 1 is no action. Alternative 2 is dealing with the commercial sector ACTs. What you have before you is Subalternative 2A, the commercial sector ACT equals the commercial sector ACL. Your previous actions had indicated that your choice was not to specify a commercial sector ACT, so we're suggesting that we either reword or add in new Alternative 2A, which is your preferred, which is do no specify a commercial sector ACT and renumber the others. We also had moved the commercial sector ACT equals the commercial sector ACL to the rejected appendix.

MR. CURRIN: Do you need a motion to that effect, Gregg?

MR. WAUGH: Yes, please.

MR. CURRIN: Okay, similar to what we've done before because they're redundant – 2A is redundant to do not set an ACT for the commercial sector. Is there a motion to that effect?

MR. GEIGER: So move, Mr. Chairman.

MR. CURRIN: Motion by George to add a subalternative for the commercial sector ACT such that states do not set an ACT for the commercial sector; and I think part of that motion in addition was to remove 2A. Second by Duane. That's what we need to do; isn't it, Gregg?

MR. WAUGH: Yes.

MR. GEIGER: Okay, so the motion is to add Subalternative 2A and adopt as preferred and move the current 2A to the rejected appendix.

MR. CURRIN: Discussion on that motion? Any objection to that motion? I see none and that motion is approved.

MR. WAUGH: Next is the recreational ACT, and this continues on Page 253.

MR. CURRIN: We do have some measures that we selected preferreds for meeting the commercial ACL projected to be met. That's Alternative 3 and we currently have a preferred. Do we also need to add Alternative 4 as a means to deal with that overage if it's exceeded? I guess that takes care of it. George.

MR. GEIGER: I make a motion that we add Alternative 4 as a preferred alternative as well.

MR. CURRIN: Motion by George to select Alternative 4 as an additional preferred alternative. That's accounting for the overage in the commercial sector. Is there a second? Second by Robert. Discussion on that motion? Brian.

DR. CHEUVRONT: I realize that we're just taking this out, but given the nature of this species I can't see that this really is needed. There'll probably be three generations of this thing before you would actually be able to do anything again to enact any management measures on this. They're so prolific I just can't imagine that unless there was something really serious that happened that we would even need this measure.

MR. CURRIN: Other discussion on the motion? **Is there objection to the motion? I see two objections; the motion is approved with two objections.** Okay, now on I think the same page to the recreational ACTs and AMs.

MR. WAUGH: This issue of Alternative 6 along is not an AM so we need to look at combining that. Your current preferred is Alternative 5, Subalternative 5C, to set the recreational sector ACT equal to sector ACLs using the proportional standard error based on a five-year average PSE. I have some updated numbers to show what that number would be.

Alternative 6 is we need to link this up with the accountability Alternative 7, the regional administrator shall publish a notice to close the recreational fishery when the ACL is projected to be met. Alternative 8 deals with overages; 8A reduces the recreational sector ACL the following season by the amount of the overage. 8B is to reduce the length of the following fishing year. 8C, which is your preferred, if it's exceeded, the regional administration shall publish a notice to reduce the bag limit.

MR. CURRIN: Okay, we've got preferreds here. We do need to link the ACT measures with the AMs. I would also note, in looking at this – and, Gregg, you said you had some update values; were those the PSE values that you had updated?

MR. WAUGH: Yes.

MR. CURRIN: Can we look at those? If you notice looking at Table 4-30, it struck me that 2005 was an odd year in the range of those values and appear to be an outlier. I would guess it due to sampling problems and the like. It just occurred to me and made sense to me that perhaps we should exclude that value from the calculation of the PSE. The others are all between, what, 6.3 and 7.2, a fairly tight range for that period of years. We have an option in there that looks at a three-year average which would accomplish the same thing if there is a desire of the committee to consider doing that. As you can see, it makes not a whole lot of difference. It's talking about setting the ACT at 93 percent or 93 and a half percent – I'm sorry, 92 and a half percent, which is probably not a big deal. All right, I see no desire from anybody to mess with that. David.

MR. CUPKA: Mr. Chairman, I'd make a motion that we combine Alternative 6 with Alternative 8 and that we take out the wording for – or just in-season so it would just be post season.

MR. CURRIN: Motion by David and second by George. Discussion on that motion? It's exactly the way we treated in every other species we've looked at. I assume everybody is okay. **The motion is to combine Alternative 6 with Alternative 8 and remove "for in-season". Any objection to that motion? I see none; that motion is approved.** Yes, Roy.

DR. CRABTREE: Before we move off of this action, I'm concerned about what we've done here in that we adopted Alternative 4 as an AM for the commercial fishery, which requires a payback of quota overruns; yet we did not adopt Alternative 8A for the recreational fishery that requires a payback.

It seems to me if the recreational fishery is catching 90-plus percent of the catch and it's not clear to me why we would make the commercial fishery pay back where there is less management uncertainty if they go over their ACL but not require the recreational fishery to pay back if they go over the ACL when clearly a recreational who went over the ACL is going to have much more impact on the stock because of the way the allocation is set up. I think unless you have a good explanation for that you ought to be consistent and either have a payback in both fisheries or you ought to reconsider on the commercial fishery side and not have a payback there.

MR. CURRIN: Thank you, Roy, that's a good point. Charlie.

MR. PHILLIPS: Well, considering this stock is so prolific and the problems of trying to do three-year averages on recreational – and what Brian said, you've got three crops a year or something – it make more sense to take the payback out of the commercial end. It might be cleaner.

MR. CURRIN: Is that a motion, Charlie?

MR. PHILLIPS: I'll make that in the form of a motion.

DR. CRABTREE: To do that you need a motion to reconsider by someone on the prevailing side of the vote to adopt Alternative 4 as the preferred.

MR. CURRIN: Charlie, I believe you can make that motion. Actually, I think you voted against it; I can't recall. George, I know you voted for it.

MR. GEIGER: I'll make that motion to reconsider.

MR. CURRIN: A motion by George to reconsider the previous motion on the commercial paybacks; second by Duane. Discussion on that motion? Any objection to that motion? I see none; that motion is now on the floor. This was selected as our preferred. I think the desire is to remove the preferred status from that alternative. Charlie.

MR. PHILLIPS: Okay, I'm not sure which alternative it is – we want to not have the payback, whichever number that is – for it not to be a preferred.

MR. CURRIN: Okay, motion by Charlie is to remove the preferred designation from Alternative 4; second by Duane. Any discussion on that motion? Any objection to that motion? I see none; the motion is approved. Mark.

MR. ROBSON: Just a question; I just want to make sure I understand where this is at now. It looks like if we select a preferred ACT, we would end up with about 7.5 million pounds ACT for

the recreational fishery and it looked like that average landings are 9.7 million pounds; is that correct?

MR. CURRIN: Gregg will have to answer that for you.

MR. WAUGH: Yes, I've got that projected now. If your ACL is 10.1 million pounds, the allocation on the commercial side would 808,000 and on the recreational side it would 9.29 million pounds. If you apply our formula for the recreational ACT, it would get you down to 8.6 million pounds, and you can compare that recreational ACT to the landings from 1999-2009, the average is 9.708, so that ACT would be an 11 percent reduction from the average over that time series.

MR. ROBSON: I thought I saw 7.5 million pounds for an ACT somewhere here in this document.

MR. CURRIN: That may have been based on some previous calculations, Mark.

MR. WAUGH: That's correct, on Table 4-31 the figures are updated with these numbers I just went over, and so the recreational ACT would be 8,595,494 pounds.

MR. HARRIS: Mr. Chairman, I know we didn't vote on this. We just went on by it and nobody desired to make a change, but I think we should use the three-year running average for 2007-2009 for the PSE calculation, and I would so move, Mr. Chairman.

MR. CURRIN: Motion by Duane to select the three-year running average as a means of calculating the PSE for the recreational fishery; second by Mark. Discussion? **Any objection to that motion? I see none; that motion is approved.** Red.

MR. MUNDEN: Mr. Chairman, just a point of information for the council relative to combining Alternative 6 and 8; going back to what Dr. Crabtree said yesterday about a fishery could get out of control and he couldn't take any action because he didn't authority to make in-season adjustments, one of the things that the Mid-Atlantic Council did to address a similar concern by our members is that we did give the regional administrator the authority to make in-season adjustments based on data at hand.

But if you go back to what Roy said yesterday that the fishery may go over by a factor of 3 and he can't do anything about it, which really would not look very favorable in the eyes of the public when you say, well, we know we're going to go over and we can't do anything about it until the following year. That's just some information that this council might want to consider.

MR. CURRIN: Thank you, Red. I spoke with Rick Robins last night and yesterday about that as well, and it seems like it might be a reasonable approach. Everybody understand what Red is saying; as opposed to allowing the RA latitude with using projections to project where the fishery is, he can use the information that he has in hand to make that decision. I guess he actually uses that to help make projections to anticipate but at least restricts him somewhat to the

information that's available. Is that something anybody would like to consider here and/or elsewhere? Red.

MR. MUNDEN: I will offer a motion, Mr. Chairman, that the regional administrator be authorized to make in-season adjustments for accountability measures based on data available at hand.

MR. CURRIN: Motion by Red; second by George. Discussion?

MR. GEIGER: Assuming the RA wants to do that.

DR. CRABTREE: Well, I'm okay with doing it. My question to you would be do you want to insert this alternative into the AMs throughout the document or are you just doing this for dolphin?

MR. CURRIN: Well, my feeling is – and this is just my opinion – I'm fairly comfortable doing it for dolphin and any of the other species like mackerels where the PSEs are relatively tight in the recreational fishery. I become increasingly more uncomfortable as the PSEs increase. That's just my opinion. Monica.

MS. SMIT-BRUNELLO: So I think we would need to discuss what kind of in-season adjustments you would want the RA to make.

MR. CURRIN: Well, what pops in my mind is to close fishery if it looks like we're going to be over. Roy.

DR. CRABTREE: I think what this means is that the RA will close the fishery if the catch estimates show that the ACL has already been exceeded, but you're not going to use projections or anything. So, for example, you pulled up through Wave 4 and it showed the ACL is already caught, then you'd close the fishery.

MR. CURRIN: That's my understanding as well. Red.

MR. MUNDEN: Mr. Chairman, at the Mid-Atlantic we frequently do in-season closures based on projected landings or if the ACL has been exceeded, and oftentimes I believe that authority is incorporated in the fishery management plan for the species. It is very common to see in-season closures whenever the quota has been harvested at the Mid-Atlantic level.

MR. CURRIN: Further discussion on the motion? Everybody clear with what we're doing here; asking the RA to close it when the ACL has been exceeded in season. Charlie.

MR. PHILLIPS: Just so I'm clear; so even if he gets data at hand that say that it has reached the ACL, by the time he closed it, it is going to be over more than likely, anyway, and then they'll figure that into the three-year running average, so that kind of makes sense to me.

MR. CURRIN: Further discussion on the motion? **Any objection to the motion? I see none; that motion is approved.** Thank you, Red, for bringing that forward. All right, Gregg.

MR. WAUGH: That brings us to management measures on PDF Page 258. No action shows what is in place now. We need an 11 percent reduction on the recreational side based on the average 1999-2009. If we look at the catch history with the alternatives you have preferred – and I've updated this ACT based on the new PSE that you have chosen.

The commercial quota would be 808,000 pounds and 37, and you can see that was slighted exceeded on average. We track the quota and closure there. We do have an alternative that looks at trip limits if you wish to consider that. On the recreational side, looking at the recreational ACT, 8.64 million pounds. That is 11 percent. The average has exceeded that by 11 percent. The 2009 data are not complete. You can look back in time and see what the catch distribution has been, but it has been exceeded fairly regularly.

If we look at the alternatives, we have a prohibition on bag limit sales of dolphin from for-hire vessels. That's the only sector that is allowed to sell them. Alternative 3 is establish a minimum size limit of 20 inches fork length off of South Carolina. Alternative 4 is increase the minimum size limit to 22 inches or 24 inches fork length.

Alternative 5 is to reduce the boat limit. This would apply only to charterboats and recreational vessels and not headboats. You have three subalternatives; 5A is reduce the boat limit by 25 percent; 5B, 33 percent; 5C, 50 percent. Alternative 6 is a series of trip limits. We've got tables that show what types of reductions you get with those various measures.

DR. CRABTREE: Just a question I guess for Brian and Robert; why is it that we don't have a size limit north of Georgia?

DR. CHEUVRONT: They catch them off a pier.

DR. CRABTREE: Well, our size limit wouldn't apply to fish caught off a pier. Our size limit would only apply to fish caught off boats in the EEZ, and the state could do whatever they wanted with a size limit off of a pier.

MR. BOYLES: Roy, I'm going to defer to David on why we don't have one with the current plan although I've advocated before support of a minimum size based on discussions we've had with our anglers off of South Carolina.

DR. CHEUVRONT: It does have to do with catching fish off the pier; and as you're saying, Roy, this really only applies to the EEZ, but I think we have a rule in our regulations that tells us that we will adopt the federal rules as well for consistency, which is why we always do that. I don't know if we can work around that just to allow that fishery off the pier or what. I can't give you an answer to that directly without having somebody check into the state rules.

DR. CRABTREE: Well, I asked because it looks to me like I think it was an 11 percent reduction we need, but I'm not too crazy about any – we don't have a bag limit option in here to

look at reducing the bag limit. Maybe the boat limit or something does it. I don't think the trip limits get you anything because you've got a quota. I'm just looking for some way to bring it down and get it in line with the ACT.

MR. WAUGH: If you look at Table 4-36 on PDF Page 262 – and this is projected – this is adjusting the boat limit based on Alternative 5. Right now the boat limit is 60. If you reduced it to 35, that would get you a 13.74 percent reduction.

MR. CURRIN: Well, it's not going to be a very favorable action on the part of the for-hire sector, I don't think, anywhere up and down the east coast. The boat limit seems to be pretty sacrosanct. In fact those guys let me know regularly that they implemented that boat limit out of Hatteras and many areas off of North Carolina well before the South Atlantic Council did out of concern for the well being of dolphin. It's very important to them. If I had to guess – and I don't propose to speak for them, but I suspect that a size limit may be more palatable to them than a reduction from 60 to 40 fish. I don't know that for sure. Red.

MR. MUNDEN: As a followup to what Brian said about North Carolina Fisheries Rules allow us to adopt consistent measures with what is in place with federal waters, one option that would be available to the director would be to suspend that rule; but once you suspend it, you can't put anything back in place of it so then the requirement to adopt similar rules for other species would go by the wayside. I agree with Brian it's mostly a fishery for small dolphin that show up occasionally around the piers, but I also have heard reports of the boats also targeting those fish when they're in state waters.

MR. CURRIN: All right, we've got to get a reduction somehow, folks; how do you want to do it? Gregg.

MR. WAUGH: I've also projected here Tables 4-34 and 4-35 that look at size limits. This is on PDF Page 261. Dealing with 4-35 first, reduction in harvest provided by increasing the minimum size limit in Florida and Georgia from 20 inches; so you can see if you went up to 22 inches, all sectors would give you a 16.72 percent reduction in the harvest off of Florida and Georgia.

Table 4-34 shows the reductions for the percentage of dolphin less than 20 inches for Florida, Georgia, South Carolina and North Carolina; so if you were to extend that 20-inch size limit to South Carolina and North Carolina, you can see the level of reduction you would be getting. This also seems to point to some non-compliance with the size limit in Florida and Georgia.

MR. CURRIN: Gregg, do you have an overall value for the reduction that would be achieved going to a 20, an average. Can you kind of summarize that table if we went to 20, what kind of estimated reduction would that give us?

MR. WAUGH: I don't think that has been calculated yet. I can see if we can get you that by full council.

MR. CURRIN: All right, what is your pleasure here, folks? Yes, Duane.

MR. HARRIS: Mr. Chairman, I heard you say that you didn't think that the charter guys up here would be very appreciative of a new lowered boat limit, and I'm hearing that you don't want a minimum size in South Carolina or North Carolina. You do have a minimum size in South Carolina; you want one?

MR. CURRIN: He wants one.

MR. HARRIS: Okay, he wants one. North Carolina may not want a minimum size, but we've got to do something and it sounds to me like the minimum size is the fairest way to go and all states would have the same minimum size. **I would make a motion that we establish a minimum size of 20 inches for dolphin from Florida through the New England Council area.**

MR. CURRIN: Motion by Duane to set a 20-inch minimum size limit for dolphin from Florida through the New England Council area; second by Robert Boyles. Roy.

DR. CRABTREE: Gregg, can you tell us what that achieves in terms of reduction?

MR. CURRIN: He said he couldn't right now when I asked him that earlier.

MR. WAUGH: I think Jack helped put these tables together. 4-34 shows the breakout by state and by sector, and I'm not sure if you would just average those values, but we can try and get you an answer by full council.

MR. GEIGER: Gregg, is there anything that tells us what the average number of dolphin landed per trip are; is there a table that provides that information?

MR. WAUGH: We've got some information on the commercial sector because we were looking at commercial trip limits. I'm not sure if we have any up in the front of the description of the fishery.

MR. GEIGER: Well, the bag limit is ten per person, and in places in the Keys in the spring they certainly catch those individual ten-fish bag limits, but very rarely in my experience and my impression of the fishery do they land the ten-fish bag limit, anyway. That ten-fish bag limit could be artificially inflated.

We've got voluntary boat limits applied by the majority of the for-hire sector, and it would seem that you could reduce the recreational bag limit by some amount; the for-hire sector a small amount, and we could achieve that reduction easily. I support this motion. Unfortunately, we don't know what it's going to get us in terms of a reduction and it may not be enough; but certainly if we did some type of a combined individual and for-hire bag limit reduction, we would be able to achieve some level of reductions from doing that. It would be a more realistic bag limit, in my opinion.

MR. MUNDEN: I'm going to vote against this motion, but I would suggest to the maker of the motion that we replace North Carolina with both the Mid-Atlantic and New England area of

jurisdiction, because this is a plan that applies all the way up through New England. It should not only be North Carolina; it should be throughout the Atlantic Coastal Range of dolphin.

MR. HARRIS: I'll accept that as a friendly amendment.

MR. CURRIN: Okay, friendly amendment to extend the area of concern throughout the Mid-Atlantic – Red, did you say New England as well?

MR. MUNDEN: I think so; I believe it should go all the way up.

MR. PHILLIPS: While we're making friendly amendments, I'd like to make another one for Subalternative A of 22 inches and a Subalternative B of 24 inches so we'll have a range and hopefully can hit our target.

MR. CURRIN: I think, Charlie, Alternative 4, which is a different alternative, is still in the document, so that could be – if we find out at full council that won't get us the reduction, I think we have the capability.

MR. PHILLIPS: Wilson noted that would only cover Florida and Georgia.

MR. CURRIN: Alternative 4 simply says increase the minimum size limit to 22 to 24 inches. Page 258 is the one I'm looking at.

MR. HARRIS: We're looking at the one on Page 261; Alternative 4 right under Table 4-34, so I guess that's the confusion here.

MR. WAUGH: PDF 261?

MR. CURRIN: Yes.

MR. WAUGH: That's the discussion of the analysis, and what they point out is they don't have size data – they weren't able to obtain size data for north of North Carolina.

MR. CURRIN: Okay, further discussion on this motion? The motion is to set a 20-inch minimum size limit for dolphin from Florida through the New England Council area. **All in favor raise your hand, 10; all opposed, 3 opposed. The motion is approved.** Roy.

DR. CRABTREE: I just want to see if you want to see a bag limit analysis because Jack thinks he could have a bag limit analysis tomorrow.

MR. CURRIN: I'm seeing heads nod. George.

MR. GEIGER: And to that point, Jack, the analysis in the document here focuses on the for-hire sector. I'd just like to see an equitable bag limit reduction table for the recreational sector and the for-hire sector so that neither one of them gets hammered unequally.

MR. CURRIN: Well, do you want a motion, Gregg, or do we need a motion for that? I think that was just direction to Jack provided so if we want to look at it we can deal with it at full council. Okay, I don't see any objection to making that request.

MR. WAUGH: Alternative 6 would be to consider a series of trip limits on the commercial fishery. Remember from the table the commercial quota is 808,000 pounds. If you look at landings – and again the 2009 commercial may be more complete, but the average is 816; just a little bit over that for your total commercial here. Back in '99 it was a million pounds. The question is do you want to consider a trip limit?

MR. CURRIN: What's your pleasure, folks? No consideration of a trip limit for the commercial folks? Ben.

MR. HARTIG: I don't really see a pressing need for it. So many of our fisheries, when they're closed are closed and we move on, and that's not a big difference between what the commercial catch is going to be and what the ACL is.

MR. CURRIN: Yes, my only concern that has been expressed to me by a number of the for-hire sector folks out of Hatteras in particular is around Memorial Day when business for those guys usually gets really good, and the last couple of years at least there has been a large increase in the longline effort up that way, and those guys aren't particularly happy about it. I don't know whether a trip limit would help that or not, but I know they wanted something done. I guess maybe with setting an ACL for the commercial sector at 800,000 pounds, that may take care of it; I don't know. George.

MR. GEIGER: And, again, this is a public hearing draft and we can certainly make that decision when we see the document in its final form, and we can make our decision based on the public input we get during the input process.

MR. CURRIN: Very true. Okay, I don't see any desire to move forward at this point then with trip limits for the commercial industry, Gregg.

MR. WAUGH: Okay, PDF Page 268 is where we begin the discussions on wahoo. Again, the MSY that's in place will remain. There is no updated MSY estimate. The SSC did not provide any new guidance so that remains until a SEDAR assessment is conducted – the same for the minimum stock size threshold.

The overfishing level, the SSC provided an OFL. Since no MSY is available, it was estimated using landings' data for the Atlantic coast from the Dolphin and Wahoo FMP. The OFL of 1.1 million pounds rounded off, so that will replace the value for the MFMT. Action 22 is the ABC Control Rule. Again, we've got a similar situation.

The ABC Control Rule, Alternative 2 would set it at the OFL, which is 1,101,231 pounds. Alternative 3 would set that on a percentage of OFL basis; 3A, 65 percent; 3B, 75; 3C, which is your preferred at 85 percent of the OFL, 936,046 pounds. Again, the situation about adopting

the SSC Control Rule as was done and revising Alternative 3 to adopt the South Atlantic Council recommended ABC Control Rule, to reword Alternative 3.

MR. CURRIN: Is there a motion to that effect, exactly like we did in dolphin?

MR. GEIGER: So moved. If Gregg would leave that up there, I could read it or else Gregg can type it in.

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

MR. GEIGER: And the motion is to reword Alternative 3 to adopt the SAFMC SSC Control Rule and set the ABC to a percentage of OFL.

MR. CUPKA: And, Gregg, is this the situation where we want to take out those weights? Do we need to strike those weight values in there since they could change?

MR. WAUGH: Yes, and then replace the values would be replaced with these updated values shown in the spreadsheet here; so if you just indicate that your intention is for those values to be updated, then we'll do that.

MR. CURRIN: I think that makes perfect sense. Further discussion on the motion?

MR. GEIGER: Do we need to add that to the motion?

MR. CURRIN: I don't think so. You comfortable without adding that to the motion? **Okay, is there any objection to the motion? I see none and that motion is approved.**

MR. WAUGH: And then do we want to deal with moving Alternative 4 to the rejected appendix?

MR. GEIGER: I move we remove Alternative 4 to the considered but rejected appendix.

MR. CURRIN: Second by David. Discussion on that motion? Any objection to that motion? I see none and that motion is approved.

MR. WAUGH: Okay, next are allocations. Alternative 1 is no action.

DR. CRABTREE: Well, I would just ask is there any interest in the Gulf Council Control Rule; because if you want to add it, you need to add it now and not later.

MR. GEIGER: So moved to add an alternative with the intent that we look at the Gulf Council's SSC Control Rule.

MR. CURRIN: Motion by George; second by Charlie. Discussion on that motion? Any objection to that motion? I see none; the motion is approved. Page 271 is where the allocation section begins.

MR. WAUGH: Alternative 1 is no allocations. Alternative 2 is based on the years 2006-2008, and that's 4 percent commercial and 96 percent recreational. Your preferred is Alternative 3, which is Boyles' Law for two sectors using 1999-2008 for 50 percent and 2006-2008 for 50 percent. This results in a 5 percent commercial and 95 percent recreational.

In the wording of the alternative on the bottom of PDF Page 271, we've still got 1986 or 1999 in there; and if you would just clarify your intent for Alternative 3 and 4, that it is to use 1999 onwards – that's what the numbers are calculated on. I think that's just something we didn't pick from the last time.

MR. GEIGER: Make a motion that we use the years 1999 onward as the basis for computation.

MR. CURRIN: Motion by George; second by Ben to use the 1999 as the initial year. Discussion on that motion? Any objection to that motion? I see none; that motion is approved. We have a preferred. Gregg told you what it resulted in based on the formula, 5 percent commercial allocation and 95 percent recreational for wahoo. Everybody okay?

MR. WAUGH: Next are the ACLs. This is on PDF Page 275. Alternative 2 is your preferred, to set ACL equal to OY equal to ABC, which is 936,046 pounds. We've got other alternatives; 3, 4 and 5 looking at 85 percent, 75 percent and 65 percent of the ABC. You can see what your allocations are based on the 5 percent and 95 percent allocations. It would be commercial 46,802 pounds; recreational 889,224 pounds. These numbers update the numbers that are in Table 4-41.

MR. CURRIN: Okay, we've got a preferred, Alternative 2, I believe; the insertion of OY language as we've done with others. It's not indicated in my document, anyway, as a preferred, so perhaps a motion would be in order to select Alternative 2 with the suggested language changes. George.

MR. GEIGER: I make a motion that we select Alternative 2 with the appropriate language changes to be our preferred alternative.

MR. CURRIN: Second by David. Discussion of this motion? Again, we had already selected it but in different verbiage. This is to make it consistent and incorporate the OY value into the ACT actions. Gregg.

MR. WAUGH: And with these ACLs, under these Alternatives 2, 3, 4 and 5 we've got this issue of the subalternatives again that are splitting it – lumping it as one ACL or separate, and we've already made a decision to separate them so those subalternatives should be removed.

MR. CURRIN: And we'll do that in another motion after this, if that's okay with you. Any further discussion on this motion? **Any objection to that motion? I see none and that motion is approved.** Gregg suggested again that we need to remove the subalternatives from 2, 3, 4 and 5. Brian.

DR. CHEUVRONT: This is my favorite low-hanging fruit here. **I'd like to make a motion that removes subalternatives from Alternatives 2-5 to the considered but rejected appendix.**

MR. CURRIN: Motion by Brian; second by George. Discussion on that motion? Any objection to that motion? I see none; that motion is approved.

MR. WAUGH: Next are accountability measures on Page 279. Again, we've got the issue on the commercial side of the suggested revision for Subalternative 2A and to indicate that as your preferred to do not specify a commercial sector ACT and then either renumber these others or move the alternative that's 2A now to the considered but rejected.

MR. CURRIN: Is there a motion to replace Subalternative 2A with the language stating do not set a commercial sector ACT?

MR. GEIGER: So moved.

MR. CURRIN: Motion by George; second by Ben. Discussion on this motion? Any objection to the motion? I see none; that motion is approved. David.

MR. CUPKA: Mr. Chairman, the action we took on wahoo about whether we were going to have a single ACL or split it into two on the wahoo; I don't think we addressed that under dolphin. Maybe we would just ask staff to check and see if we did that. I don't believe we did. I hate to go back.

MR. CURRIN: If it's a problem, we need to take care of it. I don't recall. While we're looking for that, George is your intent also to select new 2A as a preferred?

MR. GEIGER: Yes.

MR. CURRIN: Okay, further discussion on the motion? **The motion is to change the language in Alternative 2A to state that we will set no commercial ACT and also to adopt that as our preferred. Any objection to that motion? I see none –**

MR. WAUGH: Is that the previous motion where we're replacing Alternative 2A with the new wording?

MR. CURRIN: Yes, and George added to select it as the preferred. Okay, I see no objection; that motion is approved. Do you want to go back and do dolphin? Do it whenever, but it's probably best to take care of it now while we're thinking about it. That's PDF 249 is where dolphin actions that we need to go back and take care of. It's the same thing we just did with wahoo. George.

MR. GEIGER: And for consistency, Mr. Chairman, I would move that we move Subalternatives 2A and 2B and Alternatives 2-5 to the rejected appendix of the document.

MR. CURRIN: Okay, motion by George; second by Brian.

DR. CHEUVRONT: Just a way to clean it up a little bit, just move subalternatives in Alternatives 2-5 to the rejected appendix because it doesn't make sense exactly as it reads right now.

MR. CURRIN: I think he knows what we mean. Further discussion we're okay with the preferred on that, correct, and we did do that? **All right, the motion is to move subalternatives in Alternatives 2-5 to the rejected appendix. Any objection to that motion? I see none and that motion is approved.** Okay, back to Page 279-plus.

MR. WAUGH: Okay, we pick up on accountability measures for wahoo, PDF Page 279, and we had approved a motion to replace Subalternative 2A with the new wording and select as the preferred. **We need to move existing Alternative 2A to the rejected appendix that sets ACL equal to ACL.**

MR. GEIGER: So moved.

MR. CURRIN: Motion by George; second by Ben to move the existing Subalternative 2A to the rejected appendix and replace that with verbiage indicating that we would set no ACT for the commercial industry.

MR. WAUGH: Yes, we did that in a previous motion.

MR. CURRIN: Okay, I thought that's what the motion was just now. Okay, so you want to – I'm confused. I'll read it; move existing Subalternative 2A to the rejected appendix. Discussion? **Any objection to that motion? I see none and that motion is approved.**

MR. WAUGH: Okay, on the commercial side we've got Alternative 3, which is your preferred, which says after the commercial ACL or ACT if specified is projected to be met, all purchase and sale is prohibited and harvest and possession is limited. We need to remove the ACT. We haven't set that and what triggers that closure is the ACL and not the ACT.

MR. CURRIN: Are you okay with direction for staff to do that or do you want a motion?

MR. WAUGH: I think it would be better if we had a motion, please.

DR. CHEUVRONT: So moved to remove the wording about ACTs from Alternative 3 and Alternative 4.

MR. CURRIN: Second by George. Discussion on the motion? Any objection to that motion? I see none; that motion is approved.

MR. WAUGH: And we've got Alternative 3 as our preferred; how do you want to handle Alternative 4 on the commercial side that deals with reducing the commercial sector ACL the following season?

MR. CURRIN: This is the payback provision that we went back and corrected in dolphin. We've done it for the commercial folks first and decided that it wouldn't work very well with the recreational folks so we went back and changed it again. I suspect we may have the same issues here with wahoo. Everybody is comfortable with where we are as far as a preferred alternative; close the season when the ACL is projected to be met. Okay, recreational.

MR. WAUGH: And this begins on PDF Page 280, establish a recreational ACT. The preferred is to use the PSE formula and the updated numbers for that are shown here. The recreational ACT, the preferred would be 822,550 pounds.

MR. CURRIN: Everybody comfortable with that current preferred of using the PSE formula? Okay, we've got the same issue then, moving on with combining Alternative 6 and 8 into single alternatives.

DR. CHEUVRONT: So moved.

MR. GEIGER: Second.

MR. CURRIN: Motion by Brian to combine – again, we've got the issue with the in-season that needs to be removed from Alternative 6 as well – to combine the post-season accountability measures with the subalternatives – I'm sorry, let me start over – combine Alternative 6 with each of the subalternatives in Alternative 8. Second by Duane.

MR. WAUGH: And remove "in-season" from Alternative 6.

MR. CURRIN: Yes, if you need that as part of the motion, that's fine. **The motion is to combine Alternative 6 with each of the subalternatives in Alternative 8 and remove "in-season" from Alternative 6. Again, that's exactly what we've done before to take those two alternatives and combine them into one, basically. Everybody okay with that? Duane seconded. Further discussion on the motion? Any objection to that motion? I see none; that motion is approved.**

Now, we've got a current preferred of three-year running average and post season, and we have a preferred under current 8C; that if the recreational sector ACL is exceeded, the regional administrator will publish a notice to reduce the bag limit by the amount necessary. Those will be combined, but is that the combined preferred that you want? George.

MR. GEIGER: In my opinion it is except in Subalternative 8C, which is our preferred alternative in 8C, I would like to see us specify ACL.

MR. WAUGH: Just like we did for commercial, we should remove the "or ACT if specified" from all of these recreational alternatives. You're only taking that corrective action based on the ACL being exceeded.

MR. CURRIN: I thought we did that earlier.

MR. WAUGH: Just for the commercial, it was.

DR. CRABTREE: Just to clarify this reduce the bag limit, our intent would be that let's say we have an overrun and the regional administrator determines that – the bag limit is two now; so if the RA determines reducing the bag limit to one is not sufficient, rather than reduce the bag limit to zero, meaning there is no fishery the next year, would you want the RA to reduce the bag limit to one for as much as of the season as possible and then have it go to zero for the remainder of the season?

MR. GEIGER: Yes, and I would make that in the form of a motion; allow the RA to reduce the bag limit on wahoo to one fish and reduce the season as necessary to achieve the necessary reduction.

MR. CURRIN: George, is it going to your suggestion that that be the new preferred?

MR. GEIGER: Yes.

MR. CURRIN: Is there a second; second by Ben. Discussion? Red.

MR. MUNDEN: Couldn't we accomplish the same thing by giving the regional administrator authority to make in-season adjustments as we did with dolphin? It would seem to be a broader latitude for the regional administrator than limiting just the action to a reduction in the possession limit.

MR. CURRIN: Yes, we could if that's the desire of the committee. I guess it would do the same thing or something similar, anyway. It would be in season as opposed to post season. We've got this motion before us to allow the RA reduce the bag limit of wahoo to one fish and reduce the season as necessary to achieve the reduction and also select this as our new preferred. Duane, discussion.

MR. HARRIS: Mr. Chairman, I just wanted to know if the RA understands the motion.

DR. CRABTREE: Yes, I think if we went over, I would reduce the bag limit to one fish and then shorten the season as necessary to prevent running over, right? I think so.

MR. GEIGER: Yes, sir.

MR. CURRIN: Okay, further discussion on this motion? **Is there objection to the motion? I see none.** And again that's a post-season AM; are you interested, as we did earlier considering Red's suggestion in season – I don't think with wahoo because of the level of the landings, it's quite as big a problem as they might be with dolphin.

MR. GEIGER: Or as Dr. Crabtree indicated, you've only got a two-fish bag limit and there's not much you can do.

MR. CURRIN: Well, he could close the season if it was found to be at a high level. All right, we can always see how this works out and come back later and adjust it as necessary, I guess. Are we okay with this?

MR. WAUGH: Yes, we still need a **motion to remove that “or ACT if specified” from Alternatives 7 and 8.**

DR. CHEUVRONT: So moved.

MR. CURRIN: Motion by Brian; second by George to remove the language “or ACT if specified” from Alternatives 7 and 8. Did we already do it out 5 and 4 –

MR. WAUGH: Yes.

MR. CURRIN: – and 3 and everywhere else but 8 – okay, or 7 and 8. All right, further discussion? **Any objection to that motion? I see none; that motion is approved.**

MR. WAUGH: Next are management measures that begin on PDF Page 284. If we look at wahoo landings’ data from Table 4-40 in the Comprehensive ACL Amendment, your preferred ACL is 936,000 pounds. You can see the commercial comes out to 46,800 pounds. The average commercial is 55,000 pounds. Above that you see the distribution of total commercial landings from 1999; a high of 99,000 pounds in ’99, but you can see that commercial exceeded in the early years close to it and again in 2009, a preliminary.

On the recreational side your ACT is 822,550 pounds. Here are your total recreational landings. This ACT represents a 20 percent reduction from the average landings. If we look at the alternatives that you asked us to look at, we have no action and establishing a boat limit of two to twelve wahoo per boat/per vessel per day in the recreational fishery.

We’ve got tables showing the impacts of this on PDF Page 285. If you look at the top of 286, Table 4-44 shows the reduction in harvest of wahoo provided by a reduction in the vessel limit. We need a 20 percent, so you’re looking at a vessel limit of two would give you a 28.4 percent reduction on the charter; a 17.23 reduction on the private; for a 26 percent reduction overall.

MR. CURRIN: What’s your pleasure? Yes, Roy.

DR. CRABTREE: Gregg, tell us again how much reduction we appear to need to get the recreational down to the ACT.

MR. WAUGH: Twenty percent.

MR. CURRIN: It’s pretty clear a reduction in the bag limit to one is not going to get it. What’s your pleasure, folks? If we’re going with a boat limit, the options are fairly limited, two and a half fish.

MR. WAUGH: A boat limit of two gets you –

MR. CURRIN: Yes, two gets you 26 percent. Robert.

MR. BOYLES: Mr. Chairman, I make a motion that we establish a boat limit of two fish.

MR. CURRIN: Motion by Robert to establish a boat limit of two wahoo. Is there a second? Second by Doug. Discussion? George.

MR. GEIGER: I don't know what we can do about it, but it just seems a bit inequitable for the for-hire sector to be held to that same boat limit. You're talking about more people, generally speaking, on a for-hire vessel than you are individual boats.

MR. CURRIN: Well, the only way I know to deal with that is to allocate it among the three sectors, which we've chosen not to do so far, and I don't know what that would get them, anyway.

MR. GEIGER: Yes, as I said I don't know what to do.

MR. CURRIN: Further discussion on this motion? **Is there objection to the motion? Motion is approved with one objection.** I presume that is our preferred; that wasn't explicitly stated. Do we need a motion for that, Gregg? Okay, is there a motion to select –

MR. BOYLES: So moved.

MR. CURRIN: – that alternative as a preferred? Robert. Is there a second; second by Doug. Discussion? **The motion is to select the new alternative of two wahoo per boat per day as our preferred. Any objection? The motion is approved with one objection.** All right, we've got the commercial ACL. All right, that's it for dolphin and wahoo. Let's take a little break.

MR. CURRIN: Let's come back to order, please. Myra reminded me before we get into sargassum that we forgot one item under black grouper. We did not set a commercial ACT. We've got the same subalternative problems there in removal of the ACT language because we're basing them on ACLs.

It's on Page 235 and it's concerning Alternative 2, setting ACTs for the commercial industry. Look familiar; I'm sure it does. If you recall, we replaced Subalternative 2 with the language that stated that we would not set an ACT for the commercial sector. Is there a motion to that effect? Well, we've done it two ways.

We've moved that subalternative to the considered but rejected and we have modified that language to state that subalternative would read do not set an ACT for the commercial sector. In the past or virtually every other action that has been our preferred and we currently we do not have a preferred here, so a motion to modify that language and select it as a preferred would handle both of those in one fell swoop. George.

MR. GEIGER: And I so move; I move we modify the language in Alternative 2 to indicate we do not select an ACT and make it our preferred alternative.

MR. CURRIN: Motion by George and a second by Duane. Discussion on that motion? Any objection to that motion? I see none. Also, if you recall and as you'll notice in those earlier alternatives and subalternatives or especially in Alternatives 3, 4 and 5 there is reference to – it states either commercial ACL or ACT if specified. We have not specified any, so with direction to staff to remove that language as we've done in every other instance, Myra said she is comfortable with that. I don't think we need a motion; just to let everybody know. Charlie.

MR. PHILLIPS: Mr. Chairman, I don't know if now is the time to do it or do it a full council, but the AM we set for wahoo for lowering the bag limit and then closing the season was kind of what we were bouncing around on mackerel. Should we look at that as an alternative to be added to the mackerel recreational now or would it be better to do it at full council?

MR. CURRIN: We'd better do that under the Mackerel Committee Report during full council, Charlie, if that's what we want to do. Okay, back to Page 287.

MS. BROUWER: Okay, Action 27 in the Comprehensive ACL Amendment is to designate sargassum as ecosystem component and withdraw the Sargassum FMP. Now here there was a lot of discussion about this at the September meeting, and we had a couple of IPT calls during which we discussed this some more. Our recommendation would be to consider this action in another amendment. Withdrawing an FMP would cause a lot delay, so that would be our recommendation to the committee.

MR. CURRIN: Again, we discussed this some in ecosystem as well, and I think everyone on the council is committed to do something with this, and I think that consensus is perhaps withdraw the FMP might be the best way to do it. If that's our intent, then a motion to remove this action from this amendment would be in order, I think. Wilson.

DR. LANEY: Mr. Chairman, I'm not on your committee, but as a member of the Habitat and Environmental Protection Committee I just wanted to ask Counsel if she had had a chance to further explore the implications of designation as an ecosystem component versus withdrawing the Sargassum FMP versus continuing to manage it under the EFH provisions.

Which one of those options provides the – my perspective here is what should the council be doing to provide the maximum amount of protection for that habitat, which I think we all acknowledge is a highly significant and certainly essential fish habitat offshore. I guess I would like to see the council do whatever it needs to do to protect the habitat, but also certainly I understand the need to try and reduce the administrative workload; and if we have an FMP that doesn't really do anything, then get rid of it.

MS. SMIT-BRUNELLO: Well, I haven't had a chance to look into all those things, Wilson. I do, though, think that you can't have an FMP with the only species in it designated as an ecosystem species. That doesn't work very well with the Magnuson Act. I wouldn't say that the plan doesn't do anything because it restricts all harvest everywhere except for six months in the year in the winter off of North Carolina for a hundred miles, and you can only harvest 5,000

pounds I think per year. I think it does a lot right now, but I haven't had a chance – the short answer is, no, I haven't had a chance to look into the whole thing.

DR. LANEY: Well, to follow up, then, so the action to just – or a motion to remove this action from this plan still leaves the FMP intact and still gives us the latitude as a council to consider further the best way to protect that habitat?

MS. SMIT-BRUNELLO: Yes, in fact you have the measure I think shortly after in a discussion about establishing ABC and ACL and that sort of thing for sargassum.

MR. CURRIN: And that's the intent, Wilson. I don't think anybody is intent upon lessening protection for sargassum. Everybody realizes how important it is. George.

MR. GEIGER: Mr. Chairman, I make a motion remove Action 27 from the document.

MR. CURRIN: Motion by George to remove Action 27 from the Comprehensive ACL Amendment; second by Brian. Discussion? We've already had some discussion of this. Any objection to that motion? I see none; that motion is approved.

MS. BROUWER: The next action is to modify the Dolphin and Wahoo Framework Procedure. Again, there are two actions in this Comprehensive ACL Amendment that deal with modification of existing framework procedures, and the IPT would recommend that you consider that in another amendment.

MR. CURRIN: That's Action 28 and it's on PDF 289. The recommendation is to consider this in another amendment. George.

MR. GEIGER: So moved.

MR. CURRIN: Motion by George to remove Action 28 and second by Ben. Discussion? Any objection to that motion? I see none and that motion is approved.

MS. BROUWER: The next action deals with golden crab, and it sets annual catch limits for golden crab. The suggested wording for the no action alternative would be to not specify an ACL for golden crab, and then your preferred is to establish that at 2 million pounds based on the recommendation from the SSC.

DR. CRABTREE: Is there an OFL for golden crab or is this one for which they had no OFL?

MS. BROUWER: I believe there is no OFL for golden crab.

MR. GEIGER: Do we need a motion to modify the wording?

MR. CURRIN: Yes.

MR. GEIGER: I make a motion we modify the wording in accordance with the recommendations of the IPT.

MR. CURRIN: Motion by George to modify the wording in Alternative 1 under Action 29 as suggested by the IPT; second by Ben. Discussion? Any objection to that motion? I see none; that motion is approved. We have a preferred Alternative 2, which sets ACL equal to OY equal to ABC. That's 2 million pounds. Everybody okay with that? Monica.

MS. SMIT-BRUNELLO: Well, before you leave the document, I would like to, at the end, go back to sargassum, but I don't know when you want to do that.

MR. CURRIN: It doesn't matter to me; let's go back to sargassum now and then we'll finish it out.

MS. SMIT-BRUNELLO: Well, we skipped right over – after the dolphin framework procedure in my document, there is the discussion about ABC and ACL and ABC Control Rule for sargassum; is that remaining in the document?

MS. BROUWER: Yes, I apologize for that; it is remaining. There is no action to adopt the ABC that the SSC has recommended and that's why I didn't bring it out, but the rationale that the SSC provided at their meeting last year or earlier this year to establish the ABC and ACL for sargassum are all included in that wording.

MS. SMIT-BRUNELLO: Okay, and in the discussion it talks about the SSC's recommendation using the Methot Method I guess to classify sargassum – their recommendation is to classify it in a nil category because of the amount of harvest and then suggest that the council should establish it as an ecosystem species.

I would like to work with staff to just expand that a little bit further because that's not your intent to establish it as an ecosystem species in this amendment. It makes no sense, as I said before, to have an FMP with one species that's an ecosystem species, so I think we need to make that clear, that that is the SSC's discussion; however, that's not your recommendation because you've got in this amendment – well, in this document you've got you're establishing – you're equating your ACL and ABC with what has already been done in the past – that's in place. I just want to make sure that's clear.

DR. CRABTREE: Well, what are we setting the ACL for sargassum at?

MS. BROUWER: 12,800 pounds.

DR. CRABTREE: But we don't have an alternative to do that, so how are we doing that?

MS. BROUWER: Sorry, that's the ABC.

DR. CRABTREE: So what's the ACL?

MS. BROUWER: 5,000 pounds.

DR. CRABTREE: How are we doing that without an alternative?

MS. SMIT-BRUNELLO: So there isn't an ABC right now in place for sargassum?

MS. BROUWER: There is not.

MS. SMIT-BRUNELLO: So I think we need an action to establish the ABC for sargassum, and then you're saying like you did with other kinds of actions in which you think what is in place already meets the requirements for the annual catch limit and accountability measures.

DR. CRABTREE: Right, so that's what we're saying is the current quota of 5,000 pounds is the ACL and we're taking no action to change that. All right, I'm good with that.

MS. BROUWER: Correct, and your guidance at the September meeting was that no action was necessary to adopt some of the SSC's recommendation such as for wreckfish, and that's why we included a discussion in the document.

MS. SMIT-BRUNELLO: If that was my guidance – I'm not sure if that was Roy's or mine, but if it was mine, then I've changed my mind and I think we need an action.

MR. CURRIN: Okay, so we just removed Action 27, which was dealing with sargassum. Monica's recommendation is that we stick an action back in and deal with the ACL for sargassum, if I understand it correctly. Myra.

MS. BROUWER: Yes, I just want to remind you that the guidance, as I said, that we received in September was that for species where we received a recommendation from the SSC, that we did not need an action to do that. We removed the action from CE-BA 2 to establish an ABC for octocorals. We removed it for wreckfish. We will have to be consistent if you choose to go another route.

MS. SMIT-BRUNELLO: I misunderstood, so that's fine. We just to make it clear in the document that that's what we're doing and set it out that way, and that's fine, I'm sorry.

MR. CURRIN: Everybody understand what is going to happen? Okay, I'm seeing heads nod. Thank you, Monica, for keeping us straight.

MS. BROUWER: The next action is on PDF Page 294, and that's establishing accountability measures for golden crab. You do have a preferred alternative, which is after the ACL is projected to be met, all harvest, purchase and sale of golden crab is prohibited. Similarly, you have Alternative 3 as your preferred, so I don't know if you'd like to revisit these or if you're okay with the way they are.

MR. CURRIN: Everybody okay with the current preferreds for golden crab AMs? So with direction to staff then to correct the language referring to ACTs, since there are none –

MR. GEIGER: So move.

MR. CURRIN: I don't think we need a motion. I think direction to staff is okay. Is that okay with you, Myra, or would you rather have a motion? You're okay with that, all right.

MS. BROUWER: The next action, which is the last one, is on Page 295; and, again, it's a modification of a framework which the IPT is again suggesting that you consider in another amendment. Back in September, NOAA GC recommended that perhaps an amendment to modify all the various framework procedures would be appropriate, and so that's what we would recommend.

MR. CUPKA: Mr. Chairman, I would make a motion to follow the IPT recommendation that the framework procedures be undertaken in a different amendment.

MR. CURRIN: Motion by David; second by George. Discussion on that motion? Any objection to that motion? I see none; that motion is approved. All right, I think that completes the Comprehensive ACL Amendment at least for now, until full council; a couple of things we may have to readdress there based on some work that the staff is going to do on some calculations, but we'll do that full council. Thank you, Gregg and Myra, very much. We will move into Amendment 18A. I believe that is Attachment 4 in your briefing book and Kate will get us through this by the PDF page numbers.

MS. QUIGLEY: First what I'm going to do is give you just a brief summary of the public hearing comments. You've all received the audio shortly after the public hearings from Mike. He sent out a CD to everybody, and then little by little you've received the written comments. I'm just go ahead and summarize a bit of that. I'll split it up into actions referring to golden tilefish and actions referring to black sea bass.

With regards to golden tilefish, there were several people; there were actually four people who preferred the status quo until a new stock assessment could be done, and we're expecting the stock assessment results sometime in 2012. The stock assessment will be done next year, so what they wanted was to just wait to implement 18A until new numbers could show what was available for the stock so that you could get the correct number of endorsements or an appropriate number of endorsements.

Some people preferred status quo due to loss of opportunity to fish for golden tilefish. They weren't going to qualify because they had just started fishing in 2010. They had been gearing up their vessels for two or three years, but they hadn't been able to log catches until 2010. If you recall, the longline requirement was 2006-2008 and the hook-and-line requirement was using the years 2001-2005; so several people have complained that using 2006-2008, there are people who hadn't participated in the fishery for a number of years; they had been participating in the shark fishery; and now they wouldn't qualify because they had old landings.

They didn't have new landings but they wanted to re-enter the fishery now in 2010 now that 17A is being implemented. Okay, with regard to the splits between the golden tilefish longline and

hook and line, there were two people in favor of that. There was one person in particular in favor of a 25 to 30 percent allocation for hook and line.

If you recall hook and line, the allocation options I think were 10 percent, 15 percent and then 25 percent. There were also some people who spoke in favor of having an allocation specific to the area south of Stuart, Florida, where longliners are not allowed to fish; only hook and liners are; and it's basically what they said is a virgin stock there.

With regards to transferability of endorsements, people just wanted to make sure – they didn't have specific things that they – except for one person, they didn't have specific transferability options that they wanted, but one thing that several people made clear is they wanted to make sure it wasn't going to be a two-for-one transferability requirement as we have with the permits; instead it was going to be a one-for-one transferability of endorsements.

Two people also mentioned that with regards to Action 1, the golden tilefish endorsements, that if they had received both – if they qualified for both the hook-and-line endorsement and a longline endorsement, that they should not have to choose between the two as we have written into the amendment right now, but instead that they should be able to receive both of those endorsements.

With regards to Action 4, which is the change in the start date for golden tilefish, there was overwhelming support for a start date of January 1st. There was one hook-and-line person who favored an August 1st start date, but overwhelming support for no action. Right now the preferred alternative is August 1st.

With regards to Action 5, which has to do with the trip limits, we didn't receive much comment on that. One person was in favor of leaving things as is, 4,000 pound trip limit until 75 percent of the quota is taken and then the 300 pound trip limit. Several people, though, mentioned that perhaps what was appropriate was a separate trip limit for longline versus hook and line. Right now there is no differentiation, but perhaps what we should have is a 4,000 pound trip limit for longline and a 300 pound trip limit for hook and line without the step-down.

With regards to Action 6 we only got one comment, and that was one person favored the no action alternative. Action 6, if you recall, was the trip limit for those who do not receive an endorsement.

And then we move into the black sea bass actions, Action 7, 8 and 9. There were several people, five against limited participation for black sea bass; three were in favor of limited participation; and then there were others in favor of specific limited participation alternatives. Several people thought that no more than 40 boats was appropriate. One person was in favor of the 5,000 pound requirement. We had basically preferences kind of all over the place.

One person wanted the 2008 control date used, another 2005, and then other people wanted 2009 or later, so 2009 or 2010. With regards to Action 8, which was limiting the number of pots per vessel, three people were against pot limits; five were in favor of 25 pots; one person was in

favor of 40 pots; one person was in favor of 100 pots. In general, most people were for some sort of pot limitation.

With regards to Action 9, which had to do with the potential for ghost fishing, two people were against any restrictions on when they had to bring the pots in. Eight were in favor of bringing in traps at the end of the trip, and that's Alternative 2, which is the preferred alternative at this time, so it had overwhelming support for that.

And then we move into the data improvement actions. With regards to Action 10, there was one person in favor of electronic logbooks, one person against electronic logbooks. Two people were in favor of the electronic version of the logbook online. One person noted that they don't have a computer and they don't want to have to spend the money to get a computer.

They also spoke that they didn't want electronic logbooks because they're unable to weigh the fish on board vessel. Yes, they can estimate but unable to submit accurate data. And then we got a letter from North Carolina, and they gave some advice on the possible data improvement actions and some things with regard to the SAFIS software and the SAFIS system, and I can go over that when we get to that action.

With regards to Action 11, which was the for-hire data improvement, a couple people mentioned that for-hire vessels are already reporting electronically, and three people were in favor of a logbook for discards.

MR. CURRIN: Questions for Kate on the public comments that we received? All right, thank you, I see none. I guess we'll move into the amendment, Attachment 4, and I believe we'll begin on PDF Page 35. It's the golden tilefish participation limitation.

MS. QUIGLEY: Action 1 is limit participation in the golden tilefish fishery, and we're going to go through Chapter 2. Of course, the actions and alternatives have not changed – because we did public hearings so nothing has changed since that time.

If you recall, Alternative 2 is implement an endorsement program for golden tilefish, and there are a series of alternatives having to do with hook and line first, several. And you have a preferred, which is a 2A, which is to receive a golden tilefish endorsement, you have to have landed 1,000 pounds with hook-and-line gear when the individual's best three of five years from 2001-1005 are aggregated.

MR. CURRIN: Okay, and we received some public comment or we heard some comments from fishermen last night in the session with Roy regarding that. I think the AP had some recommendations as well and Kenny will let us know those.

MR. FEX: Yes, at the AP meeting they were for a longline endorsement, but they wanted to wait until the new assessment come out. There was a discussion about a hook-and-line endorsement that we never approved on that. We did recommend that the longline endorsement be transferable if it did come to that, so that way you could allow for new entries. I figured I'd let you know that.

MR. CURRIN: Thank you, Kenny. All right, what is your pleasure? We've got a preferred here, Subalternative 2A, which is must show a harvest level of a thousand pounds with hook-and-line gear when the individual's best three years of 2001-2005 are aggregated. Again, there were a number of comments from people about that set of years being restrictive. It did not consider recent landings. I share some of those same concerns. Roy.

DR. CRABTREE: Well, one concern I have with it is in the opening paragraph of the alternative has the statement that individuals that meet the qualifying criteria for both hook and line and longline endorsements only receive one endorsement. I know we passed a motion to that effect at the last meeting; but having looked at this, I think that needs to be structured as an alternative and fully analyzed.

I think it is a significant decision because it's my understanding there is at least one vessel that does qualify for both endorsements, and so we would be excluding somebody from a fishery they've historically participated in and I regard that as a significant decision that I think to comply with NEPA needs to be treated as an alternative and fully analyzed. Particularly, we need to explain why that needs to be done, so I think there needs to be some restructuring with that as an alternative.

MR. CURRIN: Everyone okay with that advice from Roy? I'm seeing heads nod in the affirmative there. Just keep in mind the title of the action is to limit participation, so I think there is some justification for that approach, but I think Roy is right. Brian.

DR. CHEUVRONT: So it sounded to me like it would be a cleaner thing if we just went ahead and made a motion, which I will do, and that is to create an alternative that looks at whether vessels should be limited to just one endorsement or the other.

MR. CURRIN: Okay, motion by Brian; second by George. I think, Kate, you understand. I envision two subalternatives; basically one that says you can only have one and one that says you can have two if you qualify. Ben.

MR. HARTIG: Just some discussion; I just would like to know how the rest of the council feels. I've thought some about this. There is only one and possibly two individuals that may meet this qualifying criteria; and if it's only those two individuals, maybe it's not worth dealing with this in this amendment, and we could remove this and not have it analyzed. I don't have any heartburn over it if it's only going to be the one or the two individuals.

MR. CURRIN: Well, I think the risk you run, Ben, if we don't do it now, we're going to potentially set an endorsement system that is going to exclude those people or not, and then it's going to be I think more difficult to try to add them back in or give them another endorsement. That's the way I would read it initially. Roy.

DR. CRABTREE: Well, I think what Ben is talking is to remove that statement that you can only qualify for one or the other; and that way if someone qualifies for both, they get both endorsements.

MR. CURRIN: Okay, I misunderstood.

DR. CRABTREE: And I think you could do that; is that correct, Ben?

MR. CURRIN: Yes, that would be one option. It is up to you and then people that qualified for both would get them. If we add the alternative, then we could decide whether they did or did not get two. Brian.

DR. CHEUVRONT: If striking that language will just go ahead and make it easier for that to occur, then I would be in favor of withdrawing of this motion and just give direction to staff to remove the language that references qualifying for just – for being allowed to obtain just one endorsement.

MR. CURRIN: Well, I just asked Kenny again and the AP thought about this and offered some advice and they felt that it was unfair from their viewpoint that somebody holds two endorsements. We've had advice from them to at least consider that. My preference would be to pass this motion and have those alternatives available for selection, but it's up to the committee. The motion is before you. Further discussion on the motion? **Is there objection to the motion? I see none; that motion is approved.** Charlie.

MR. PHILLIPS: A technical question, I guess; the AP asked for not to have endorsements until after the SEDAR. If we did what they asked to do, when would be the next opportunity to bring endorsements to this fishery?

MR. CURRIN: Is that right, 2012 is when the assessment is, so sometime after that – 2011, thanks, Kate, so sometime after 2011, so 2012, early '13 when it would be implemented.

MR. PHILLIPS: And, Kenny, do you think the AP – is that what they envisioned, waiting a couple of years and see how it falls out?

MR. FEX: I think they envisioned that because they were hoping on a better assessment and a larger number of fish, so then that way the season wouldn't close. That's what I think their initial intent was for that, that they were hoping on a better assessment, I believe.

DR. CHEUVRONT: That certainly is appealing from our perspective as well because we've got this stock off of North Carolina that we really don't know a whole lot about. Right now we don't know if it's a stock that can sustain harvest. We don't really know much about the characteristics of it. We just know that there are some big fish out there right now. The issue, of course, is that based on the way this endorsement is set up, we're going to have very, very few guys from North Carolina, maybe only one or two who will actually qualify for an endorsement.

I'm hearing a lot from the fishermen that they're concerned – and we heard some last night as well that they're concerned because they're going to get shut out of the fishery potentially when there is a stock just sitting right off their coast that they're not going to be allowed to touch. We just don't have the information we need yet at this point to help us determine whether that stock should be allowed to be fished continuously or not.

MR. CURRIN: Well, we currently have preferreds for establishment of a hook-and-line endorsement and a longline endorsement; so if that's the desire of committee to defer this until after the assessment, we need to consider changing those preferreds. Brian.

DR. CHEUVRONT: Just to get the discussion going, I'll go ahead and make a motion that we delay action on establishing endorsements until after the SEDAR stock assessment.

MR. CURRIN: **So I would interpret that as a motion to select Alternative 1, the no action alternative, as our preferred** or we could remove the actions if that's what you want, but initially that would probably be the cleanest.

DR. CHEUVRONT: That's fine; that would allow us to set Alternative 1 as the preferred.

MR. CURRIN: Motion by Brian; second by Charlie. Discussion? Roy.

DR. CRABTREE: So, if the motion passes we would be taking this out of Amendment 18, and then we'd have to figure out where to put it. I assume after the assessment, we'll then do a plan amendment that will include this and do whatever else the assessment indicates needs to be done.

MR. CURRIN: I believe that would be the proper course of action. Further discussion on the motion? Ben.

MR. HARTIG: Yes, it does concern me quite a bit. In 2005 is when I brought this before the council. It will be 2011 in another 20 days. We have three boats that got into the longline fishery in my area last year. There is another one that geared up this year. I don't know what is happening in other areas of our jurisdiction.

I talked to the guys from North Carolina last night. If we went ahead and went through this and did it, I asked them if they would put together a CRP to look at the distribution and availability of golden tilefish off the North Carolina area so we would get some data from that fishery if we got an approved CRP, so that's possibly one way to go to see if North Carolina actually has a fishery that can be prosecuted.

I don't know; it's a tough one. It's tough to put off for three more years and to get the additional effort in the fishery and then have to go back and knock those people back out of it again, because we're already dealing with a couple of people who have got in in the last two years, so we're going to be dealing with more people. But I am a little sensitive to the assessment. I don't think – well, I'm not going to say that because I have no idea what the assessment is going to say.

MR. ROBSON: And I have the same concerns that Ben does. We're hearing in Florida that there could be some continuing increase in effort in particular with all the other things that are going on in other fisheries. In the timeframe of waiting, we're going to potentially be set with the problem of having to deal with more participants that may not be able to stay in that fishery or may be restricted. I think we need to do something.

DR. CHEUVRONT: I believe it was in December of 2008 we set a control date for participation in this fishery. Is there some way that we can invoke that control date to limit the participation in the fishery until we get this issue resolved of getting the SEDAR assessment? I'm not quite sure how we would go about doing that, but I'm sensitive to Florida's concern about more people getting into the fishery because that's the same issue we have in North Carolina with people getting into the black sea bass pot fishery.

More people are getting into it and we have a control date that this council has selected as their preferred and yet we have more people getting into that fishery, so we have the same concern here. I'm just wondering if there was some way that we could invoke that control date and then to limit the participation in the fishery to the people who were participating in it prior to the setting of that control date while we resolve this issue.

DR. CRABTREE: I think you can set another control date if you want to, but I can tell you it's always difficult even with control dates to eliminate people from a fishery once they get into it. Mac, I thought the motion was to remove this action from the document, but that's not what it is.

MR. CURRIN: Well, we could do that. I'm afraid that we might run into some other snafus down the road, so this is a more step-wise approach to it that I thought may be the best way. It may turn out to be a wash, Roy, but just so we don't have to start adding things back in. I think at the end of this that's where we're going to be, but I just want to make sure that we're not eliminating something that we might want to consider. Monica, did you have a comment to that point as well?

MS. SMIT-BRUNELLO: To Brian's point I guess in terms of control dates. The control date is really notice to the public that the council is thinking about limiting access or entry or effort of whatever in the future and that anyone who gets in after that date should be on notice of that, but the council may or may not use that date.

It does give notice to the public, but you also have a lot of flexibility as to whether you want to use that date or not, so that's one point. The other one is the Magnuson Act, Section 303(b)(6) discusses when you establish limited entry or access systems, you should do so in order to achieve optimum yield – that's your focus – and the council and the secretary – I'll read it now – shall take into account; (a), present participation in the fishery; (b), historical fishing practices in and dependence on the fishery; (c), the economics of the fishery; (d), the capability of fishing vessels used in the fishery to engage in other fisheries; (e), the cultural and social framework relevant to the fishery and any affected fishing communities; (f), the fair and equitable distribution of access privileges in the fishery; and (g), any other relevant considerations. Those are all factors you're going to have to think about when you're limiting access.

I think the document right now – I have a few National Standard 5 concerns in that you can't have an economic allocation as the sole purpose of an amendment. I think that there discussions scattered here and there in the document about other reasons why you're doing it. There are some biological reasons and social reasons, but I think the document should be stronger to emphasize that this isn't purely an economic kind of action.

MR. GEIGER: Brian covered my question and Roy and Monica both contributed to it. The one concern I have is Dr. Crabtree's comment about even if you have an active control date, it's difficult to eliminate people who have come in after that control date from the fishery. If it's just a notice of intent when you establish a control date, if the council is going to look at the limited entry program in the future, I would submit the future is now.

We did that; we established a control date. We went through a lot of pain and effort to get all these actions in previous meetings put in here, and it was our intent to establish a limited entry program. I don't know; I'm not sure if the AP people – they may have; I can't speak for them and I don't know how it was presented; but if they knew we were going wait for another three years and there is potential for more people to get into the fishery, and it was the fishermen who came to us and wanted this limited entry program established to begin with; I don't know, I'm not going to support it. I think we should move forward with the limited entry program and the work that we've done.

MR. MUNDEN: To address Brian's original question, my recollection is that at the Mid-Atlantic Council we have in the past set a second control date so participants who qualified – who have participated after the second control date would be restricted more, possibly, than those who qualified for the first control date. You don't abolish the first one; you just establish a second one. Monica may want to comment on that, but that is I'm quite sure the way we done it at Mid-Atlantic.

MS. SMIT-BRUNELLO: You could probably do that, Red. I would think that the council could go that route. But, Kate, isn't there an action a little bit later in this amendment that allows people who did not receive a golden tilefish endorsement to harvest a portion of the fishery I think it's a trip limit of some sort.

MS. QUIGLEY: Yes, that's true, that's Action 6. Also if you recall at the last council meeting a motion was made at the end of the full session to have a control date of September 2010 for the snapper grouper fishery.

MR. CURRIN: So there is a fresher control date that covers the entire snapper grouper fishery. Charlie, last word and then we're going to vote on this motion.

MR. PHILLIPS: I talked to Phil earlier and we will get SAFE reports next year, and that may give us enough information where we can make some kind of interim rule or know a whole lot more about than what we're doing right now.

DR. PONWITH: Mr. Chairman, I know you had selected someone else as the last word, but I think I heard someone say waiting for three years for an assessment, but it's my understanding that golden tile comes up in the assessment queue in 2011, so there would be new, fresh information available.

The other thing is it doesn't control the number of vessels coming into the fishery. What I heard last night was an issue of timing, that by the time the area where these fish exist in North Carolina are fishable due to the shift in currents, the quota has already been caught in the southern area.

Certainly, a stock assessment would be able to give you a feel for the breadth and distribution of those fish between those areas and what the full status of the stock is. But, prior to that some sort of management measure to break the ACL and influence the timing of when that is harvested is an interim measure.

MR. CURRIN: The motion before us is to select Action 1, Alternative 1, or set in Action 1 Alternative 1 as the preferred and that is a no action alternative that would not limit participation in the golden tilefish fishery. **All in favor of that motion raise your hand, 6 in favor; all opposed, 7 opposed. The motion is defeated 7/6.** Roy.

DR. CRABTREE: So where I am now, though – and I partly got this from last night – our current preferred under the hook-and-line endorsement at least cuts off at 2005, and maybe someone can refresh my memory as to why we cut out in 2005 and how are we taking into account present participation if that's the cutoff, because I don't recall.

MS. QUIGLEY: During the Golden Tilefish LAP Exploratory Workgroup, the guys had talked about their preference for an endorsement – specifically of a hook-and-line endorsement and a longline endorsement. With regards to the hook-and-line endorsement, they had talked about how they had not able to fish the past several years. When they traditionally entered the fishery – that's in September – they had not been able to fish the several years so they wanted to use earlier dates, so they thought what might be appropriate is 2001-2005 instead of later dates when they hadn't been able to participate in the fishery at all.

DR. CRABTREE: And they weren't able to participate because the fishery had been closed by then?

MS. QUIGLEY: Yes.

MR. CURRIN: That's correct. If you recall during that, we had a 300 pound trip limit that it went to at some point, which was supposed to allow the hook-and-line guys to fish but the longline guys continued to fish that 300 pound trip limit and it closed the season early.

DR. CRABTREE: Okay, can you tell me, Kate, with our preferred Alternative 2A how many vessels are excluded that would have qualified had we allowed that time period to go to 2008?

MS. QUIGLEY: I'm not sure I've analyzed that. Let me look at some of the later alternatives. I can tell you how many people are excluded under that particular alternation or subalternative.

DR. CRABTREE: Okay.

MS. QUIGLEY: And then we have others that do 1999-2008, which is pretty close; so if you take a look at PDF Page 134, that shows how many people actually qualify. As far as the people that do not qualify, you have to go down to Action 6, so let me go to Action 6 and Chapter 4 and give you a PDF page number. There is another table there that shows how many people are excluded under each of the actions. Okay, I'm looking at PDF Page 160. That's Document Page 4-31.

Under the first subalternative, which is the preferred, you have 23 people receive endorsements and 114 people that do not. If you go down to some of the alternatives that include 2008 numbers, so I guess I'm looking at Subalternative 2F says at least 1,000 pounds when best three of five years, 2001-2005, are aggregated and at least one pound was landed in 2008; so these are people who participated in 2008, but also had 2001-2005 landings, you get 13 people receive endorsements and 124 are excluded. That just speaks to the drop in hook and line participation in recent years.

MR. CURRIN: Other comments or questions? All right, we currently have a preferred, Subalternative 2A. Everybody comfortable with that current preferred; no desire to change it?

MS. QUIGLEY: Okay, so if we go back to Section 2 again and take a look at PDF Page 36, we've got the golden tilefish longline endorsement, and there are eligibility requirements. You have a preferred, Subalternative 2L, which is to receive a golden tilefish longline endorsement the individual must have a total of 2,000 pounds caught, aggregate, between 2006-2008.

Now they used later years because they saw that there were some newcomers to the fishery in 2008 when this group met and they wanted to make sure that they incorporated those newcomers into the longline fishery, so they used the most recent year that they had available, which was 2008.

MR. CURRIN: I think there is a little bit of confusion, Kate, with the numbers of those alternatives or the letters. In my document it's Preferred Subalternative 2L.

MS. QUIGLEY: Yes, if I didn't say that, I meant to say that. Preferred Subalternative 2L refers to the golden tilefish longline endorsement.

MR. CURRIN: PDF Page 36. All right, that is the current preferred. That's based on the years between 2006-2008, 2,000 pounds caught with longline. Everybody comfortable with that subalternative or that preferred, rather? Yes, George.

MR. GEIGER: Well, we've got a thousand pounds for the hook-and-line guy. We've identified here 2,000 pounds; but when you get down lower into the allocation and the division between the two sectors, there is a significant portion of the total allowable catch that is going to go to that longline component. Is 2,000 pounds enough; Ben, are you satisfied with that?

MR. HARTIG: Yes, I'll speak to that and Kate knows the details, also. Yes, George, that was a conscious decision they made to incorporate I think one or two fishermen that had attended the workgroup. They had relatively early landings and that was the only way that they would qualify is the only reason that level is so low.

MR. CURRIN: Again, that was the subalternative devised by the Golden Tile LAP Workgroup. Everybody is okay with that preferred? Okay, Monica.

MS. SMIT-BRUNELLO: I don't know there is anything in the document that says where or how people are going to prove their landings so that they would meet the eligibility for an endorsement. I'm assuming that you would be using the logbooks that were submitted to the Fishery Service.

MS. QUIGLEY: Yes, as of right now for the analysis at least and to provide the council with the number of endorsements we are using logbooks associated with a permit, so a permit's landings' history, so that is what would be used to qualify. However, typically this type of program has some sort of appeals process where you can show trip tickets, and we do not have that in the document.

MS. SMIT-BRUNELLO: That was going to be my next question is whether you wanted to establish an appeals process like you've done for other kinds of situations where you've limited the entry into endorsement kinds of actions. I think we could go back and look at what has been done in the past.

My recollection is that it's primarily NMFS logbooks if for some reason there was not a discrepancy but people could use their state trip ticket data if there were some logbooks that were missing. I'm getting it wrong, but I'll go back and look and see what we've done in past amendments, but I would think you would want to be clear in here what you're using to qualify people for an endorsement, so we could put that in the discussion. But also I would think you would want an appeals process as well.

MR. CURRIN: Yes, and we have done before and I think Dr. Crabtree has graciously agreed to be the decider during that appeals process. I'm sure he'd be willing to do that again if that's the way we want it. All right, do you want to take care of that now then, ask the staff to insert some language on an appeals process for those who feel disadvantaged by the use of logbooks?

MR. GEIGER: I make a motion that we add language based on previous amendments where we specify the regional administrator to be the arbiter of disputes or appeals.

MS. SMIT-BRUNELLO: So, Mac, I think you could give staff latitude to develop that and insert it. We could bring it as an action and maybe that would be the thing to do before the full council so that you can see it, but I think it should be an action in the document. I'll look at previous amendments. At least it has got to have a very good discussion and all that set out. As to whether it arises to an action, because I'm thinking for NEPA purposes you have the appeals process or you don't, and I don't know how you would analyze that necessarily. Maybe it's just a section in the document explaining how the appeals process will take place. I'll check back in other amendments.

MR. CURRIN: That is what I recall. George.

MR. GEIGER: I was going to say do you want to amend that to say add an action?

MR. CURRIN: Well, I think it's unclear right now whether we need an action or an alternative; and I think if we allow the staff the latitude to make that decision, we're okay.

MR. GEIGER: Well, are we going to get hung up if now we look back and see there were actions and we need to add an action or an action is necessary?

MR. CURRIN: That would probably be good.

MR. GEIGER: There you go, or an action is necessary, Kate, based on previous amendments.

MR. CURRIN: Okay, the motion is to add language or an action as necessary based on previous amendments where we specified appeals process. Further discussion on that motion? Second by Ben. Any objection to that motion? I see none; that motion is approved. Yes, Monica.

MS. SMIT-BRUNELLO: One other thing for the record, I assume that if it turns out that there are some people who qualify for both endorsements and you allow them to receive both endorsements instead of just choosing one, it's the council's intent that they only be able to fish under one endorsement with that gear type at a time.

It's something maybe you want to think about when you're looking down the road; such that if the person had hook-and-line gear on board and longline gear, I don't know whether you would want them – maybe it would be fine, I don't know, but something for you to consider as to whether they can have both kinds of trip limits for both gear at the same time.

MR. CURRIN: Good point, thank you. Why don't we take a five-minute break? Chairman Cupka reminded me that we have a public comment period at 1:45 today, and the feeling is that many of those people are primarily interested in Regulation Amendment 10. David suggested if it's okay with the committee; that after a five-minute break that we kind of suspend our actions on 18A and come back and get into Regulation Amendment 10 so that the public has a better idea of where we're going or where we end up or think we might end up with Regulation Amendment 10. Is that okay with everybody? It kind of makes sense to me at least to help inform the public a little bit more.

MR. CURRIN: Let's get rolling folks if we can. At this whirlwind pace, it was pointed out to me that as we finished the Comprehensive ACL Amendment we did not approve that for public hearing as we need to do. Before we get into Regulation Amendment 10, I would ask that we have a motion from the committee to approve the Comprehensive ACL for public hearing.

MR. CUPKA: I would so move, Mr. Chairman, that we approve the ACL Amendment for public hearing.

MR. CURRIN: Motion by David; second by Robert Boyles. Discussion on that motion? Any objection to that motion? I see none and that motion is approved. Thank you for pointing that out and catching that and hopefully anything else we've forgotten. All right, let's get into Regulation Amendment 10. There are a number of attachments and documents that were sent to you earlier, and I'm going to turn it over to Rick and Nick to start it out, and I believe that

John Carmichael has got a presentation of some hot-off-the-press results to introduce for us. I'll turn it over to John.

MR. CARMICHAEL: What I'm going to talk about here are the efforts to try and figure out what actions we need to do for Regulatory Amendment 10; starting with the ABC recommendation, looking into the reductions that are required to end overfishing and then evaluating the moratorium action.

The SSC reviewed the results of the assessment in November and recommended an ABC; and as per the control rule an ABC consistent with the rebuilding strategy chosen by the council. The council has recommended the rebuilding strategy for red snapper that is fishing at 98 percent of F 30 percent SPR.

The SSC looked at the wide range of runs that were considered for red snapper and considered all the recommendations of the review panel, and they focused in on the uncertainty associated with the fit to the headboat survey since we looked at different weighting values which were explored by the review panel and decided that they should recommend a range of ABC based on alternative weights for the headboat survey. And essentially choosing a higher weight for the headboat survey implies that the results are going to – Mark.

MR. ROBSON: John, I just have a question to clarify the use of the F rebuild. I presume that in the analysis of the new assessment those are projection criteria that the council established previously?

MR. CARMICHAEL: Yes, the council chose the strategy of 98 percent of F 30 percent SPR. Anyway, they picked the different weighting values to look at and requested additional projections that show what the harvest is under those weighting values. This then provides a range of ABC which is a range of what the total removals are.

The base model that came out, which was one of the plausible runs, gave total removals which would be equating to the ABC at 274,000 pounds; and then looking at these alternative ranges of weights of 0.2, 0.25 and 0.3, the range is 374 to 421, and then the table shows breakouts in terms of discards and landings, which is how the projections are developed.

As I said, the choice of the weights really reflects how close you want the estimated results to fit to the observed CPUE that comes out of the headboat. The headboat is recognized as one of the more reliable sources of information. It's certainly been discussed widely in this case. One alternative is to look at in terms of the 0.30, but you can still look at the whole range as well.

But part of the issue in that and in terms of trying compare that level of landings to what you might get out of a moratorium is that the moratorium requires that all fish be thrown back. Well, that then changes the selectivity of those fish which are killed, which is the relative amount at age that actually end up dying.

And as everyone at this table knows by now, when you change the selectivity of a fishery you change things like the absolute value of a reference point such as F 30 percent SPR. You change

the Fmsy, you change the yield that you would expect out of any given level of fishing, so that creates a little bit of an issue in trying to compare the effectiveness of a moratorium to a fishery which has allowed harvest, and it creates some difficulties in trying to figure out then exactly the types of reductions that you need and just how effective the moratorium is being.

The bottom line then therefore is that the ABC that you may achieve under a moratorium or that you may be allowed under a moratorium could be different than that which you would see under a harvest scenario. So one way of getting around this problem and trying to make sure that we're doing comparisons that are apples to apples was to calculate the necessary reductions in terms of a percent change in mortality.

So if you take the 98 percent of F 30 percent SPR and compare it to the current F using the weight value of 0.30, it comes out to a required reduction of 70 percent, and this is in keeping with what the council has been targeting for quite some time, looking across the range of those options that says you need a reduction of 70 to 75 percent to end overfishing and to maintain yourself on your rebuilding strategy which is a level that is below the overfishing limit.

So the science center looked at some moratorium projections which is accounting for the changes in selectivity and trying to predict what the moratorium may actually do in terms of reducing mortality and in terms of what yield it might actually give you and looked at a 10 percent effort reduction. This is the initial value that was talked about in the projections back during the assessment workshop time for SEDAR 24.

Those results show that moratorium does not end overfishing; however, there is a greater effort reduction that may end overfishing. This was a point of discussion at the SSC where they acknowledged a lot of the anecdotal information that has come forward in the testimony from those involved in this fishery that suggests the effort reduction could be quite a bit higher than 10 percent.

That leaves a bit of a question there is just whether you can end overfishing if the effort reduction is actually higher. So, one of the things that was noted earlier on, though, is that even at those moratorium projections the yield is less than the ABC that is predicted when you look at the predictions of yield under a harvest scenario.

It needs to be noted here – and this gets at some of the tables that are available in your Attachment 5B – is that that is an invalid comparison because of the issues with selectivity. So while that's kind of appealing, it is like a first cut to check the box and say we're done, but actually it's bit more complicated than that, which is what the rest of this is going to bet into.

So basically what that's saying is that the moratorium projections are not directly comparable to the harvest projections that are in Attachment 5A. We are now agreeing that the moratorium projections with the 10 percent effort are not going to be enough to end overfishing. Greater effort reductions might end the overfishing, and we're dealing with a considerable amount of uncertainty in both the assessment – those who are aware of it know the wide range of outcomes that the assessment suggested are possible – and that there is also going to be uncertainty going

forward into the future and we're not going to be able to directly compare the past to the future in terms of just poundage landings because of the changes in selectivity.

And what this is all really telling us is that a moratorium is a really hard thing to analyze. It's hard to stand at a place where you're allowing harvest and predict what a moratorium is going to do or you're not, and then it's especially hard in this case to consider something where over a 45-year rebuilding plan the moratorium is probably not going to be in effect for that entire period.

There will be at some point where you begin to allow harvest as you do under a lot of rebuilding plans, so the moratorium is essentially a temporary shift in the selectivity that would ultimately be expected and what the selectivity you expect to be at the time when you get to a rebuilt population.

And then you also have just the issues of how the data quality might change, and there are questions about relying solely upon just the reports of discards. Fishermen's behavior, as we've heard for quite some time, changes considerably. Fishermen also have the ability to avoid fish under a moratorium scenario.

A good example of this was when the council put in the moratorium on red pogy; and when the evaluations were done, it seemed that the moratorium actually ended up being more effective than was initially predicted when that was done, so a lot of these things can work in to make the analysis especially difficult.

Also, the bottom line then is that there is a bit of an experimental component to such actions. We know that when we look at this assessment again – and based on 17A's requirements, it sounds like we might be doing that in three years – we'll be able to look back and then have a good idea about what it did, but right now we're faced with the challenge of trying to look into what it is doing and knowing if it's doing enough for what we need.

So, the SERO has developed a decision model and it's pretty familiar to what you guys have seen where we looked at the various area evaluations and how effective they are, and that model suggested that the moratorium would provide a 66 percent reduction of the 70 percent that's needed. The model accounts for the effort reductions that you get from the regulation such as 16, 17A and 17B.

When you consider the range of the different of the different weightings, it suggests an additional 4 to 9 percent reduction is required. But then there are some questions about the moratorium evaluation of the effort and how much the model that has been forth reflects the actual effort reductions that have been going on in the fishery.

One of the points is that, as I noted, the fishermen report significant declines in effort, so the question is, is this reflected in the data. There is also a question about whether or not even if you have trends in the overall effort, has effort directed at red snapper declined? And when you're looking at things like the recreational fishery, it's kind of hard to know exactly where the effort is directed.

So to try and get a handle on some of this, we looked at the available data that we have, and this is the MRFSS estimates for 2010 are available through Wave 4, which is January-August. This provides us an ability – we can look at Wave 4 through 2010 relative to Wave 1-4 for the baseline period, 2007-2009.

So what this figures shows us then is estimate of MRFSS trips greater than three miles, so fishing in the EEZ, and it shows the blue line is overall trips, so this is all waves so thus it includes data through 2009, and then the red line shows essentially Waves 1-4, so we're seeing that the time series and the total trips taken during Waves 1-4.

And, as has been widely reported, there is a substantial decline in those trips when you look from 2007, 2008, and 2009 and continues on into 2010. This suggests that the trend that you see through Waves 1 and 4 is very consistent with the trend that you see in the full data looking at 2007-2009 along, so it would seem that evidence of reporting trips and reports of declining trips seem to be accurate and reflected in the data.

We also looked at this in terms of looking at just east Florida because the core area for red snapper is in the northern part of east Florida, and you see a similar trend, so there is not doubt that there has been a substantial decline in effort and has continued over a number of years. So the conclusion from this is that indeed the total MRFSS trips are in decline; 2010 is actually down 33 percent in EEZ regionwide when you compare it to the baseline period for this amendment of 2007-2009. 2010 is down 31 percent in east Florida alone.

And then I would also point out that a lot of reports from fishermen who are really in that core red snapper area have reported personal declines of up to 50 percent. I think clearly there is good evidence here that there has been a substantial decline. So some of the questions then to consider along with this are what the red snapper encounters, so can we focus a bit on red snapper specifically.

So a fisherman encountering fewer red snapper, lower effort would suggest that should happen, but is there also maybe a greater change? Perhaps they're avoiding red snapper as a result of not being able to keep them. Again, we can look at the available data for MRFSS in Waves 1-4. We can look at it and also point out that we have data for private, rental and charter, so these analyses don't reflect the headboat because that's collected through the separate headboat survey.

Just to refresh you on what you get from MRFSS, you get the landed fish which are Type A, the B-1 fish that are discarded dead and the B-2 fish that are discarded a lot. What we did in this analysis was just to look at what is the encounters of red snapper; the As, the B-1s and the B-2s, how many red snapper are fishermen running into in the area.

The bottom line of this it shows that in terms of encounters, if you look at the preliminary data for 2010 through Waves 1-4 and compare it to the same for the baseline, encounters of red snapper are down 81 percent. So you take 2010 and basically saying that they encountered 67,000 red snapper versus in '09 it was 286,000, '08 is 389,000, and '07 is 400,000, so that suggests between the changes in the effort and the moratorium there is quite a substantial

reduction in the amount of red snapper that fishermen are actually encountering suggested by the MRFSS data.

So, the question then is how do we incorporate this into other models that we've looked at, and it suggests that the observed reductions and encounters and effort might be greater than what was estimated in the initial decision model runs, so we'd like to try and account for that in some way. It's just trying to incorporate those 2010 observations into that model.

The question is, is the overall effort reduction in 2010 was greater than 10 percent? That seems to be the case. Are fishermen avoiding red snapper locations making moratoriums more effective? The encounter rate changes would suggest there is some possibility that is happening. I have a question about whether or not headboat or commercial fisheries are exactly similar to MRFSS, so we'll try to deal with that when we can. But the real bottom line, of course, is do these declines in effort provide enough savings to get you at least 4 percent and the 4 to 9 percent that's required to show that the moratorium can end overfishing.

And, of course, can we evaluate this quantitatively to provide some justification for the council to support the action? So to try and do this SERO staff revised the decision model. What they did was they took those actual observations of the reductions in the private and charter modes and put those into the model. So rather than taking just an estimate of what that might be, they actually input the observations and then used the estimates for the other components of the fishery, the headboat and the commercial components.

They converted it in pounds to maintain the consistent currency. They came up with breaking it out by modes and 88 percent reduction in charter pounds and 79 percent reduction in the private pounds. They said we don't know the commercial and headboat, we don't have the results in for those yet, so they let the model estimate what they would get out of those two sectors.

And this is what it gives us in the end essentially is account for the 79 and the 88, which I just mentioned, on the private and charter in yellow, the estimates for the commercial and the headboat, and it suggests that the total reductions could be as high as 77 percent, and the 70 to 75 percent reduction is needed to end overfishing, so this would suggest that the moratorium alone can end the overfishing.

Of course, it must be caveated carefully that as I just went through in the data from the MRFSS, a lot of this is predicated upon a substantial effort reduction, and not all of this is tied to the regulations because what we're observing in effort reduction is greater than what the model was predicting when it was simply accounting for the regulations.

So if that trend should reverse, if the economy gets better in the next couple of years and effort starts to go up, as people would expect it to, then some of that reduction that you're getting from those other sources affecting recreational effort will go away and you may be in a situation where perhaps the moratorium alone isn't enough to end overfishing.

But recall that we'll be looking at this in three years, and at that time we won't be relying so much on predictions of what the future might be but we'll be able to look back at what actually

occurred. So if the trends in effort change in a couple of years, obviously we'll be monitoring this and we'll be evaluating it.

But it seems at this time if they hold true at least in 2010, you can end the overfishing with just the moratorium. And if it goes up a little on effort in say 2011 and 2012, if you know from the projections, if we continue to get reasonable recruitment, the population is going to increase and the removal rates go up a little bit each year as you move forward. Now, obviously what we hope in terms of this overall rebuilding is that the increase in the population is faster than increase in things like encounters and thus discard, but that's what we hope for all of our projection scenarios. With that, unless there are any questions, this is essentially the conclusion.

MR. CURRIN: Questions for John? Thank you very much for all involved in crunching all these numbers in recent history, very recent history. No questions? Very well done. Roy.

DR. CRABTREE: Thanks, John, and that was a good presentation and I appreciate all the effort that you guys have put into this. I would like, though, to hear Dr. Ponwith's comments and if the center has had time to look through this and their views on it. My advice to you as the council this week is going to be – where we are is we've delayed the effective date on the closed area for 17A, and I think it will go in place June 1, Monica, is that correct, if nothing is done?

MS. SMIT-BRUNELLO: The snapper grouper area closure becomes effective June 1.

DR. CRABTREE: All right, and so clearly we have a lot more flexibility now in terms of what needs to be done, but I think it would be a big mistake for us to take an action at this meeting unless the center can sign off on it and unless the NOAA Office of General Counsel is comfortable with this; because if we get into something that we can't get through the system, then we're going to end up with a big 17A closure. I think it's really critical that we get comments from the center and Monica and make sure that everybody is on board with where we stand.

MR. BOYLES: Roy, to that point, with the delay to June 1, that's a 180-day delay, but there is a possibility I understand that could be extended for an additional 186 days; is that correct, strictly speaking, Monica?

MR. SMIT-BRUNELLO: Strictly speaking, if you've taken comment on an emergency rule, you can extend it for 186 days if your record supports the extension.

MR. CURRIN: Other comments or questions? Bonnie, are you prepared to respond and then, Monica, are you also prepared to respond to Roy's question? I know it's early and I don't know how long ago you guys became aware of all of this as well, but if you can respond, that would be helpful.

DR. PONWITH: Thank you very much, John, for the excellent presentation and also the people that contributed to it. It's clear from the presentation that there is a lot of uncertainty that we're faced with right here. We worked very hard with the data that we've got and the stock assessment that we had before us both within the stock assessment panel, review panel and in the SSC to take information and package together the very best scientific advice to this council to

make sure that could be used as the platform, as the basis for these very challenging management decisions that you're faced with right now.

In light of the uncertainty in the science, I think that it puts a heavy burden on the council to evaluate the scientific advice, the full suite of the distribution of the scenarios we maybe faced out there with the current benefits being afforded by the closure in making the decisions about – I mean that would be the closure of the directed take of the species in making decisions about whether an additional closed area is necessary on top of that.

And, really, what it boils down to is taking a look at those scenarios and what kind of assumptions we've made and how those influence our tolerance for risk, and right now that full sentence is the risk that we believe we've ended overfishing but have not, and so that I think is the real question. Those scenarios right now point that with the assumption that we made during the earlier part of the analysis that closing the directed take of red snapper would result in a 10 percent reduction in effort, and this was an expert judgment because we've never closed the take of red snapper before and it's difficult to predict human behavior.

John's presentation leads us to believe that the preliminary analysis of the effort based on the earlier MRIP waves is that effort is down below 10 percent and that there is also a decrease in the reported takes of red snapper. There is some concern that there is a disparity in the decline of effort relative to the decline of the take of red snapper.

If the decline is 30 percent and the reduction in take is pushing 80 percent, that implies either people are intentionally avoiding areas where they encounter red snapper because they can't take them and the 30 percent reduction in effort is bestowing an even greater reduction in the take of red snapper; or, it could show that there is a fairly sharp decrease in catch-per-unit effort, which would be, from a science standpoint, of concern.

Again, it's very difficult to assign attribution for those, but that's just an example of the type of uncertainty. I think I would summarize by saying that I think that this analysis is a fair analysis. It puts out to you the status of the science in the best way that we can characterize the status of that stock. It creates some uncertainty and how we deal with that uncertainty boils down to the tolerance for risk in setting the management measures.

I'll close at this point and then just say if you have questions about any specific elements of the assessment or of the interpretation of the assessment as we get farther in the discussions, I'm happy to chime in.

MR. CURRIN: Questions for Bonnie? Brian.

DR. CHEUVRONT: Bonnie, you made the comment just a moment ago about the reduction in landings could be a result of basically two things. One is that the fishermen are choosing to fish elsewhere and avoiding encounters with red snapper or it could be a reduction in CPUE. While based solely on the scientific data, we may not be able to answer that, but I think we're hearing an awful lot of anecdotal data from the fishermen that it's probably not a reduction in CPUE.

I mean, the fishermen, if they want to, they can go out and find those fish and we're still hearing about a lot of encounters. So I'm less inclined – and realizing that I'm not basing this on scientific data now, at some point the anecdotal data, while it's not scientifically verified, has to carry some weight because that's the only message we're hearing. We're not hearing from people that they can't find the fish. I mean even in North Carolina people are now finding the fish where they weren't finding them before.

DR. PONWITH: To that point, I agree; I'm hearing the same anecdotal information, and the anecdotal information is consistent. There aren't inconsistencies with last year versus this year's. It's fairly consistent. It's just one more element of uncertainty.

MR. ROBSON: And to that very same issue that Bonnie raised, apart from the anecdotal information that appear to not indicate any problem with catch-per-unit effort; was there anything in the most recent SEDAR assessment that indicated any concern through that process or any indication of some change or decline in catch-per-unit effort? I don't think we've heard about any of that.

DR. PONWITH: To the point of the data that were used as input to the SEDAR process, there wasn't a trend in change in CPUE.

MR. JOHN V. O'SHEA: Mr. Chairman, I apologize for not giving a heads-up on this question, but we had some incidents further north on this. I can't recall how MRFSS handles refusals on the encounters, if the folks refuse to open up their ice chest, and I'm wondering if was any indication of what the refusal rate – if the refusal rate has changed during the time period of the numbers that you've given, John. I apologize for not giving you a heads-up on that.

MR. CARMICHAEL: I'm not aware of any. I know that during late '09 and early 2010 there was discussion of that, and there were issues raised in some areas where people were just not really wanting to cooperate with the samplers, and I would think that would be reflected in probably a higher PSE.

MR. CURRIN: Other questions for Bonnie? Bonnie, I have one. My impression from your comments is that you're relatively comfortable with the stated caveats with the analysis that we were presented this morning. The one caveat that you made not concerning the current analysis that we just saw is reference to the model that was used to develop and provide the information we had today.

There were some assumptions in that model that early on as a basis in that model – have been used as a base in that model specifically regarding compliance and recruitment that were – I guess I'm using the right term when I say that they were somewhat liberal perhaps on the part of the council. Does the use of those prior assumptions cause any concern in the overall analysis?

DR. PONWITH: Well, I think the main thing is the future is now. Those analyses were run throughout the last several council meetings and they were based on assumptions in the absence of knowledge, based on expert opinion, and as we watch whatever decisions are made by the council unfold, we have an ability to check those assumptions against actuals.

To the extent that those are measurable, effort is infinitely measurable, and so right now what we have seen as an analysis of what we know about effort thus far in 2010 to test those previous assumptions, and we're finding out that those assumptions could use some adjustments. I think this is a smart way in the absence of concrete information – it's a very smart way to groundtruth those assumptions and determine whether we were on target or not and enable ourselves the flexibility to be adaptive if we find out that we were far afield in one of our assumptions.

MR. CARMICHAEL: At least with regard to the recruitment assumption, there was an adjustment made for recruitment previously, but that was to try and address what was seen as a good year class before we had estimates of it, and the models as they are now reflect the estimates coming out of SEDAR 24, which proved that there was indeed a very, very good year class.

MR. CURRIN: Yes, I guess my concern regarding recruitment, John, is that is a constant assumption from here on out, and no question that we did have a large recruitment and have had several events of recruitment over the last handful of years, but the assumption in the model is that recruitment is going to continue for the next two or three years. That's my understanding; correct me if I'm wrong.

MR. CARMICHAEL: It's expected that recruitment is modeled as a function of the spawning stock biomass; so as the spawning stock biomass grows the recruitment will increase in the future, so it's not strictly constant.

MR. ROBSON: And regarding the discussion of effort and the fact that you have directed effort towards red snapper, but there is some indication – and we've heard anecdotally – I think we've had some council discussion about overall economic declines. I think what my understanding is that with the moratorium and/or a closed area, we're looking down the road at one or two years and then having still some significant improvement in the situation where overfishing may be ended with whatever actions we take.

And so that one or two years, at least from what I'm hearing and seeing in Florida, is not going to be a significant change unfortunately in the economic situation over the next year to two years, and so I'm not foreseeing any real change in that overall economic picture particularly in Florida as far as a sudden change and increase and all of a sudden people buying boats and going out fishing and doing things that they're not doing right now.

MR. CURRIN: Yes, I think that's fair, Mark, to make that assumption up and down the east coast. It certainly would apply to North Carolina. Other questions for Bonnie? Then, Monica, we'll ask your assessment.

MS. SMIT-BRUNELLO: Well, I always like to hear some further discussion by the council, but what I've heard so far I think this is a viable alternative that is supported by the record and that you should consider. I'm not stopping you from considering it because I think legally everything I hear right now is that it's sufficient; so if you want to further discuss it, I think that's a great idea and get into the regulatory amendment.

MR. CURRIN: Okay, thank you. Other comments or questions for Bonnie or Monica? They'll be here in case things come up. All right, I guess we can thank you, John, and all involved in putting this all together for us at the last minute. I guess we can move into Regulatory Amendment 10 then and start trying to make some decisions to move this along. Mark.

MR. ROBSON: Are we ready to look at actions and select a preferred?

MR. CURRIN: I think that's where we're headed with this. Rick, are we going to let you direct this? That was my understanding, to walk us through this.

MR. DeVICTOR: I can point out in the document where the alternatives are and we can walk through those. The document was sent to council members on Sunday night, I believe, and it's posted on the council's website. Once you find that document, it's PDF Page 18 where there is a table of the alternatives. The detailed maps and coordinates of the alternatives are following this table, but I believe that this table provides a good summary of all the alternatives that are considered in the amendment. I'll wait until everyone can get there; again, PDF Page 18.

MR. CURRIN: And that's Regulatory Amendment 10, the 12/05/10 version, Rick, that we're looking at?

MR. DeVICTOR: Yes, that's correct.

MR. CURRIN: Everybody found that? It's not an attachment.

MR. HARRIS: Is it under the snapper grouper folder?

MR. CURRIN: Well, it depends on where you put it because I think it was e-mailed to you.

MR. DeVICTOR: Yes, it was sent to the council members, but again it's also on the website under Snapper Grouper Committee, I believe, under new materials, towards the bottom.

MR. CURRIN: And the title is REGAMEND 10, underscore –

MR. GEIGER: 122 pages, Rick.?

MR. CURRIN: – the date; it's a PDF File. Let's make sure everybody finds it. Mark.

MR. ROBSON: Well, I found it. I'd like to make a motion that we adopt Alternative 11 as our preferred alternative.

DR. CRABTREE: I would think that's out of order. We need to go through the alternatives and understand all the implications of this rather than snapping to a decision before we've even gone through the document.

MR. CURRIN: And I would agree. Mark, if you can hold that for a minute and let us at least go through – this is all relatively new material to everyone, so that motion is not accepted by the chairman.

MR. ROBSON: I'll withdraw the motion.

DR. CRABTREE: And if I could just make a comment; so this went out, I know as Rick said, Sunday night, and so you haven't had a lot of time with it, but really it's not new compared to what you've been looking at. We've looked at and evaluated a wide range of area closure alternatives that encompasses everything that you're going to look at here in Amendment 17A.

Most the analysis that has been done is based on the same model with the same assumptions and things that was used in Amendment 17A. What has been done, though, is it has incorporated information from the new assessment and updated the baselines and the landings and all of that kind of information, but basically everything in here would fall within the range of the closed area alternatives that you looked at in 17A and that were evaluated in that environmental impact statement. I don't think any of this is going to seem new or foreign to you.

MR. CURRIN: Yes, the primary differences I looked through and it's pretty obvious is that the lengths of the closures have been changed/alterd in a variety of possible monthly closures – have been presented as alternatives based on a variety of depth contours – areas based on depth contours. As Roy indicated, all the grids are the same. There are various combinations of alternatives for grids to be considered under various time period closures – temporal closures.

MR. DeVICTOR: Well, I'll just point out a few things. You've already started to go through it, but, yes, Alternative 1, again as Roy said, is the 17A closure that would go into place June 1st. That's a 98 to 240 foot depth closure year-round. Then Alternatives 2-10 all look at a smaller sized closure and various combinations of logbook grids. The depths are 98 to 240 foot for all the alternatives except one, which is Alternative 6 which actually goes inside the 66 foot, and that actually increases the size of the area from about 4,820 feet to 10,000.

So, going to 66 foot actually increases the size of the closed area quite a bit. Then you can see the length of the closure, and so it would be changing the no action which the closure goes year-round to a certain set of months. The basic tradeoff with these alternatives is you can have a longer closure but a smaller box, so to speak, and a larger box and a shorter closure, so that's the tradeoff between the various alternatives.

You can see Alternative 5-10 actually stepped down the closure in terms of size in two years, so you see the first row; the first year that this would go into place, you have a certain size closure during a certain season; and then the following years that closure would actually get smaller or shorter in length.

Alternative 11 is actually not to put in a closure, and that's something you've talked about here, so you can certainly choose that alternative amongst these. Then there are certain provisions that if you scroll down to Alternative 12, 13 and 14; again, you've talked about this at length with Amendment 17A, who do you allow fishing in the closed area, so Alternative 12 would allow

harvest with black sea bass pots; 13 would allow harvest with spearfishing gear; and 14 deals with transit. Okay, you can transit with snapper grouper species if gear is stowed, and you cannot have red snapper.

MR. CURRIN: And, Rick, just as a point of clarification, all those alternatives, 12, 13 and 14, are in 17A so they would – unless we alter them at this point or request that they be altered, they would still remain in effect when 17A is implemented; is that correct?

MR. DeVICTOR: Well, the team talked about this and we thought we'd have the alternatives here; and then if you do choose a closure, that you could certainly choose these preferred alternatives, just in case if you want to talk about – if you want to modify the transit alternatives, because you are dealing with either a shorter closure or smaller closure, you may want to reconsider these provisions here.

And then the final action, if you scroll down even more, is what we call sunset; and sunset, what that means is actually when the closure would go away, and certainly this question has come up time and time again is when can this closure go away, and again I'm talking about the square box, snapper grouper closure here.

So we included alternatives here; so if you wanted the closure to remain in effect, you'd certainly go with Alternative 1, so that would keep that in place until you changed it through a further amendment. Alternative 2 would have it expire in 2012; Alternative 3, 2013; and Alternative 4, 2014.

The thought behind Alternative 4 was that possibly you could have an assessment that would go into place, if an assessment could be done, and that would be about three years down the line and then at that time you could re-evaluate if the closure should go away at that time. So if you decide to go with a closure, you certainly could choose Alternative 1-4. I think if you go with Alternative 1 you may want to move this to the rejected alternatives' appendix instead of going with Alternative 1. That may be a cleaner way of doing it.

Those are the alternatives in the document. I'll say when you start to go through this and feel a closure should go into place, we have a ranking of these alternatives in terms of social impacts, biological impacts and such, so I can certainly point that out to you when you go through these alternatives.

MR. CURRIN: Okay, questions? Roy.

DR. CRABTREE: Well, I think as you decide what you want to do with this, you need to have a pretty careful consideration of the various risks involved. And as Bonnie pointed out, there are a lot of uncertainties here. I think we need to be very careful about building a record here for whatever choice you make and how you've gone through it, so we need to be careful and thoughtful.

MR. CURRIN: All right, how do you want to proceed, folks? Mark.

MR. ROBSON: Well, so that we can have some discussion and maybe build that record, and in light of the presentation that we just heard, I would like to go back to my motion and the motion would be to select Alternative 11 as the council's preferred alternative, the committee's preferred alternative. I can elaborate on that if there is a second.

MR. CURRIN: Motion by Mark and second by Duane to select Alternative 11, which is a moratorium on the harvest of red snapper, as a preferred for Regulatory Amendment 10.
Discussion? Mark.

MR. ROBSON: Just briefly; I think this council has taken a number of steps to try to ensure that we're ending overfishing of this red snapper fishery in the Atlantic, and we have no harvest commercial or recreational in place. We've continued to get more and more updated information. We've made a real effort to get the updated assessment done.

It seemed to corroborate what we were hearing, that there have been improvements in the fishery. We know there is a huge economic impact to everything we're doing, and, of course, we want to try to minimize that but still end overfishing. In looking at the analysis tools, not only the analysis tool of looking at the large area closure – and there is uncertainty and I think we all acknowledge the uncertainty of that tool, but there is also uncertainty even in the assessment.

There is uncertainty in the landings' data; there uncertainty everywhere. But in the careful evaluation that the staff has able to do, I think it has given us enough indication that we can reasonably expect to be able to end overfishing with the moratorium. In light of the fact that we're a council and I understand our obligations to end overfishing, but I think we also, as part of our operations, use adaptive management, and this is a case where we're going to continue to have more and more information on this fishery, and we will be able to adaptively manage, so I think it's perfectly appropriate.

And I'll close with one final comment. I think eliminating this closed area, although I'm sure it won't make the fishermen entirely happy, I think that it would do a lot to restore some of the faith and good will of the fishermen throughout the southeast in our process. And the fact that we're going to continue to examine information as we get it and that our goal is try to build this fishery back up to a very high level of sustainable harvest and not to put people out of business and not to just hurt people, because there is some impression that's all we really want to do.

And I think getting that goodwill back will enhance compliance, it will enhance support for the future things that we need to do to manage the red snapper fishery; because it's going to have to be a very restrictive management program from here on out, I think, and I think it would be a tremendous benefit to get that kind of support and buy-in back from the fishing community.

MR. CURRIN: Other comments, and I know Kenny is here with – the AP looked at this as well, I think, and have a recommendation.

MR. FEX: Yes, actually we discussed it but we didn't actually vote on it or whatever; but in consideration I believe the AP would be for this motion by all means, especially a lot of the fishermen are from Florida, so I would definitely support this motion.

MR. BOYLES: Question; Rick referenced a stock assessment in the future; can you remind me when the SEDAR Committee had recommended the next red snapper stock assessment?

MR. CURRIN: 2013, David said. Duane.

MR. HARRIS: Just to build on what Mark said, I listened very carefully at what John and Bonnie and Monica said today, and I didn't hear anything from any of them that suggested that closed area is still needed, so that's why I seconded the motion. I'm going to vote for this motion. I think it's the right thing to do and I think there is very strong support in the record for doing that.

DR. CRABTREE: Well, it's a difficult decision, and I guess what we're weighing are the risks involved if the overfishing doesn't actually end, and then where I think that leaves us is that we potentially come back in 2013 and 2014 and discover we have to do more, and I think everybody understands how difficult and painful that would be at that point.

On the other hand, we're certainly in some of the worse economic times that even though some of you folks are awfully old – George, particularly – but I think it's fair to say that we're in the worse economy probably anyone sitting at this table have seen in their lifetime, and there certainly is a high level of sensitivity to jobs and the hard economic situations people are in.

And I guess, Bonnie, my understanding is we're not going to get a full benchmark assessment until 2013, but we do have a new fishery-independent survey program that went in place this year, and so are there things that we could build into this that we could ask you to provide us along the way that are short of a stock assessment but that might give us some insights as to whether we're succeeding or not?

DR. PONWITH: I'm glad you asked. The answer is actually yes. In speaking with the stock assessment scientists, one alternative that we have to be able to monitor our effectiveness in reducing fishing mortality in the interim, short of a full benchmark, is to look at those two very strong year classes that we are experiencing right now and we have spoken about at length. As you know, the age distribution of this population has been something that we've talked about a great deal. The age distribution ain't what it used to be. It's skewed to the younger fish. Our fishery-independent survey that we've spent this year collecting data on the first year has actually borne that out, that we are seeing a younger population.

The fishery-independent survey strongly corroborates the age distribution that the stock assessment model has demonstrated and our fishery-dependent data collections prior to the ban of red snapper have shown, and that is a very strong year class. If we were to sample, looking for those large fish, the amount of sampling it would take to find them and discuss their contribution to the population with statistical precision would be very high.

Conversely, if we sample those two strong year classes, because they're at the mode of the distribution, there are a lot of them out there, it begins to be very easy to pick them up in our fishery-independent sampling. What we would propose to do is sample those two year classes

and actually track their progress from their current age classes into the future; and from their distribution be able to calculate a mortality rate.

That mortality rate would have imprecision associated with it, but I think would be a very good indicator to tell us whether we were in the ballpark of what our desired reduction in the fishing mortality rate is. So I think we have a very good tool that we can use in addition to tracking the changes in effort and the other information that we're looking for in discards to be able to kind of monitor what our progress toward our goals are.

DR. CRABTREE: And I think we definitely ought to do that, and I think we ought to talk about when the center could deliver some sort of report to us that could then go to the SSC and come to the council; and I think if we could agree to some sort of schedule for that to happen and kind of build it into the amendment, that that would strengthen our argument and our record in terms of what we're doing. Bonnie, could we get some sort of report do you think from the center at the end of the year?

DR. PONWITH: We have preliminary 2010 data right now, but our first data point of the status of that year class isn't going to be overly informative in terms of a mortality rate. We'll be gathering additional data in 2011 to go to this, but there again what you'll have is two data points.

DR. CRABTREE: Right, and what I'm wondering is if you guys could deliver us either at the end of the 2011 or early 2012 some sort of report that we could then have the SSC review and we could look at it, say, in 2012?

DR. PONWITH: We can deliver a report. Whether a trend at that point is going to be adequate for strong inferences remains to be seen, but we absolutely can provide a report that shows what those data look like.

DR. CRABTREE: Yes, and I think that's understood, that it will be much more uncertain than a stock assessment, but I would suggest, Mac, that we put into the regulatory amendment that the science center will deliver to us early 2012 a report based on the fishery-independent sampling, which we will then submit to the SSC and review at our March meeting or something like that.

MR. CURRIN: Is that a motion, Roy?

DR. CRABTREE: Well, we have a motion on the floor. I don't know if you want to dispense with this first and come back to it.

MR. CURRIN: Yes, let's go ahead and dispense with this motion because we're getting kind of around – we certainly need more discussion on this, but further discussion on this motion?

MR. CUPKA: Yes, it's related to this motion and I guess in some ways related to what Roy has been talking about in trying to build a stronger administrative record for the regulatory amendment. Roy reminded us earlier in his comments that this wouldn't go into effect if we

were to choose a closure – and I'm in no way advocating that, but no action is going to happen until the 1st of June and that he would like to hear from Bonnie and Monica.

I guess what I'm wondering and maybe want to ask Bonnie is if by delaying this – we've got at least one more council meeting and nothing is going to happen until the 1st of June; does that in any way make a stronger record for this regulatory amendment – it's the same issue I think Roy was touching on just a minute ago in his remarks – or is there anything else that if we were to wait another council meeting to do something like this, that it would give an opportunity to build a stronger administrative record?

DR. PONWITH: That's a good question, and the answer that bubbles to my mind right now, it wouldn't give – that amount of time wouldn't give anymore clarity in terms of the year class and our understanding of the fishing mortality rates based on that. It would still be too early in that trend to be able to look at that.

The thing that it would us more clarity on is the full suite of the fleet and what the effort reductions were, because by the next council meeting we would have at least preliminary numbers for the full calendar year '10 on commercial and recreation effort.

MR. CURRIN: Roy, do you have something to that point?

DR. CRABTREE: Yes, the other problem with that, David, is we meet in March – when in March next; does any anyone – that's cutting it awfully tight. We need a rule effective by June 1, so we would have to publish a rule by May 1, Monica?

MS. SMIT-BRUNELLO: Most likely, yes, you should have a –

DR. CRABTREE: And this isn't something –

MS. SMIT-BRUNELLO: Most likely.

DR. CRABTREE: – we want to waive comment periods on, so I think that would be tough to do. Bonnie is right, we would have a couple more waves of MRFSS data, but I think John made a pretty convincing case that the trends for Waves 1-4 pretty accurately reflect the trend for the year. So that would make for a difficult timeline in terms of a rulemaking.

MR. CURRIN: George.

MR. GEIGER: My question was really – David asked it and Roy just put the coup de grace to it, so I guess I don't have anything to do except maybe lay down in front of him; so when he talks again, he can kick me.

MR. CURRIN: Further discussion on this motion to select Alternative 11 as our preferred alternative in Regulatory Amendment 10? **Is there objection to this motion? I see no objection; that motion is approved.** Now, Roy, go ahead and I'll let you make your motion.

DR. CRABTREE: I would move that we add some discussion in the document that the council will request that the Southeast Fisheries Science Center provide us an interim update on the status of red snapper in early 2012 and that that be reviewed by the SSC and made available at the council's March meeting.

MR. CURRIN: Motion by Roy and second by David to request that the science center provide an interim update on the status of red snapper early in 2012. Discussion on the motion? I just have one question, Bonnie, and I guess it's for you. I know or I'm under the impression that the fishery-independent sampling effort that was begun this year – as I understood it was to target primarily these deepwater areas with longlines – and my question is are you comfortable with that approach to monitoring the recruitment of these younger year classes, which I'm under the impression again are a little more shallow; or, are you going to modify your sampling frame and effort to target those smaller fish inshore?

DR. PONWITH: The targeting of the deepwater kind of shelf edge population or subset of the population was only one small component of the overall fishery-independent effort. The fishery-independent sampling is much, much broader than that, so we're confident that the sampling regime that we've established is going to do a good job of getting a cross-section of the – and do a good job of getting a representative sample of what is out there. So that coupled with that latitudinal sample that we were doing I think we're going to have very good data for that.

MR. CURRIN: Thank you very much. Okay, other discussion on this motion? **Any objection to this motion? I see none; that motion is approved.** Yes, Duane.

MR. HARRIS: Mr. Chairman, since this motion to select Alternative 11 has passed; do we need Alternatives 12, 13 and 14 now? I don't think we do because they were tied to the closure. If we don't, I would move that we remove Alternatives 12, 13 and 14 from the document.

MR. CURRIN: Rick, to that point.

MR. DeVICTOR: Yes, and I think that this would also apply to the second action, the sunset, too.

MR. HARRIS: So, Mr. Chairman, I would include the sunset provision action in that motion.

MR. CURRIN: **Okay, motion by Duane; second by Robert to remove Alternatives 12, 13 and 14 and Action 2 regarding the sunset provisions, put them in the appendix. Discussion on that motion? Is there any objection to that motion? I see none; that motion is approved.** All right, what else do we need to do with Regulatory Amendment 10 at this point? Monica.

MS. SMIT-BRUNELLO: Well, at least when this gets to your consideration at the council, you should be looking at proposed regulations, which will be provided to you. I know Scott is here and he can send that so that you could deem those as necessary and appropriate to implement the regulatory amendment.

MR. CURRIN: And we think we'll have that by full council?

MS. SMIT-BRUNELLO: Oh, absolutely, you'll have it before so then you can look at it before full council and then you can take action at full council.

MR. CURRIN: Okay, is there anything else on Regulatory Amendment 10? We do need to approve this I guess for submission or recommend that the council approve it for submission. I just have one comment to say. I was very impressed with John's analysis and everybody involved in that.

I guess my biggest fear was that whatever analysis was brought forward today was going to end up leaving us kind of on the cusp as we have been the entire time as we've considered red snapper. Understanding that the necessary reduction was on the order of 70 to 74 percent and then seeing the assumptions or the analysis that was presented to us today – and even with the caveats and understanding those assumptions, which I think we've had some good conversation about from Brian and Mark about how the economy can go a long ways toward explaining some of those, we ended up with an estimated 77 percent reduction from that action. It's encouraging to me that it's not at 70 or 74 percent, so we've kind of made some very liberal assumptions along the way as we've moved, and it's very nice and encouraging to me to see that we've actually created a little bit of slop toward the end. Monica.

MS. SMIT-BRUNELLO: This comment isn't toward the slop comment, but I think John's powerpoint presentation and the other analysis that were done, those will be part of the Regulatory Amendment 10 and they can be appendices to the document, because it is helpful for the public to look at them as well.

MR. CURRIN: Yes, I think that would be very important. Robert.

MR. BOYLES: Mr. Chairman, I'd recommend that the council approve Regulatory Amendment 10 for submission to the secretary.

MR. CURRIN: Motion by Robert; second by Mark. Discussion on that motion to approve Regulatory Amendment 10 for submission to the secretary – recommend to the council that Regulatory Amendment 10 be submitted to the secretary. The motion is to recommend to the council that Regulatory Amendment 10 be approved for submission to the Secretary of Commerce. Discussion on that motion? **Any objection to that motion? I see none; that motion is approved.** Rick, Myra, Andy, Nick, anybody, and Monica, Roy, Bonnie, anybody; what else do we need to do on this or are we in good shape regarding Regulatory Amendment 10 at least to this point?

MS. SMIT-BRUNELLO: As my usual request that the committee and then I'll ask this of the council, too, to provide the two staffs editorial license to clean up any minor editorial kinds of things that need to be cleaned up, and, of course, we would run those by the chairman and make sure that all that is all right, but I would assume you would want to give that license or authority to the staffs.

MR. CURRIN: Yes, I'm sure we would do that and I guess we can either make a motion at full council or make it here, and I'll present it to the full council as well, so why don't we just take care of it now and then it will be on my to-do list and we won't have to stop. Duane.

MR. HARRIS: Mr. Chairman, I would move that we give staff editorial license to clean up this document and make sure it's ready for submission to the secretary.

MR. CURRIN: And latitude for modification?

MR. HARRIS: Yes, that's what I said.

MR. CURRIN: Motion by Duane and second by Robert. The motion is to provide staff editorial license to make changes to the document and ready for submission to the Secretary of Commerce. Any objection to that motion? I see none and that motion is approved. Okay, are we done then with Regulatory Amendment 10? All right, thank you all very much for that perfect timing. It's 12 o'clock and we'll recess until 1:30 and come back.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened as the Committee of the Whole in the Hilton New Bern/Riverfront Hotel, New Bern, North Carolina, Thursday afternoon, December 9, 2010, and was called to order at 4:08 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: Let's get everybody to the table, please, and come to order. I think in the interest of efficiency we have passed three motions as a committee on Amendment 18, which we have not finished yet. With your indulgence, I would like to offer those three motions on behalf of the behalf of the committee to the council, and then the rest of Amendment 18 will have been approved by the entire council, and the only things that I will have to present on behalf of the committee will only be concerning the ACL Amendment.

We will deal with Regulatory Amendment 10 as well as a committee of the whole, and that will be taken care of as well. We will do that after Amendment 18. The three motions regarding Amendment 18A I will make. **Motion 1 is to create an alternative that looks at whether vessels should be limited to just one endorsement or the other. On behalf of the committee, I so move. Is there discussion? Any objection to that motion? I see none; that motion is approved.**

The second motion on behalf of the committee is add language or an action as necessary based on previous amendments where we specified an appeals process for golden tilefish endorsements. Is there discussion of that motion? Is there objection to that motion? I see none and that motion is approved.

All right, those are the two motions from Amendment 18A so far, and I believe, Kate, we are – well, I'll let you tell us what page we're on in the document. It's Attachment 4, Amendment 18A.

MS. QUIGLEY: We're on PDF Page 38. That's Document Page 2-4. We're looking at Action 2 at this point in time, allocate commercial golden tilefish quota among gear groups. You do not have a preferred alternative at this time. The three alternatives are – 75 percent longline and 25 percent hook and line, that's Alternative 2; Alternative 3, 85 percent longline and 15 percent hook and line; and Alternative 4, 90 percent longline and 10 percent hook and line.

MR. CURRIN: We need a preferred alternative here, folks, for allocating the golden tilefish quota among the commercial user groups. There are four options here. Keep in mind that historically, many years ago, it was almost strictly a hook-and-line fishery, but over the years the longliners got into it in recent history – correct me if I'm wrong – the longline component has been the larger component of that fishery. Kenny, have you got recommendations from the AP?

MR. FEX: Yes, the AP requested Alternative 4 be their preferred. Thank you.

MR. CURRIN: Thank you. What's your pleasure here, folks? Ben.

MR. HARTIG: Yes, I'll move Alternative 2, 75 percent longline and 25 percent hook and line.

MR. CURRIN: Motion by Ben to select Alternative 2; is there a second? Second by Duane. Discussion?

MR. HARTIG: Well, certainly, that is a higher percentage than what the fishery has been shown, too, in the recent past, but basically the percentages that we saw in this amendment pertain to dates prior to when that amendment to deal with overfishing of tilefish went into place. Basically, this fishery, as was mentioned, was a total hundred percent bandit fishery in the past and then the longlines came in and it became uneconomically feasible for us to fish.

I came in with the council and worked with the council to get a longline area prohibition in, so hopefully somewhere down the line we would be able to get back in the fishery. In about 2001 we started to get back in and by 2005/2006 the amendment went in, and then our landings dropped off because we couldn't fish when we normally do. I would like to see some kind of historic participation in this fishery. Now, maybe if we get an increase of quota we'll go back and revisit this. If we can't catch it, I'll certainly be the first one to stand up here and give it back to the longline fishery.

MR. CURRIN: Thank you, Ben, and also keep in mind that there is another option in this amendment to allow a trip limit value of some sort to those who do not have an endorsement, if we go that way, and I believe that's specified to come out of the hook-and-line quota, so that will provide some cushion there.

DR. CRABTREE: It's a little worrisome to me. When I look down in the analysis, it basically says that from 2004-2008 90 percent of the golden tilefish landings were taken with longline gear and 10 percent hook and line. And then I look at Table 4-3, and going all the way back to 1999 it looks like for the most part the longliners took a much larger percentage of the catch, 94

percent in 1999. Do we have any tables in here that show the mix in the fishery going back earlier than 1999?

MS. QUIGLEY: No, we don't.

DR. CRABTREE: So it appears to me that you're basically reallocating this fishery, and I don't see anything in the document to justify it. I think you need to spend a lot more work on this one to explain this because you're going to have to have some basis for it and it's going to have to be in the document.

Maybe the fishery was closer to 75 percent longline at some point in the past, but I don't have anything in here that shows me in your documents when that was. I think that's going to be necessary. I think you're going to need a rationale for why going back to that mix, which is well over a decade ago, anyway, and why that is in the best interest of everyone to do that., and I haven't seen it in here yet.

MR. CURRIN: Ben, did you have something to that point?

MR. HARTIG: No, I'll pass.

MR. SWATZEL: I know there is a motion on the floor, but it seems like for consistency purposes we ought to consider the application of Boyles' Law to this even though it is an allocation amongst commercial users, commercial sectors, but maybe add an alternative for that.

MR. HARTIG: I would argue against that in this case because of the problems that it created by the rebuilding schedule for golden tilefish. Basically, we had significant trips and landings before that we in effect; and then now that we can't fish the time of the year that we normally fish, there has been a change even more so to longlines.

This council, when it set up this amendment in the first place, that 25 percent was to be – in the council's mind was to go to the hook and – not directly but it was set up as a hook-and-line 300 pound trip limit to slow the fishery down to the end. I went back in that document and there is some verbiage in there that talks about 25 percent going to the hook and line.

That was a conscious decision you all made in the rebuilding plan. I mean, it's not something new that is coming before you. You all had talked about it before when you did that 25 percent. I don't think you all envisioned and I never envisioned that we would have the longliners participate at 300 pounds.

They told us they were having a hard time participating at 4,000; so when they started catching all the fish at 300, which they have done, most of the catch, we got squeezed again, and that's tough. That was really tough. I came in 2005 with just a season change that would have done this, but now it has gotten much more complicated. I'm going to continue to argue for that 25 percent because the historic bandit fishery had a hundred percent of the fishery back in time, and we would like to see some semblance of that come back. I'm not asking for 50 percent of the fishery; I'm asking for 25.

DR. CRABTREE: Well, Ben, we just need to document that in the amendment, and we don't have that now. I don't think you can attribute this shift to the rebuilding plan for golden tilefish. That was implemented by Amendment 13C in October of 2006, but they've been harvesting 90 percent or more of the catch going back to 1999, so well before when the 13C regulations went in place.

MR. CURRIN: Well, one thing that is important to keep in mind, Roy, is that the TAC for the golden tile fishery was a million pounds or more up until 13C went through, and it was greatly cut. I think it's unreasonable to expect the proportion of landings at that higher level or higher TAC to be the same as at the lower TAC with the other problems that have been identified as well.

Would a table that showed historic landings further back to the period where I'm under the impression, and Ben has told you, where the hook-and-line fishery actually caught the majority of the fish; would that help provide some justification along with some discussion of the history of that fishery and how it changed and moved from a hook-and-line fishery basically to a longline fishery help provide that background and justification?

DR. CRABTREE: Yes, I think that would. Also, if the argument is that the council intended it to be 25 percent hook and line in Amendment 13C, I think some reference to Amendment 13C that shows that's the case. Normally, we've done allocations – and I know no one is satisfied, but we do it based upon some average period of time, and that was the mix in the fishery.

In this instance, that's not part of this and that makes this I think more problematic and difficult, and I think you're going to have to tie these decisions to something. I don't know right now what that is, but I don't think you have much justification in the amendment as it stands, so, yes, timeline back in time, look at what the mix of the fishery was in some past period of time; and then if you can make a good case that there is a reason to return to that, maybe that will provide you enough rationale.

MR. CURRIN: Bobby, you've got something to that point?

MR. CARDIN: Bobby Cardin. June 2005, joint Snapper Grouper AP and Snapper Grouper Committee, I was the maker of the motion of the 300 pound bycatch. It was bycatch. No where did I intend for it to be a bandit only. I asked for the 300 pound bycatch because I said the boys stop at Jupiter. They need 80 to 100 and 300 pound limits; that's 24 to 30,000 pounds. That is 10 percent of this 295,000 pound quota. I would like to make it clear to the council that it was never my intent for this to be an allocation to hook and line. Thank you.

MR. PHILLIPS: Are these hook-and-line fishermen the same ones still fishing; are we trying to get them back to the level they used to be, or is it just hook and line in general that you're trying to get back?

MR. HARTIG: Well, basically, it is a two-pronged approach. Part of it is to get the historical fishermen into it and part of it is if we deal with this bycatch issue, to allow some people back

into it under that, to allow some more landings under that. At 25 percent you can do that. If you start ratcheting it down in percentages, you won't be able to do it. Some of these motions are contingent on the decisions we make farther along the line, and it gets a little more problematic to try and deal with a bycatch fishery if you have a very low percentage going to the hook-and-line fishery to begin with.

DR. CRABTREE: Well, but if you look at the endorsement, the preferred right now, it is based on catches 2001-2005; so if there are historical fishermen prior to that date who weren't in it during that time period, they're not going to have an endorsement. And during the whole time period that the endorsement qualifiers are based on, the mix was about 90 percent longline.

I don't know, an argument that we're trying to do something for historical fishermen doesn't seem to square up with the decisions we made on the endorsements to me. I'll tell you – and I'm troubled by the whole endorsements. We've heard a lot of public testimony and a lot of issues with the endorsement, people being cut out, people not satisfied and a lot of concerns with it. I don't want to revisit that or anything, but I think this whole section of the document, we've got a lot of work to do on, I believe.

MR. CURRIN: Further discussion on the motion? We did get a second to his; did we not? Duane seconded the motion; okay, I just wanted to clarify it. Charlie.

MR. PHILLIPS: Ben, I could probably go along with it if there was an endorsement on this and then you were just going to give back to the hook-and-line fishery, but giving it back to an endorsement group, I'm going to have to vote against it on that ground.

MR. CURRIN: Further discussion on the motion? **All in favor of the motion raise your hand, I see three in favor; opposed, 8 opposed. The motion fails.** Okay, is there another option that is presented here that you would like to consider as a preferred?

MR. HARTIG: Mr. Chairman, I'll move Alternative 3, allocate the golden tilefish commercial quota based on 85 percent longline and 15 percent hook and line.

MR. CURRIN: Motion by Ben to select Alternative 3; is there a second? Second by Duane. Discussion: Roy.

DR. CRABTREE: Well, I'm personally not prepared to select a preferred alternative in this section right now because I want to see more basis for how we would come to it and the analysis that we've talked about done before I would support any preferred alternative here.

MR. CURRIN: All right, other comments on the motion? Ready to vote? **All in favor of the motion please raise your hand, 4 in favor; opposed, 8. The motion fails.**

MR. HARTIG: I would like move Alternative 4, allocate the golden tilefish commercial quota based on 90 percent longline and 10 percent hook and line.

MR. CURRIN: Motion by Ben; second by Brian. This is the recommendation from the AP. As Dr. Crabtree indicated, it pretty well tracks certainly the period over which the endorsements were set. Further discussion on this motion? **Is there objection to this motion? I see no objection; that motion is approved.** Action 3 is on PDF Page 39, transferability of endorsements.

MS. QUIGLEY: Again, we don't have a preferred at this point in time. There are a number of different transferability options. These have not changed. We didn't receive much public comment on these.

MR. HARTIG: Kate, do we have one that we allow hook and line and – because I thought I had it already, but I'm not looking at my notes – hook-and-line and longline endorsements can be transferred between any two individuals or entities that hold valid commercial unlimited snapper grouper permits; do we have one that includes both hook and line and longline or would we have to approve one of each?

MS. QUIGLEY: You have to approve two different alternatives in order to get that.

MR. HARTIG: Okay, the first one I would move Alternative 4 as the preferred; hook-and-line in golden tilefish endorsements can be transferred between any two individuals or entities that hold valid commercial unlimited snapper grouper permits.

MR. CURRIN: Motion by Ben to select Alternative 4 as the preferred; is there a second? Charlie. Discussion. That would allow permits to be transferred between individuals that hold valid unlimited snapper grouper permits. Ben.

MR. HARTIG: Yes, it gets away from the 225s. The 225s, as you all recall, they were put in to sunset when that fisherman turned his permit in. Basically, they should keep to that and not be able to transfer those permits and to be able to actually stay and do it with the 225 pound limit.

MR. CURRIN: If I interpret that correctly, it would allow transfer of the longline permit to someone – anybody within the snapper grouper fishery or hook or line.

MR. HARTIG: Yes, as long as you had a valid commercial unlimited permit.

MR. CURRIN: Roy, did you have something?

DR. CRABTREE: No, I'm okay with this.

MR. CURRIN: Okay, any other discussion on this motion? **Any objection to this motion? I see none; that motion is approved.** Yes, David.

MR. CUPKA: I have a question and maybe Kate can answer it, but some of these alternatives in here just say valid snapper grouper. As we were talking about, that is a limited permit. Given we're going to assign trip limits to these things at some point; so if we do, are they going to be higher than the limited permit trip limits; so if that's the case, should we remove these ones that

have limited snapper grouper permits to the considered but rejected. I don't know if we could do that if that's the case.

MS. QUIGLEY: I think the idea was with regards to the trip limits, you either do an endorsement program where you don't have the trip limit or you do a trip limit and a change in the season, so there are two separate programs proposed. That's kind of how we had talked about it, but certainly you don't have to do that. You could have a trip limit and have an endorsement system. In that case, yes, I guess you could remove the limited because then it wouldn't make sense.

MR. CURRIN: Do you want to do that?

MR. CUPKA: Well, do we need to wait until we decide if we're going to end up with that dual system or if we're –

MR. CURRIN: If we remember to go back and do it, we can do it after we decide on trip limits and how we're going to approach it. So if somebody will help me remember that, you'd be good at that. David, and we'll go back and remove those alternatives a limited snapper grouper permits, if that suits you. Page 42; is that correct –

MR. HARTIG: Do you want to deal with the longline first?

MR. CURRIN: I'm sorry, go ahead, Ben.

DR. CRABTREE: Before we do that, Ben, we've got all these options in here; did we select an option? I assume you want Option 1 upon the program implementation.

MR. HARTIG: Yes, and I move Alternative 2, longline and hook-and-line golden tilefish endorsements can be transferred between any two individuals that hold valid snapper grouper permits under Option 1, transferability allowed upon program implementation. That's Alternative 2 under 2.3.2 for transferability. That's wrong.

MR. CURRIN: Because that says hook and line and longline can be – is that your intent?

MR. HARTIG: No, I'll withdraw that motion. **Under the transferability options, I would move Option 1, transferability allowed upon program implementation for both longline and hook-and-line endorsements.**

MR. CURRIN: Motion by Ben; second by Duane to select Alternative 1 – and which action is this; I'm lost now. Three, sorry. Are we done with Action 3, then?

MR. HARTIG: No, because we still have to deal with the longline endorsement and how it can be transferred between individuals.

MR. CURRIN: All right, so you want to handle Action – your motion for Alternative 1 was under Action 4, just so everybody is oriented correctly. That's Page 42 – no. it's not. Action 4 is

the golden tile fishing year is what I've got. It's Option 1 under Alternative 4, is that correct, Option 1 under Alternative 4. Okay, is everybody straight? Duane, did you have a comment?

MR. HARRIS: Yes, don't we need to then now deal with the longline and doesn't Alternative 3 – I would move Alternative 3 –

MR. CURRIN: We have a motion. Duane seconded, I believe, did you not, Duane? You did not; I thought you did. Who seconded Ben's –

MR. HARRIS: I did.

MR. CURRIN: Yes, I thought you did. All right, any further discussion on this motion. Kenny just informed me that was the AP's preferred as well. The motion is to choose Option 1 as the preferred under Action 3, Alternative 4. **Any objection to that motion? I see none and that motion is approved.** David.

MR. CUPKA: Mr. Chairman, I would like to make a motion that we choose Option 1 as preferred under Action 3, Alternative 3.

MR. CURRIN: Motion by David to choose Option 1 under Alternative 3 as the preferred; seconded by Duane. Discussion? Ben.

MR. HARTIG: Just to make sure it includes Alternative 3.

MR. CURRIN: Yes, it is Alternative 3, Option 1; that's the motion. All right, any further discussion? The motion is to choose Option 1 under Alternative 3 as the preferred under Action 3. Is that correct?

MS. QUIGLEY: I need some clarification. Do you want Option 1 and Alternative 3 or do you want Option 1 only under Alternative 3. We want "and", correct? Yes, I see nodding heads, so the motion reads choose Option 1 and Alternative 3 as preferred under Action 3.

MR. CURRIN: Thank you; is everybody clear? **Any further discussion? Any objection to that motion? I see none and that motion is approved.** All right, are we done with Action 3? On to Action 4; that's on PDF Page 42, the golden tile fishing year. Ben.

MR. HARTIG: I would move Alternative 1, no action, retain the existing January 1st start date for the golden tilefish fishing year.

MR. CURRIN: Motion by Ben to select Alternative 1 as the preferred; second by Charlie. Discussion? Kenny just informed me that the AP also preferred Alternative 1, retain the fishing year as January 1. Further discussion? **Any objection to that motion? I see none and that motion is approved.** Action 5 is on PDF 43. We have a preferred there, which is to remove the 300 pound trip limit when 75 percent of the quota is taken. Still okay with that? No desire to mess with it? All right, let's move on to Action 6.

MS. QUIGLEY: PDF Page 44, Action 6, establish trip limits for commercial fishermen who do not receive an endorsement in the commercial golden tilefish hook-and-line fishery, so the idea is to have a trip limit for anyone who did not receive an endorsement, specifically a hook-and-line endorsement, and they can take 300, 400 or 500 pounds, and that would come out of the hook-and-line allocation of 10 percent that you have chosen.

MR. CURRIN: I would note that the SSC had some comments on this; that if you had gone with the 300 pound trip limit, there would be no difference whether you had an endorsement or not, so that raised a little issue with them. Monica.

MS. SMIT-BRUNELLO: I have a question. Kate, do you mean these are for commercial fishermen who fish with hook and line?

MS. QUIGLEY: No, it doesn't say that, that is not the way the alternative is written. It's just for anyone who did not receive an endorsement in the hook-and-line fishery. I think the council needs to clarify if that's what they want because longliners did not receive an endorsement in the hook-and-line fishery. Longliners could use their endorsement and then they could also take 300 pounds.

MR. CURRIN: I don't think that's anyone's intent, is it, so we need some clarifying language that they must be taken with hook and line; is that the sense I'm getting? I don't see any objection to making that clarification. Roy.

DR. CRABTREE: Yes, because I'd be worried at low trip limits using longline gear you're going to potentially have a lot of dead discards because it's hard to control how much you catch.

MR. CURRIN: All right, we don't have a preferred here; what's your pleasure? Ben.

MR. HARTIG: Mr. Chairman, I would move Alternative 1, no action, do not establish trip limits for the golden tilefish hook-and-line fishery for –

MR. QUIGLEY: You provided guidance to staff and I think that is sufficient. I was writing it as a motion but guidance to staff is fine.

MR. CURRIN: You're with that that, all right. All right, Ben.

MR. HARTIG: I move under 2.6, Alternative 1, no action, do not establish trip limits for golden tilefish hook-and-line fishery for commercial fishermen who do not receive an endorsement in the commercial golden tilefish hook-and-line fishery.

MR. CURRIN: Motion by Ben; second by Duane. Discussion? Ben.

MR. HARTIG: Basically, we're looking at 10 percent of that fishery. It's about 29,000 pounds. I don't know how we would allow other fishermen in at such a low level. If we get to a higher level at some time, I don't have any problem establishing a trip limit for those fisheries. The

other thing is if 17B goes into effect, there will not be any fishery that has a bycatch of golden tilefish associated with it, to my knowledge.

MR. CURRIN: Well, it allows golden tile fishing in that area, so I don't know how you would keep somebody from going out; and if they had golden tiles on board that they had caught and they said were golden tile fishing, if they were allowed to keep them, they would be able to I believe under the regulations in 17B. Brian.

DR. CHEUVRONT: Part of the reason why this action I think was put in there was largely due to fishermen in the northern part of North Carolina. We've got an interesting situation here because these guys, if they go into the Mid-Atlantic Council's jurisdiction, I believe they can catch 350 pounds of golden tilefish.

That becomes an issue if we get to 18B and we'll have to start including – I guess wouldn't we have to include golden tilefish landings or is that golden tilefish separated at the border so we would consider those two separate stocks of which right there begs that there is a serious issue because I would really contend that fishing north of Cape Hatteras is going to be a lot more like fishing in Virginia than it is off of Florida, and I think that would be pretty hard for somebody to argue against that. I've got to vote against this; I can't support this. It is just another way of disadvantaging North Carolina fishermen by a result of geography.

MR. CURRIN: And I appreciate that. Other comments on this motion? Kenny.

MR. FEX: The AP has requested Alternative 2 for the 300 pounds for anybody in the hook-and-line fishery. Their rationale with that is it is just the snowy groupers, you're really not going to – not many people are going to go out there and target them. I mean, there would be a few that might do that. I mean, it's deepwater fishing, so that is why they at least give 300 pounds with hook and line.

MR. CURRIN: Other comments, discussion? **All in favor of the motion raise your hand, 4 in favor; all opposed, 6 opposed. The motion fails.** We heard from Kenny that the AP recommended Alternative 2. If you think as the SSC did perhaps that 300 level is too much, then we could certainly insert an alternative at a lower level if that's your desire. Brian.

DR. CHEUVRONT: I was just going to go ahead and make a motion that we select Alternative 2 as the preferred under Action 6.

MR. CURRIN: Is there a second; seconded by Charlie. Discussion on that motion? **All in favor of that motion raise your hand, I see 8 in favor; opposed, 3. That motion is approved,** so Alternative 2, 300 pound trip limit bycatch allowance, whatever you want to call it, for golden tile as the preferred. Action 7 is on PDF 46; this is limit participation in the black sea bass pot fishery. We have a preferred currently; Alternative 2 limits tags to those who have landed at least one pound between 1998-2008. David.

MR. CUPKA: Mr. Chairman, before we move on to black sea bass, maybe we need to go back and reconsider -- now that we've talked about trip limits – and the action that deals with

alternatives to transferability, maybe if we move those alternatives that refer to just a valid snapper grouper permit and move those to the considered but rejected. Otherwise, people will be able to circumvent their limited permit restrictions.

MR. CURRIN: This is Action 3, and which ones, David, if you want to make that motion, which alternatives – Alternative 5 is allowing transferability with limited permits; is that the one?

MR. CUPKA: Well, maybe 2 and 5; two refers to just valid permit also. I'm just trying to move some alternatives so the staff doesn't have to analyze them.

MR. CURRIN: Is that a motion, David?

MR. CUPKA: Yes, Mr. Chairman, I would move that we remove Alternatives 2 and 5 under Action 3 to the considered but rejected appendix.

MR. CURRIN: Is there a second; second by Duane. Discussion on that motion? Is there any objection to that motion? I see none; that motion is approved. Okay, back to PDF 46, limiting participation in the black sea bass pot fishery. The current preferred is set at a qualifying level of one pound between 1998-2008. Ben.

MR. HARTIG: Mr. Chairman, I would move that we change our preferred to Alternative 4, limit tag distribution to black sea bass pot fishermen with valid commercial snapper grouper permits that landed at least one pound of black sea bass caught with pot gear by the date of 12-31-09.

MR. CURRIN: Motion by Ben to change the preferred from 2 to 4. Is there a second; second by Charlie. Discussion on the motion? Ben.

MR. HARTIG: The reason I'm doing this is because – Basically when we had that closed area, we encouraged those guys to go out – and I guess we're not going to have the closed area now, but they've got the pot gear. They will still be closed to red snapper fishing, which was for those commercial fishermen – which was their species that they targeted most of those trips before we closed red snapper, so basically they got into this fishery based on us allowing them into that closed area with that gear, and now we – this motion doesn't go to the control date, but it does allow one extra year, which does incorporate I think three more fishermen – and I'm not positive of that, but maybe Kate knows – it does incorporate a few more fishermen, not all of them that are doing it now but a few more that did it based on that one year qualifier difference.

MR. CURRIN: Yes, Kate is going to look that up so we know what kind of numbers we're talking about here. Roy.

DR. CRABTREE: Well, I guess we don't have the data yet so we don't know for sure how many this would let in. But when you look at Table 4-8, Alternative 2 under one pound would let 107 in, so I assume this is going to let in quite a few more than that. If the rationale is that it has to do with the closed area, I don't think that's very valid right now. I'm not sure that people

bought some pots is necessarily a very good rationale. It's not clear to me why – I guess, Ben, these guys don't have any landings yet?

MR. HARTIG: No, they have landings. We could possibly use a larger landing qualifier. I know one fisherman – that in that year I think at least 10 or 15 percent of the quota was caught in Florida by two or three fishermen that I recall.

DR. CRABTREE: Am I correct, Kate, that we don't have the 2009 landings in here yet/

MS. QUIGLEY: That's correct; we'll have that in March.

DR. CRABTREE: Well, it's hard for me to see, Ben, how we pick one of the other alternatives yet because I don't think we know what it would do, and in fact I'm not sure we know what this one would do without the 2009 data. Given this fishery closed so early this year, even with the reopen they're not going to fish again until July 1, June 1, so it seems like we're setting the fishery up in a situation where nobody is going to be able to survive it because there is too much effort in it. That is kind of worrisome to me.

MR. HARTIG: **Mr. Chairman, I'll withdraw my motion.**

MR. CURRIN: Is it okay with the seconder? With the consent of the committee, the motion will stand withdrawn. I was just going to say something, but if you just do some quick simple math with an ACL of 300,000 pounds, if you're got a hundred people in there and they all go fishing and all hit it hard and all have access, that is 3,000 pounds of black sea bass per person, and it's hard to keep a boat going for that. Charlie.

MR. PHILLIPS: And I understand that. I think most of these people, they've been able to go fishing now under the current regulations, and all you have to do is get – like Jeff, get your pot tags, and they didn't go. Just because they have the ability to go, it doesn't mean they're going to go. Some of them will go when they'll fill in gaps from other closures and holes, which is kind of, as they've called it before, insurance measures. We're hearing there are lots of fish out there and surely this fishery is going to be rebuilding and the quotas are going to go up, and it can hold some more fishermen. How many, I don't know, but that's the rationale why I would like to see high numbers.

DR. CHEUVRONT: There are a couple of issues related to this. I'm less concerned about which control date we actually use. I'm more concerned about qualifying poundage. We've got a date range from 1998-2008 right now. One of the things that could happen is that there could be people who qualified to participate in this fishery who haven't participated in it in a number of years at this point.

One of the things that might be interesting to know is in some of these numbers of the people who would qualify, how many of them actually fished in the last three years. That might be a better indication of who actually is going to participate in the future even if we want to still keep the longer range of what it takes to qualify.

Mac, I was going to bring up the point that you did, and I would just like to reiterate it. The more people we let in the less professional this fishery is going to be. If you're having a hundred people in the fishery, as Mac said, that is 3,000 pounds per fisherman. That's not a professional fishery when guys can go out and as some have done this past weekend caught more than that in one day. I don't know; we just need to be very careful. We need to take into account the number of participants and keep it down to a reasonable level so that people can actually make a living in this fishery and try to make it as professional as possible.

MR. CURRIN: And Charlie's point is a gone one, and Tom has made that point to me as well, even though there would be a large number of people who qualified, at least last year I think you told me, Tom – correct if I'm wrong – 49 people participated in the pot fishery; is that correct?

MR. BURGESS: Yes, that's correct according to what I read in the document somewhere. I don't know about how much they actually caught, but I think to the best of my knowledge it was 49 in 2008, I think it was, and 59 in 2009. It was something like that, I think, to the best of my knowledge.

MR. CURRIN: It increased in '09 some, but again if people choose to get into it there are going to be a larger number qualifying. Mark.

MR. ROBSON: Well, I would like to have more discussion about this because there has been a recent change in this fishery particularly in Florida, and yet it still, from what it looks like, the landings and the number of pots is orders of magnitude lower. I certainly would like us to think about adding that extra year to the qualification because of the changes we're creating in the commercial fisheries with all the rules and regulations that we've been putting into effect.

I think we're seeing some of that response, and this is the case in Florida where we're seeing that kind of a shift. I hate to just penalize that kind of sort of movement to try to adapt to the changing regulations that we're putting in place. It is a small fishery relative to the total landings throughout the southeast. I'm not as concerned about adding another year. I don't know how I feel about the minimum poundage, but I'd like us to think about adding that date of 12-31-09.

MR. CURRIN: And I understand your concern, Mark. It is the same concern that Brian and I and Tom had when we were talking about golden tiles and issuing endorsements for golden tilefish. We've had people move into that fishery over the last couple of years as well. It's the same issue. Ben.

MR. HARTIG: Yes, Brian, has got a good point. Under this, if we've got people who aren't fishing and aren't going to fish, there is no way to transfer these endorsements. So, if we don't know who is fishing and who we're giving these endorsements to – if we're going to give endorsements to people who aren't fishing, then it is not going to make much sense.

DR. CRABTREE: Well, it doesn't make much sense to me to have a qualifier of one pound, so I think it ought to be somewhere up on the 1,000 and 2,000 pound neighborhood. I am kind of concerned about the date business. I understand some people in Florida maybe have invested and we need to take a look at that.

The problem we've got is we don't have that data, so it seems like it's going to be difficult for us to choose a preferred on this one right now because we're going to have to – I guess at the next meeting we'll have the 2009 data and can take a look at it. It sure seems to me – I mean Charlie may be right that the quota is going to go up next assessment, but I wouldn't bet my mortgage on that based on our track record.

And if you look at 300 and some odd thousand pound quota and then I'm looking at Table 4-8, 2,000 pounds lets in – if it's an average, let's in 39 vessels, well, that is still less than 10,000 pounds per vessel. I think we need to move towards more professional fisheries and that kind of thing where people can make a living in it. I think what we need to do is have a good discussion of it, but probably we need to hold off and really figuring out what we're going to do until we have the 2009 data on it, but I'm going to support moving towards a higher qualifier on it.

DR. CHEUVRONT: There is also a couple of other actions that we're going to be considering here in 18A that are going to affect this fishery. We are going to reduce the number of traps. I feel fairly confident about that. And, also, I believe we have a preferred that requires the traps to be brought in at the end of each trip. Both of those will help reduce some of the landings probably per trip – the average landings per trip as well. The problem is with not having those things in place, we don't know what the exact effect of those things is going to be. There are a lot of unknowns with this right now.

MR. BURGESS: As this was coming up and I've given it quite a bit of thought about the poundage requirements, I was kind of focusing on the pounds, but then what I decided to do was focus on the fisherman who was in my community. He fishes every year. He has a smaller boat, fishes about 25 traps, but it is definitely a part of his business plan, and he has been doing quite some time. Every year he participates in the fishery.

I asked him what his landings were between '98 and '08 and the dates in preferred Alternative 2, and he had 43,000 pounds. He would not be considered a big player, but he would be considered a professional fisherman who has had a presence and historical participation in the fishery. **With that in mind of the 43,000 pounds that he landed, I would move for preferred Alternative 2 with the '08 control date and a subalternative of Alternative 2B of 1,000 pounds, and that would keep 47 boats in the fishery.** I think that's a workable number and it still allows for the people who have participated on a regular basis but not have really been what you would call a highliner, and it kind of levels the playing field, if you will, where it takes in a larger group. That's my preferred or I would like –

MR. CURRIN: That's your motion?

MR. BURGESS: That's a motion, yes.

MR. CURRIN: Tom's motion I believe is to select Alternative 2B as a new preferred. There are a number of subalternatives, Tom, there allow you to base that on an average. I guess that's an annual average or an aggregate, which is what it states to me now or a minimum poundage based on landings in one year. Are you okay with just a thousand pounds over that 10-year period; that is your intent?

MR. BURGESS: Actually my intent was the average or the aggregate. It wasn't the one year or the 86 boats. I was sticking with the 47 boats in the fishery.

MR. CURRIN: So an average of a thousand pounds per year during that period?

MR. BURGESS: Yes.

MR. CURRIN: So, that Alternative 2B, Subalternative 1. Don't let me put words in your mouth; I want to make sure that's what you intended. Duane.

MR. HARRIS: Did you say a thousand pounds per year between those years, because that I don't believe is what the alternative says, and I would read that differently. If that's the intent, I think we need to fix the wording in the alternative.

MR. CURRIN: Maybe I'm misinterpreting it, but that's the way I read it. If it's –

MR. HARRIS: You could.

MR. CURRIN: – 2B and you based it on an average, I assume that average would have to be an annual average. That's the intent? Okay, that's Tom's motion; is there a second? Second by Brian. Discussion? Roy.

DR. CRABTREE: Well, Jack, explain to us; it means average landings per year; is that correct?

DR. McGOVERN: That's correct.

DR. CRABTREE: So that's correct, and what Tom was talking about, 47 vessels, if you look at the table, that is based on the average. What does the aggregate mean, Jack?

DR. McGOVERN: That's the total for the ten-year period.

DR. CRABTREE: So that means over the whole ten years they totaled a thousand pounds?

DR. McGOVERN: Right.

DR. CRABTREE: So I think we do need to clean the working up so that it's clear. I'll probably support this motion because I think it's a move in the right direction from the current preferred, but I still will want to see the 2009 data and how those Florida boats and the more recent boats would affect things, but we won't be able to do that until the next meeting.

MR. CURRIN: And I would speak in favor of the motion as well at this point although I think a thousand pounds per year is perhaps on the low side. Mark.

MR. ROBSON: There are a lot of numbers flying around. I'm trying to look at some numbers that we looked at earlier back in my office, but this still looks like it's really going to disadvantage the newer participants in the Florida fishery that developed over the last couple of

years and probably severely limit the number of boats that would qualify. I'd still like to see us incorporate that December 31, 2009, cut-off date.

MR. CURRIN: Further discussion on the motion? Brian.

DR. CHEUVRONT: What would be the difference in the number of fishermen if we went to that 2009 but still kept that 1,000 pounds.

MR. CURRIN: We don't know and won't know until March.

DR. CHEUVRONT: That's what we don't. Would we be able to change this later?

MR. CURRIN: We'll be able to change it in March.

DR. CHEUVRONT: Okay, when we have those numbers.

MR. HARTIG: I just want to be clear on this motion that you have to have a thousand pounds of black sea bass every year from 12 – no, you don't, okay, average.

MR. CURRIN: He was just explaining what the average meant, and it meant that you take your total catch over the ten-year period and divide it by the number of years, and it would be an average of 1,000 pounds. Is that clear? Kenny, what was the AP's recommendation on this?

MR. FEX: The AP's recommendation went along with Mark's idea of the newer control date, but the thousand pound average over the years because a one-pound average was just kind of minimal, so a thousand pounds was at least a little bit more logical.

MR. PHILLIPS: If you can get into the fishery until like the last two years, you'd have to have 5,000 pounds a year the last two years so you could average back out to those older years, so it's going to really disadvantage anybody that got in it in the last two or three years.

MR. CURRIN: Well, keep in mind Brian's comment earlier that those handful of guys that went this week and some of them were catching 3,500 pounds a day. I mean, you'd have to go at the right time, but you could conceivably qualify by going three days if you hit it right, and that's with 25 traps. Further discussion on this motion, and again we'll have another bite at the apple in April when we've got the '09 data which will allow us to assess what the impacts are. Rusty, very quickly, what have you got to add for us?

MR. HUDSON: When we were at the AP meeting plus the Amendment 18A comment we submitted, we had chose 500 pounds and that 500 pounds was the idea that it was 500 pounds and not one pound; and to aggregate that across ten years, 5,000 pounds was not the way we understood the wording. The control of '09, December 31st, was so that we could accommodate approximately six boats. If you go with the '08 you eliminate the five other boats in Florida and we're down to one boat, and I think that's Jimmy Hall.

MR. CURRIN: Thank you and we'll have all that information in March. Okay, further discussion on the motion? The motion is to choose under Action 7, Alternative 2B (1,000 pounds) with Subalternative 1, which is an average over that time period as the preferred instead of Alternative 2. **All in favor of that motion raise your hand, that is 8 in favor; opposed, 3. That motion carries.**

Okay, that's the new preferred, and again we'll have the data from '09 in March, and we'll have an opportunity to review this and change it. All right, Action 8, PDF Page 51, limit effort in the black sea bass pot fishery. The current preferred alternative is Alternative 3, which is the pot limitation to 50 per vessel. Everybody okay with that current preferred? Yes, Mark.

MR. ROBSON: I think we got some – either the AP or some public testimony about potentially a lower number of pots.

MR. CURRIN: Yes, the AP's recommendation – their preferred was 50 pots as well according to Kenny. Now, we have had some public testimony that 25 pots would be a better level. There have been some people – and there are admittedly a number of people fishing 25 pots. Keep in mind that we do have an action under here that will require that boats bring – that all the pots are returned to the beach everyday. That may limit the number of pots based on the size of the boats. Rusty, I made an exception for you to make a comment and I'll allow one more time, but this is council deliberation in fact.

MR. HUDSON: The 25 pots is what we had originally suggested on the Florida end, but in talking with the North Carolina guys we went with the 50. We always return home with our pots. We don't leave them out.

MR. CURRIN: Thank you. All right, is everybody comfortable under this action with the current preferred, 50 pots? All right, let's move on, then; PDF Page 54, Action 9, we have a preferred here as well, which is the one I just indicated to bring the pots back to shore after every trip or when you return. Are you okay with this? Kenny said that was the AP's recommendation as well. Okay, I see no desire to change that. Tom.

MR. BURGESS: Just a brief comment while we're on this action or these actions, should I say, under black sea bass pots, at the last meeting I brought up the idea of the possibility of an endorsement such as the golden tilefish people have, but I wasn't sure how well it was going to be received by the council.

I've made that comment to possibly have some situations where a latent permit and somebody is not black fishing at all and wants to sell it or get rid of it to allow accommodating other people who didn't receive this being able sea bass pots, so that was the intent of my comment then. I'm not going to move on it at this time, but that was the reason for that.

MR. CURRIN: We don't have any transferability capabilities here so an endorsement would allow that I presume or an action to permit transferability of tags among snapper grouper permit holders or something like that would accomplish perhaps the same thing. At least on an inner-

annual basis there would be no accrued value to your capability to transfer tags like there might be with an endorsement.

MR. BURGESS: My intentions were to accommodate the people that are discussed here today.

MR. CURRIN: Okay. Well, so far we need a motion to add an action in there to accomplish that if you want to do that or we can consider it at a later date. Yes, Kate.

MS. QUIGLEY: Whether a motion is made or not, the IPT needs clarification and guidance on whether you want this privilege to be separable from the permit or not and whether it is intended to be transferable or not. Right now it is not intended to be transferable; that's clear.

MR. CURRIN: If it were tied to the permit, would that imply some transferability?

MS. QUIGLEY: I would assume so, but Monica might want to comment.

MR. CURRIN: Did you hear that, Monica?

MS. SMIT-BRUNELLO: I didn't; would you repeat the question.

MR. CURRIN: Yes, we're talking about whether pot tags, if they were tied to the permit would be transferable with that permit; is that correct?

MS. QUIGLEY: And not so much the pot tags but this privilege –

MR. CURRIN: Endorsement, yes.

MR. QUIGLEY: It's not called an endorsement, that this privilege under Action 7, whether that would be tied to the permit or separable from the permit. There are a restricted number of people that would be able to participate in the black sea bass pot fishery, and the question is would that be attached to the permit or separable?

MS. SMIT-BRUNELLO: Well, this almost sounds like an endorsement; and if it is an endorsement, then I think the council has flexibility to decide whether they want to allow it to be freely transferred or not, and so I think maybe we should have that discussion.

DR. CRABTREE: Yes, I think it does have to be an endorsement to make it administratively workable, so I would move that we revise the language in Action 7 to indicate that all of the qualifiers are for an endorsement that allows you to then receive black sea bass tags.

MR. CURRIN: Motion by Roy; is there a second? Charlie. Kenny, what did the AP have to say about this?

MR. FEX: The AP had a good discussion about that. I was actually in agreement that since the tags are attached to the permit, that the endorsement be attached to the permit, so you're pretty

much keeping the same thing. The rationale behind that is because the tags have always been attached to your federal permit; so I figured if the guy wanted to get into the black sea bass fishing, he could buy the permit itself. We had agreed on that so I just figured I would bring that to the point.

MR. CURRIN: So you guys endorsed an endorsement as well. Roy.

DR. CRABTREE: So what you're saying, Kenny, is that the black sea bass endorsement would have to be – to transfer it, you'd have to transfer your snapper grouper permit as well?

MR. FEX: Yes, that's correct because I think at the present time I think – I'm not for certain, but I believe the tags are attached to the federal permit. When you purchase your permit, I believe you get tags. Like presently I have a federal permit, but I have no tags; so since the endorsements are trying to eliminate more people to get into the fishery, we just figured that.

DR. CRABTREE: Then I would add to my motion that we add another alternative in there that would provide for transferability only with the snapper grouper permit and also an alternative to allow transferability separate from snapper grouper permit. And then we'll have to make a decision on that at the next meeting, I think.

MR. CURRIN: Is that okay with the seconder, Charlie?

DR. CRABTREE: So add another alternative to allow transferability tied to the snapper grouper permit.

MS. QUIGLEY: Okay, so from what I understand, you would have two alternatives. One is no transferability and it's attached to the snapper grouper permit, and the other is it's transferable and separable from the tag.

DR. CRABTREE: I guess there would be no transferability tied to the snapper grouper permit; transferability independent of the snapper grouper permit would be the three alternatives. Is that clear, Monica?

MS. SMIT-BRUNELLO: No, that's clear and it makes me think of something that made me kind of pause on Action 3, which concerned the transferability of golden tilefish endorsements, and I had to read the no action a couple of times because it says, "No action; longline and hook-and-line golden tilefish endorsements are not allowed to be transferred."

So I was think, well, that's not really no action because they don't exist, but then I thought you made them exist in a couple of actions before, and things can't be transferred unless you allow them to be transferred. So, my point, instead of going down a rabbit hold right now, is we'll work with staff and try to make sure that both this section for golden tilefish endorsements and the black sea bass section kind of are on the same – use the same verbiage.

MR. CURRIN: Okay, and that makes sense and I'm sure that's okay with the rest of the committee. I'm seeing heads nod in the affirmative, to allow the staff the license to do that.

Okay, Roy, does that motion reflect your intent? All right, the motion is revise the language in Action 7 to indicate that all the qualifiers are for an endorsement that then allows you to receive black sea bass tags; add another alternative to allow transferability along with the snapper grouper permit and transferability separate from the snapper grouper permit; transferability attached to the snapper grouper permit and no transferability.

I think the intent here is for three alternatives; one that says, no, you can't transfer it; one, you can transfer it with your snapper grouper permit; and the other, that you can transfer a black sea bass pot endorsement separate from – and still retain your snapper grouper permit. All right, so we're actually adding three alternatives, the sum total. Are you clear?

MS. QUIGLEY: Yes, got it.

MR. CURRIN: And we're giving them the latitude to look at these alternatives as well as golden tile and make sure they make sense. Gregg.

MR. WAUGH: Mr. Chairman, this amendment has been out for two rounds of public hearings and the DEIS has not been filed yet. The intent was to file the DEIS so that the public comment period ends prior to our March meeting so we could finalize at March. As you add new alternatives that haven't been taken out to public hearing, we need to give some consideration to whether then you want those new issues taken out to the public hearings we're doing the last week in January and February and that these new alternatives will be revised before the DEIS is filed such that we still finalize this at March or is this – given that is not under a statutory deadline and we don't have to complete this by June, is this going to drop down in our list of priorities such that we could finish the number of amendments that are under a statutory deadline?

MR. CURRIN: Response to Gregg's question, and it is a good one. Roy.

DR. CRABTREE: Well, I'm more concerned that we get it right and we fully analyze everything and make a good decision than that we vote this up in March. If the way it works out, Gregg, is it has to be June, then so be it with that. I don't think in the long term that is going to make much difference. You're right, we're not under any timeline on this. It would be nice if we could get it done by March, but that's not the critical thing.

MR. WAUGH: So then to me that is advising us that this carries a lower priority than those amendments that have a statutory deadline and that we have to finalize in June. That's my interpretation.

DR. CRABTREE: Well, I think that has to be the case. I think clearly the statutory deadline things we're doing now have to be the highest priority.

MR. CURRIN: And I would agree. I mean, look at what we did with mackerel to meet that statutory deadline. Now, as far as the public hearing thing, Gregg, if it would help us some by including these new actions for consideration at the January public hearings, I would say, yes, unless there is some good reason not to do that.

MR. WAUGH: And we will have to see when you finish how many new alternatives have been added and whether those can be analyzed because we've got all our other documents that have a statutory deadline, they have to be prepared and ready approximately one month from now.

MR. CURRIN: That's understood. All right, everybody clear on the motion to add these three new alternatives? Any further discussion? **Any objection to that motion? I see none; that motion is approved.** This is a good move, I think, folks, in thinking about this. Without some kind of endorsement with this, the pot tags go away with the death of the fisherman and before long we don't have any pot fishermen unless we've got some way to transfer them or they're at least tied to the permit in some way, so we need something like this at some time. All right, Action 10, Page 55, improvements to commercial data reporting.

MS. QUIGLEY: One thing that we heard in the public comment period and through speaking with people in North Carolina, apparently they use an electronic reporting system. They don't use the SAFIS on-line website. Instead they have free software that they deliver to the dealers and the dealers use that. What they told me is that in North Carolina the dealers are required to do electronic reporting, but that the harvesters are not.

They thought one thing that the council should think about is the fact that as far as quota monitoring, you don't need to have the harvester data on a weekly or monthly basis in order to track quota. You only need that information from the dealers; so one thing to consider with regards to Alternative 4, they thought the council might want to consider is first this requires dealers and fishermen to report electronically.

They felt that really only dealers, that's all you need, you couldn't really justify asking fishermen to report electronically for the purpose of quota monitoring. And then another consideration was this specifies using the SAFIS system, which is an on-line internet website. That's where you report and they suggested instead to use their free software, so we might want to revise the language so that fishermen have a choice or – I don't know – but that they use their software because then you wouldn't have to have a continuous internet connection while you're filling out the information.

MR. CURRIN: Okay, and the AP had some recommendations along those lines as well. Their preferred was Alternative 3, which would allow the fishermen who were interested to submit their logbooks electronically. They also passed a motion I believe, Kenny, that said essentially what Kate said, require electronic dealer reporting using SAFIS or some other system that was equivalent. What is your pleasure here, folks? Bonnie.

DR. PONWITH: I'm not a member of the committee but do have comments on each of the alternatives just for the sake of clarity. On Alternative 1 there is a mention of private recreational vessel, and I think it may be because you cannibalized some of that language from another place, and I think that needs to be edited out for clarity. I might have an older version.

MR. CURRIN: Yes, did you see, Kate? Okay.

DR. PONWITH: There it is.

MR. CURRIN: Something else, Bonnie?

DR. PONWITH: Yes, in Alternative 2, a suggested revision to the way that is worded would be to require all vessels with a federal snapper grouper commercial permit to electronically submit catch/effort information which includes GPS location information as opposed to just having an electronic logbook on the vessel, so it gets to actually submitting the data. Alternative 3 looks almost redundant with Alternative 2.

MR. CURRIN: Not really; Alternative 3 was one that Bobby Cardin suggested just to allow –

DR. PONWITH: Oh, for the option.

MR. CURRIN: Yes, the option to submit electronically if they so chose.

DR. PONWITH: Okay, I got the picture on that. From the standpoint of the science center, Alternative 2 or Alternative 3 are good because it doesn't specify what mechanism is used for submitting the data. It leaves flexibility there.

MR. CURRIN: Yes, and I think that's a recommendation we got from the AP as well. Bill Cole was on that AP; and as big an ACCSP and SAFIS type as he is, he realized that it didn't meet everybody's needs and that as long as it was compatible or similar, I believe that they felt that would be a better option than requiring to use the SAFIS system. It mirrored North Carolina's concerns I believe.

MR. PHILLIPS: I guess where we want to go is something similar to Alternative 4, which is require at least dealer reporting through the SAFIS system or something similar. I guess I should make that in the form of a motion.

MR. CURRIN: Hold one second, Charlie. Bonnie.

DR. PONWITH: So, splitting the two, the vessel reporting versus dealer reporting, we are very, very far along in implementing electronic dealer reporting right now. Right now the plan is actually to implement the early version of electronic dealer reporting by the first of January. We're delaying that just a little bit in North Carolina to make sure that they are up to speed and ready to implement, so right now we're shooting for the first of March in North Carolina.

The system is set up so the data will go directly to the Southeast Fisheries Science Center while we debug the system; and then while that is being done, we'll carry out the second step of this, which is to have the data go to the commissions and then go from the commissions to the NOAA Fisheries Service, to the Southeast Fisheries Science Center.

That second step will be on line and ready to go by June for all the states. There may be a delay in North Carolina because of the delay in implementing stage one. But we are on the brink of the

electronic dealer reporting so that basically is being done right now. The discussion then that remains relevant and sort of an open loop is whether you want vessel reporting.

MR. CURRIN: I don't think anybody thinks we're ready for the requirement of 100 percent vessel electronic reporting yet. Bonnie, if I'm interpreting what you said correctly, this is going to happen regardless of whether we have an alternative or action that requires it?

DR. PONWITH: The electronic dealer reporting is on the brink of happening.

MR. CURRIN: So from your perspective, we don't need to take action to require that in this amendment; would that facilitate or help you?

DR. PONWITH: It is my understanding that it would not require an action, but the endorsement of the council I think is a strong plus.

MR. CURRIN: Okay, what do you want to do, folks? Roy.

DR. CRABTREE: And just so everybody is clear, this is the data we use to track quotas.

MR. CURRIN: So that's going to help that system. What is going to be the requirement time-wise, Bonnie?

DR. PONWITH: I'm glad you asked. It is two stages. The first thing is that it's going to be shifting from paper to electronic. The second piece is instead of being semi-monthly, it is going to go to weekly. It's my understanding that we'll have to do a rulemaking for shifting from semi-monthly to weekly, so we're in the process of drafting that rule now.

MR. CURRIN: All right, so it doesn't sound like if our intent is to require a hundred percent electronic dealer reporting that we need to do anything in this action right now although Bonnie said the council's endorsement would be a good thing. Roy.

DR. CRABTREE: And I would move, Mr. Chairman, that we send a letter to Bonnie at the science center endorsing her actions to establish electronic dealer reporting.

MR. CURRIN: Motion by Roy; is there a second? Second by Charlie to send a letter to the science center endorsing 100 percent electronic dealer reporting. Robert.

MR. BOYLES: Mr. Chairman, I was just conferring with a couple of my colleagues here. Bonnie, if you check your e-mail sometime today, we're very interesting in improving the accuracy and the timeliness of the data. I was just briefed before I came to this meeting about some issues related to dual reporting systems among some of our state-permitted dealers that I've got some fairly serious concerns about duplicate systems. I'm just not comfortable at this point without working out some of the particulars of it, so I would not, at this point, support the motion.

MR. CURRIN: Bonnie, do you have a response?

DR. PONWITH: That's intriguing because in speaking with my folks, they made it clear that they had been working side by side with the data managers from each of the states. It could be that there are some unintended consequences that person that they were collaborating with weren't aware of. If you have concerns I would love it if you could characterize them clearly.

I will get them to my data people and we'll see whether they're real or memorex and we'll get them taken care of. The bottom line is I guess my question is there is not a philosophical disagreement with this approach. It is implementation and making sure that it's done in a way that doesn't cause problems.

MR. CURRIN: And I think that's the concern that North Carolina has to some degree is double reporting and working that out. Robert, to that point.

MR. BOYLES: Bonnie, that's exactly right, it's an operational problem and not a policy problem.

MR. HARRIS: Mr. Chairman, I was just going to say this is motherhood and apple pie as far as fisheries management is concerned. Even though there may be some problems, this is what we have to have.

DR. CRABTREE: Robert, would it get you on board if we put something in the letter that encouraged the center to work with the states to ensure a smooth transition or something like that?

MR. BOYLES: I think that's fine. We don't need to go down this rabbit trail too much. There are some real operational concerns.

DR. CRABTREE: Because I know all of us want to have a smooth transition. None of us want to put this in place and then have a train wreck, so we do need to make sure we work out all these bugs before we go live with it.

MR. BOYLES: Yes, and I think that would go a long way, Roy.

MR. WAUGH: Just to clarify with Monica and Bonnie because they're doing a rulemaking, so there is no need for the council to include this in the amendment to put a regulation in place requiring this. We've been going around and around with this for years.

MS. SMIT-BRUNELLO: Why don't we put a strongly endorsed statement in the amendment that that is what the council would prefer? I don't know what the harm does if you put it as an action. I know that we've talked about certain funding aspects of all that before; so since the reality is that the center – we are planning on doing some sort of rulemaking, I think a letter of support and those sorts of things would go a long way. I also would urge you to think beyond the Snapper Grouper FMP. I would think you might want this for all dealers because that is where the center is going I think is not just for the snapper grouper fishery but for all fisheries.

DR. CRABTREE: Yes, it's Gulf of Mexico as well, so it's a pretty broad thing. I don't know where we would stick something like this.

MR. CURRIN: Well, so far we've got a motion to write a letter to Bonnie urging implementation and offering support for electronic dealer reporting – strong support for that. Other comments on the motion? Wilson.

DR. LANEY: I'm not on your committee, Mr. Chairman, but I am on the ACCSP Operations Committee, and just a reminder. Bonnie, I believe I'm correct in saying this is consistent with the implementation of the ACCSP Standards. I believe this is what has already been done in the northeast.

Basically, this is SAFIS, right, I think, at least as far as the dealer component of it is concerned. I'm sure, Robert, that they probably had to deal with those sorts of issues in the northeast, so some of our northern friends might be able to provide some assistance in how they made that transition from paper reporting to the electronic reporting and how they avoided duplication of effort.

MR. CURRIN: To the motion here on sending the letter, Brian.

DR. CHEUVRONT: Are we intending to send this letter endorsing electronic reporting for all permitted dealers for all species or just snapper grouper? If you're going to just go ahead and implement this, do it for all species. Is that the way it's going to be? That point is not clear to me right now.

DR. CRABTREE: Yes, that would be my intent, I wasn't specific just to snapper grouper. It's just that we're endorsing moving the whole quota monitoring program over to electronic reporting.

MR. MAHOOD: For Bonnie, at the last ASMFC meeting I was talking to Mike Cahall, and he said he was working with your people. Is this going to be part of that program and the SAFIS program?

DR. PONWITH: That is correct; the way the data works is they go to the commissions as the first step and are stored there. And then copies of them come to the science center so we don't ever have a problem with versioning. There is only one version. If any change happens, that change is mirrored throughout, so, yes, it runs through the commissions.

MR. CURRIN: Robert, the last work.

MR. BOYLES: Bonnie, I apologize, I didn't mean to throw you a Hail Mary. This was something that literally it was the last thing I got briefed on as I walked out the door Monday on this. I would like to reiterate the state's interest in improving the timeliness and the accuracy of the data, but we do have some fairly significant hurdles to get through as we cross-walk this with our state reporting requirements as well.

MS. SMIT-BRUNELLO: So here is where I see it left with this amendment. It's actually, Kate, not in here right now for dealers, right? I see vessels with federal snapper grouper permits. I see fishermen. It's primarily not directed specifically to dealers, correct?

MS. QUIGLEY: Well, Alternative 4 is specific to dealers and fishermen; so the note below, Alternative 4 says Alternative 4 would require that 100 percent of dealers and fishermen report electronically using the SAFIS system. What we can do is revise the wording of Alternative 4 to just specify dealers. That's one option.

MS. SMIT-BRUNELLO: Well, that is one option and maybe you want to backstop this so that you put that requirement in the amendment, if that's what you choose to do. If the center goes ahead and we complete rulemaking and get it in there, well, then the document can be revised to reflect that has been done, but I guess you keep it perhaps as a backstop in the amendment just in case something happens and it doesn't get implemented. I have no reason to believe it wouldn't, but I don't know.

MR. CURRIN: So, am I sensing a desire then to modify Alternative 4 to require that the commercial landings be submitted – dealer reports be submitted using electronic means? We've got a motion on the floor about the letter; let's dispense with that first. **Is there any to the motion? I see none; that motion is approved.** Brian.

DR. CHEUVRONT: I would like to go ahead and make a motion that we modify Alternative 4 to apply only to dealers and not fishermen. And as an aside and not part of my motion, I do want to make sure that we keep Alternative 3 as our preferred. It may not happen at this point, but I think it's important for the council to say that we endorse the idea of being able to have electronic reporting for fishermen logbooks. I think that's a very good idea.

MR. CURRIN: Yes, and it will remain our preferred. It just provides an option to the fishermen who would like to submit electronically. I presume that there is a system available for them to do that, a web page they can log in either in development or existing now. Bonnie.

DR. PONWITH: Yes, I believe that is underway. It is not as advanced as the dealer reporting. If I might comment on Alternative 4, if we could either pull the SAFIS Standards out or add NOAA and SAFIS. There is one element in SAFIS that doesn't meet one of the granularity requirements that we need; and if we're too specific on that, we might actually lose that piece of information. One of our data requirements exceeds the SAFIS requirement, so if we could put either the NOAA standards or NOAA and SAFIS standards, that way we would be covered and we wouldn't lose that piece of information.

MR. CURRIN: Are you okay with that, Brian?

DR. CHEUVRONT: Yes, I'll go ahead and modify – I'm going to change my motion to modify Action 10, Alternative 4, to apply only to dealers and not fishermen and to change the statement so it says "using the SAFIS or NOAA Software Systems".

MR. CURRIN: Okay, is there a second? Second by Charlie. Further discussion on the motion? **Any objection to the motion? I see none; that motion is approved.** Kenny has got a note from the AP.

MR. FEX: Yes, the AP, on the charter side and the recreational, they understand that the landings are hard to keep track of, and they actually recommended that the council establish an ad hoc advisory panel to develop electronic logbook or electronic reporting for the for-hire and the recreational sector. The recreational sector was kind of hard for the thing; but the for-hire, they were easily to go with so I just figured I would bring that to your attention.

MR. CURRIN: Yes, the recreational sector has always been a problem because of the numbers, and I think we're kind of moving in the direction to implement something for the for-hire sector as soon as we can and the money is available. Okay, Kate.

MS. QUIGLEY: We have one more action, Action 11, PDF Page 57, improvements to for-hire data reporting. These are similar to Action 10, a little bit different. Alternative 2 is require selected vessels with a federal for-hire permit to report electronically. We were told during the public hearings that the federal for-hire vessels were already required to report electronically. I just want to get some clarification on that.

Alternative 3, require vessels operating with a federal for-hire permit to maintain a logbook for discard characteristics; again, if selected; and then Alternative 4, require that for-hire landings, the catch/effort data be submitted in accordance with ACCSP Standards using the SAFIS system. We can go ahead and revise that language if needed.

DR. PONWITH: For Alternative 2, since there are multiple permits, modifying the language would clarify that and the modification would be vessels with federal for-hire permits – take the “a” out of there and add an “s” to the permits. Right now we've got a pilot electronic logbook program that is being run – has just completed, rather, in the South Atlantic, but that was on headboat vessels.

The for-hire would be headboat and charterboat vessels so it would be a little bit more inclusive. NOAA Fisheries views this as a very positive step toward improving the timeliness and accuracy of the data. If I might add a second recommendation – again, I'm not a member of the committee – Alternative 3, has, for example, size and the reason for discarding. Including discard characteristics such as size I think would be smart. If you start getting into things like the reason for discarding, it might actually become too onerous and end up being counterproductive.

MR. CURRIN: Okay, is this something you guys are working towards? It's certainly something we would like to see. If having us approving an alternative in this amendment would facilitate speeding that up, then I would recommend we do so; but if it's going to be meaningless, I'm not so inclined.

DR. PONWITH: I can say that we received the resources to do the pilot study for the for-hire vessels. Those data are being analyzed right now. Early indications are that the electronic

reporting was viewed favorably by the eight vessels that used it and that the data we were getting was of high quality, I think the outcome of that pilot is going to be that it's a big success.

I don't, in my budget, have the resources to implement this in the for-hire wide in the South Atlantic; but as you know, the MRIP Program is looking for improvements to the MRIP collections and looking at them rather in a national scale and regional scale, and so including something like this as alternatives might be advantageous to send the strength of your message in that process.

MR. SWATZEL: I actually participated in the electronic logbook pilot program. I did find it relatively easy to use, and it certainly seems to be a good program. I would point out this same issue kind of exists in the for-hire side as the dealer commercial side concerning coordination with the states.

If we're filing electronically – at least in South Carolina if we're filing electronically for the National Marine Fisheries Service, we still need to have to do paper for South Carolina. If there could be some coordination to where for-hire vessels are not having to do two different reports, one paper and one electronic, it is an ongoing issue, and I'm sure it's the same issue you have on the other side, and Robert can address that.

MR. CURRIN: Okay, what is your pleasure here, folks? Roy.

DR. CRABTREE: Well, there are pilot studies going on. I've heard varying things about them. Some are in the Gulf of Mexico and other places. I think my preference is to wait until we have the results from some of these pilot studies so we can look at what worked and what didn't work and then come back and reconsider it then rather than decide something now.

MR. CURRIN: Okay, Bonnie, one question about Alternative 3 and your comments regarding size and reason for discarding; is your concern about reason for discarding is that they might be so numerous as to be cumbersome. If they were restricted to, say, two or three – say under the bag limit or under the size limit, for example, as the reason for discarding or if you had like three reasons restricted to that; would that be prohibitive?

DR. PONWITH: Right, if you had it narrowed down enough that you could use boxes for checkmarks, then there is nothing to it. It's if it ends up becoming a narrative, then you actually might lose data because it's too onerous. That was just one of the observations of people with experience on this.

MR. CURRIN: I know North Carolina has got a voluntary logbook thing and it's almost like a journal that you can keep. I've participated in it just out of curiosity to see how well it works. They have a section on reason for discarding and it's not as complete, but it's like two or three choices. If it could be maintained into three or four boxes, that wouldn't concern you? Okay.

All right, what is your desire here? Alternative 1 is no action. We don't have a preferred here. We do see improvements on the horizon. Is there a motion for a preferred in this action? Do

you want to remove the action from the amendment? I guess if you don't take any action, Alternative 1 will be the default. Roy.

DR. CRABTREE: Yes, if you select a preferred, then there is nothing that comes of it. I'd say leave it in. I don't see if there is any reason to take it out.

MR. CURRIN: Okay. Yes, David.

MR. CUPKA: Mr. Chairman, we've still got one regulatory amendment and five other amendments that we need to complete before we finish our snapper grouper work. We have to do something on them to approve them for public hearing and scoping. It's six o'clock now. We can either recess for an hour and half and let everybody get something to eat and clear their head a little bit and come back or we can press on, but we've got to finish this somehow. Right now we're running about a day behind, so what is the pleasure of the committee?

MR. CURRIN: It's entirely up to you, folks, I'll do whatever you want to do. I will say that many of the amendments are updates. We do have to take some action on Regulatory Amendment 9 based on the additions and of alternatives that we've made to this document. And Gregg's advice, it doesn't look like we're going to be approving this for public hearing.

We do have some other issues, that's for sure. I'm content to press on if you're ready. That's all the actions in this amendment. Kate, thank you very much. I think we're done with 18; and I think based on Gregg's comments it would be unnecessary to approve this for the upcoming public hearings. Is that everybody else's feeling and the like? Mark.

MR. ROBSON: Just so I understand, what would be the schedule then for 18A?

MR. CURRIN: We would look at it again in March with some additional analysis of the alternatives we added and the data we requested. We would have the '09 data to answer some questions, and then we would approve it in June for public hearing; is that correct? That's my understanding and Kate is nodding. Okay, Regulatory Amendment 9, Jack, I think you're going to help us out with that. As I noted during the public hearing, I have received a number of surveys that were sent around by I don't know who –

MR. FEX: Me.

MR. CURRIN: – by Kenny to a number of snapper grouper fishermen in North Carolina. I'll pass this around to make sure it ends up with Julie or Kim or somebody so that you can get copies. In addition to this sheet, which represents I think eight or nine permit holders, Mr. McKinley – Randy indicated he had several more and I received at least three more of these. They were all very similar. They have their vessel document numbers.

The questions were would you like trip limits? All of them said yes. There was a question about catch shares or IFQs. I believe all of them said no or perhaps there was one maybe. And then they were asked to submit recommendations on trip limits for black sea bass, vermilion snapper and gag. They pretty much all mirrored for black sea bass, 1,500 pounds, a few at a thousand.

Vermilion snapper were a thousand to 1,500; and for gag it was 750 to a thousand pounds. Those were their recommendations just for your information as we go through Regulatory Amendment 9. Jack, are we going to be working out of Attachment 6?

DR. McGOVERN: Yes, sir. The first action is for black sea bass. That's on PDF Page 67. There are 12 alternatives for this action. Alternatives 2 through 6 and 9 through 11 address the derby effects; 7 through 8 address the disposition of unused portion of the quota; and 12 addresses a spawning season closure for black sea bass.

Currently there is a 309,000 pound quota and the fishing year is June through May. The quota was met in December of 2009, and it was met in October of this year, but it just opened up again last week. Alternative 2 has a number of different trip limits – 2A is 500 pounds; 2B, 750; 2C, 1,000; 2D, 1,250. 2E is a thousand pounds that would be reduced to 500 pounds when 75 percent of the quota is met. Alternative 2F is 2,000; Alternative 2G is 2,500; and 2H is 340 pounds, and that's a quota that would keep the fishery open all year based on conditions in 2009.

500 pounds is expected – based on 2009 conditions, the quota would be met in February; 750 through 1,250, in January as well as that 1,000 pounds reducing to 75 percent; and trip limits of 2,000 and 2,500 pounds would have very little effect. You'll notice that a number of these alternatives are struck out. That's what the council saw the last time. The IPT suggested this new format just for ease of economic analysis.

Alternative 3 through 6 have split seasons for black sea bass. Alternatives 3 and 4 retain the June fishing year, but they just separate the fishing year differently. Alternative 3 is the June through November and December through May split to the fishing year. Alternative 4 is a June through December and January through May split.

Alternative 5 changes the fishing year to begin in November and has a split of November through April and May through October. Alternative 6 begins the fishing year in January and splits into six-month parts. Alternative 7 through 8 were in 18A previously. The IPT placed them in here. They weren't sure if the Snapper Grouper Committee wanted them in here or not, and so the council I guess can consider whether they want to retain them in here or remove them. Alternative 7 is similar to what we're doing for vermilion snapper where the unused portion from the first part of the fishing year is moved over to the second. Alternative 8 would carry the unused portion over into the next fishing year, which could have concerns with exceeding the ACL. Alternative 9 and 10 would be applied to the Alternative 3 through 6 where in Alternative 9 all but 1,000 pounds would be – when all but 100,000 pounds is met, the pot fishery would close and the remaining gears could fish and then start the second season with what is left over.

Alternative 10 would be 50,000 pounds instead of 100,000 pounds. Alternative 11 would close the pot fishery when 90 percent of the quota is met and allow the other gear types to fish, and then Alternative 12 has spawning season closure options for black sea bass. The peak spawning for black sea bass is March through May. Subalternative 12A would have a spawning season closure for two months of that peak spawning, March and April; April and May for B; March through May for 12C, which would include the whole spawning season; and then May through May 31st for Alternative 12D.

MR. CURRIN: All right, thank you, Jack. Let's go through this stepwise, if we can go back up to the actual trip limits for the first handful of alternatives, 1 and 2, and there are a number of subalternatives. What is your pleasure here, folks, regarding trip limits for the black sea bass pot fishery? Tom.

MR. BURGESS: Mr. Chairman, at this time I am not in favor of a trip limit. I think the effort controls that are going to be put in place with Amendment 18A are going to have an effect on landings – you know, the 50 pot limit on some people but also returning to port with your traps. In the warmer months it takes longer for the fish to go to the pot, so we're going to have to have a trip fishery to maintain any type of catch.

Sea bass is a single species fishery, and you don't catch anything but black sea bass, and it's not worth as much as, say, vermilion snapper where you would have X amount of pounds plus your other fish along with that. Increased time at sea, decreased profits from running back and forth with fish and also with the 309,000 pound quota, this year it was met October 6th, but if we had the other poundage I think it would have gone through October. For conversation it would have been a five-month season; so for a 309,000 pound quota, I think that's fair/ I know this is going out for public hearing so I'll leave it at that.

MR. CURRIN: Okay, other thoughts on this? Charlie.

MR. PHILLIPS: Yes, I agree with Tom. I mean when he goes fishing, he wants to go fishing and make money and not have to work around the trip limits and come in and out, especially in the summer time. So, yes, just to speed things up for discussion, I'll make a motion we do Alternative 1.

MR. CURRIN: Motion by Charlie to select Alternative 1, no action, as the preferred. Second by Tom. Discussion? I'll just comment that I kind of spoke in favor of putting this whole regulatory amendment together based on comments from a number of fishermen. I think they've all had more time to think about it now and the implications of Amendment 18A.

I included black sea bass or asked to have that included primarily because the season was ending so quickly. That concerned me, but to hear a black sea pot fisherman say he's not as concerned about that, then that carries a lot of weight with me, so I'm fine with the alternative selected. Other comments? **Any objection to that motion? I see none and that motion is approved.** All right, the next set of alternatives, 3 through 6, deal with changes in the fishing year. It is currently June and there is only one season.

There has been some discussion about splitting the season and the like. What is your pleasure here, folks? Kenny just reminded me that the AP had preferred a split season. Which alternative was it, Kenny, or do you recall? Okay, no specific recommendations from the AP on whether it should be January through June and so on or a different set of dates. They just liked the idea of a split season. Robert.

MR. BOYLES: Mr. Chairman, I know that I've been contacted by a number of folks who were interested in access to the fishery during the wintertime. In light of that, I would make a motion that we select Alternative 6 as our preferred.

MR. CURRIN: Motion by Robert to select Alternative 6, which would change the black sea bass fishing year to open January through December; separate the commercial ACLs for January through June and July through December based on percentage landings from '06 to –

DR. CRABTREE: Point of order. Didn't we just a minute ago select no action as the preferred?

MR. CURRIN: That was for trip limits.

DR. CRABTREE: Well, it's all combined in one action.

MR. CURRIN: Well, there are a huge number of various alternatives under this one action.

DR. CRABTREE: I know but I think you shouldn't select no action. That's Alternative 1. That means you're not going to do any of this stuff in the whole action. I think you need to change that. Then if you don't want a trip limit –

MR. CURRIN: Okay, thank you, that's a very good point.

DR. CRABTREE: – you just don't select one, so I would move to reconsider the motion – oh, we have another motion up already.

MR. CURRIN: It has not been seconded and so can we withdraw that Robert for this point.

DR. CRABTREE: Okay, and then I would move to reconsider the motion to set Alternative 1 as the preferred alternative.

MR. CURRIN: Motion by Roy to reconsider Alternative 1 as the preferred; second by Ben. That motion is on the floor. Charlie.

MR. PHILLIPS: Well, can we add an alternative that there is no trip limit?

MR. CURRIN: Let's deal with this motion that is now before us, the one to reconsider this motion. It passed before as a preferred. I guess what we need to do is to de-select it as a preferred.

DR. CRABTREE: I move that we not select Alternative 1 as the preferred.

MR. CURRIN: Is there any opposition to the motion to reconsider this motion? I see none; now that motion is on the table.

DR. CRABTREE: I move that Alternative 1 not be the preferred.

MR. CURRIN: Motion by Roy; second by Robert that Alternative 1 not be a preferred. Any further discussion? Any objection to that motion? I see none. Roy.

DR. CRABTREE: Then if you don't select an alternative as the preferred that establishes a trip limit, there is no trip limit. So you didn't select one so you can just go down to where you were and start afresh.

MR. CURRIN: Thanks for keeping me straight. All right, Robert.

MR. BOYLES: Mr. Chairman, I would again make the motion that we select Alternative 6 as a preferred alternative under this multifaceted action item.

MR. CURRIN: Motion by Robert; is there a second? Second by Ben. Discussion on the motion? Brian.

DR. CHEUVRONT: Exactly what do we mean on how we're going to split it? Are we taking the 309,000 and dividing it in half and allowing half of it in the first – like we did with B-liners and half of it in the second season, because my concern would be that season starting in January, we're run up against that spawning season, which we would probably really like to have closed. I have a bit of concern about that. If somebody could address that issue, I would appreciate it.

MR. CURRIN: As it's written, Brian, the percentage assigned to each of those periods would be based on the percentages indicated by the 2006-2009 landings data. I don't have those values in front of me. Maybe Jack can enlighten us. Jack, can you answer that question? The question Brian had is under Alternative 6 what percentage of the ACL would be assigned to the two periods?

DR. McGOVERN: I think it's based on the historical catch. I believe there is a Table 4-6, maybe, that shows that.

MR. CURRIN: Do you have that page number so we can look at it?

DR. McGOVERN: PDF 77. Actually that's under Alternative 9 that applies at the 3 through 6. PDF Page 74.

MR. CURRIN: Is that correct, PDF 74

DR. McGOVERN: Yes, sir.

MR. CURRIN: Do you see that, Brian, so it is roughly half.

DR. CHEUVRONT: Yes, so it just looks to me like the suggestion here is to split the quota evenly under Alternative 6, or roughly evenly, so you have 151,000 pounds starting in January, but then again that would – in 2009 and 2010 that would have closed the season the 8th of February; but my follow-up question is in calculating this for the 2009-10 season, that doesn't take into account anything that we'd be doing in 18A. That would probably delay the closure

would be my guess. I think if we're getting into March, which was the average, then we're bumping up against that spawning season.

MR. CURRIN: Well, then there are actions to consider spawning season closures and that varies up and down the coast. I don't know what we'll do there but it looks like both could be accommodated, the fishery as it is. Robert.

MR. BOYLES: Mr. Chairman, again, folks that have contacted me, our fishermen were really interested in having access to that fishery in the wintertime. These were guys primarily in the northern part of the state, Little River and Murrells Inlet area, who were interested in a wintertime fishery.

MR. CURRIN: Further discussion on the motion? Tom.

MR. BURGESS: Just briefly, I'm not going to support this motion. The people that are in question are charter fishermen. I understand their concerns for having access to the resource, but I know there are fishermen that also have concerns about having just a single starting date. I'm looking at the commercial fishermen's involvement.

MR. CURRIN: Further discussion on the motion? Charlie.

MR. PHILLIPS: Yes, and I'd to see a – like further down they were talking about setting aside a certain amount of the harvest for just hook-and-line fishermen that would keep those guys where they could keep their discards – I mean, keep their fish while they're vermilion fishing and stuff like that, and I would like to keep the hook-and-line fishery open to some degree or another. I don't know how you'd do it with a split season. If there was a way to do it, then I might consider it.

MR. CURRIN: There were a couple of alternatives in there dealing with closing the pot season, as best I recall, when allowing some percentage left over for the hook-and-line fishermen. Those are the only ones I recall. We can deal with that when we get to that section if that's okay with you. Roy.

DR. CRABTREE: Kenny, this wasn't what the AP wanted, right? They wanted to keep the current season and have it split?

MR. FEX: No, I'll read exactly what they wanted. They wanted to specify two seasons; one in which all gears may participate and the other for all gears except pots. Specify the fishing year so that one of the seasons corresponds with the traditional winter pot fishery. The question was in January they open up the trawling up in Virginia, so the price of the black sea bass drops. I think they were more considering maybe an October or November second season start date.

And then that would avoid the spawning closure that he had brought forth; so maybe open the season in May or June, half the season, and then let the other half of the season start in October or November and December, something along those lines because that's traditional when North Carolina catches the pot fishery.

DR. CRABTREE: Tom, is that consistent with your experience that the January prices aren't good?

MR. BURGESS: Well, I can't really swear to that because in January – we haven't worked in several years in January, but there were concerns and discussion about that before this December 1st opening, and I think more people were in favor of the December 1st opening due to some price issues. It did come up in conversation. This is reasonable and I sure wouldn't have any trouble supporting this to go out to public hearings.

MR. FEX: I've been at several meetings and I think through all these meetings I've heard the Florida fishermen say that's why they wanted to start the season in June was because of the price gouging in January. I mean, that was at several meetings because a lot of North Carolina fishermen argued, well, why is it starting in June; it only helps the Florida fishermen, and that was the rationale that I had heard among the council at that time.

MR. CURRIN: Well, as a matter of history, it was the North Carolina contingent to the South Atlantic Council that pushed for so many years to move the start date to June. That was done about the time I got on the council. That's just some history and background, so here we are talking about changing it again. In six more years we may be back to June again, I don't know. I think

Tom's comment is a real one regarding the opening of the trawl fishery in the Mid-Atlantic. Although these guys haven't been able to fish in January, they haven't experienced that price drop, but I have heard from fishermen that typically that does occur. I would be content to leave it as it is, so I wouldn't favor this motion. Red.

MR. MUNDEN: The Mid-Atlantic Black Sea Bass Fishery begins January the 1st and runs through December 31st if there are quota left. North Carolina and all of the states from North Carolina through New York receive a state-by-state quota share through the Atlantic States Marine Fisheries Commission. We open our season the first day of January.

We utilize our black sea bass quota for bycatch in the summer flounder trawl fishery, but the first of January you would North Carolina, Virginia and New Jersey all opening for black sea bass. Our current fishery that will open January the 1st will be operating on a 500 pound bycatch allowance for black sea bass, which you have to keep in mind that we'll have upwards of 70 boats participating every two weeks, so they can land 500 pounds of sea bass in North Carolina every two weeks, and we will have the 70 boats bringing those fish in.

MR. CURRIN: Further discussion on this motion to change the fishing year into two sections? **All right, all in favor of this motion raise your hand, please, 3; all opposed, 8. That motion fails.** All right, what is your pleasure here, folks; any other alternatives here that you want to consider? I don't see any. That would leave the fishing year starting in June as it has been and leave a single season as it is now if we don't select a different one.

It closes when the quota has been met. Alternatives 7, 8 and 9 deal with split seasons and carryovers. If we're not going to split the seasons, those are moot. I guess we can move those –

well, maybe at this stage we would leave those there or is there any benefit in moving them, Jack?

DR. McGOVERN: If you just leave them, they go to public hearing.

MR. CURRIN: Yes, that makes sense. Okay, that brings us to Alternatives 11. Let's look at that one, if you would, and that's to close the pot fishery when 90 percent of the commercial ACL is projected to be met. That would leave 10 percent of the ACL for hook-and-line fishermen and close the pot fishery. Brian.

DR. CHEUVRONT: **I would like to make a motion that we make Alternative 11 our preferred.**

MR. CURRIN: Motion by Brian to select Alternative 11 as the preferred; is there a second? Second by Charlie. Discussion? Ben.

MR. HARTIG: What are the percentages of the hook-and-line fishery?

MR. CURRIN: As best I recall, it is about 87 percent, roughly, the pot fishery or is it higher than that, Jack? He probably knows exactly.

DR. McGOVERN: It's about 89 percent and I think those data might be in this section.

MR. CURRIN: So that roughly mirrors the traditional pot. Roy.

DR. CRABTREE: But it does seem like this would effectively allocate more of it to the hook-and-line guys than they've historically been catching because they're going to fish the whole time, right, and then they're going to keep fishing after the pot fishery is closed. I don't know if it would be much, but it might.

MR. CURRIN: Yes, I don't know, that's a possibility, Roy. Tom.

MR. BURGESS: I would be more in favor of just a regular allocation, whatever the hook-and-line fishermen traditionally have, and they deserve to retain that, rather than just give allocation away to a different sector.

DR. CRABTREE: And that's fine but you can't do allocations in a framework action; so if you want to establish allocations, you would have to do that in an amendment somewhere along the way.

MR. CURRIN: Further discussion on this motion? Kenny.

MR. FEX: Yes, the motion up there is actually what the preferred is by the AP.

MR. CURRIN: Further discussion? **All in favor of the motion raise your hand, please, 11; any opposed, 1. Okay, that motion is approved.** Yes, Myra.

MS. BROUWER: Just a very minor point, but if you allow us to change the wording of that alternative to say “projected to be met”,

MR. CURRIN: Yes, I don’t think anybody would have a problem with that. In fact, that’s what it says in my copy. Okay, Alternative 12, there are a number of subalternatives under that. It is to establish a spawning season closure for black sea bass. As you’ve heard earlier with the way the fishery has been operating beginning in June, it is usually closed during most of these periods, anyway. I don’t see that changing very much, so we’ve got a de facto spawning season closure. I guess we could officially establish that if we wanted to under this alternative. Roy.

DR. CRABTREE: Well, I would point out that it looks likely that the recreational fishery is going to go over their amount of fish. I guess it’s not an ACL yet or is it an ACL yet? I guess it is because it will be with 17B. I think some sort of additional measures to slow the recreational down would be a good thing.

MR. HARRIS: Mr. Chairman, I’m of the opinion that none of these options really affect a spawning season closure in Georgia. I think the spawning season is primarily in the wintertime off the coast of Georgia. I may be wrong about that, but that’s my memory. I don’t know about South Carolina and Florida, but they don’t do a whole lot for us, I don’t believe.

MR. CURRIN: Jack, can you speak to when those spawning seasons occur up and down the coast? I’m sure they vary from North Carolina to Florida.

DR. McGOVERN: Well, there is a cline to spawning, but the analysis that was done on a life history study was for North Carolina to Florida and peak spawning during that time. There were fish collected from North Carolina to Florida was March through May, but spawning extends outside that period of time, too, so it might be a little bit different off Georgia for peak spawning.

MR. CURRIN: Tom, have you got any insight into that?

MR. BURGESS: Yes, I did do some fecundity work with UNCW; and Jack is exactly right, in North Carolina – I did it in North Carolina, though, and one year it wasn’t quite as pronounced. It was a little bit later I think due to water temperature, but the very next year – we did it two years in a row – it followed that pattern exactly; March, April and finishing up in May.

I would like to make one comment as far as establishing a spawning season closure for black sea bass. I know that the commercial sea bass potters are strongly in favor of not fishing in March, April or May – now, I’m just speaking about the fish pots – because they have the other nine months to work with, and they thought it was beneficial to the resource to fill in those nine months before we went ahead and worked in March, April or May.

I see down here there are some recreational closures, too. I know there were some current concerns at the AP meeting about a headboat captain who mentioned it was going impact him greatly if he couldn’t make a trip or two and catch a few fish during that time. I thought that was pretty strong. I mean, we have a good strong resource that seems to be growing. I just have a little concern about the recreational sector. I know I’m a commercial representative, but the

implications – and I would like to let the council take that up if they wanted to. As far as the trap season, they're in favor of closing it March, April and May.

MR. FEX: The AP was in support of a spawning closure for the commercial and the recreational sectors.

MR. BOYLES: Mr. Chairman, I would move that we select Subalternative 12C as a preferred.

MR. GEIGER: Second.

MR. CURRIN: Motion by Robert to select 12C as the preferred; second by George, and that would be a March 1st through May 31st spawning season closure for black sea bass applying to both commercial and recreational sectors. Discussion. Yes, Duane.

MR. HARRIS: Mr. Chairman, I'm going to vote against the motion because it doesn't do anything with respect to a spawning season closure off Georgia or Florida. I talked to Robert Johnson and he said the spawning season for black sea bass off Florida is in the February time period. I know it's in the same time period off Georgia. I'll vote against it until we have a better spawning season identity for our coastline.

MR. CUPKA: I think it is the same thing. I know when I first went to work for DNR, the first project I had was the life history study on black sea bass. That was a long time ago, but I seem to recall the major period was like in February, March and April, and then there was a smaller peak in the fall of the year, but the primary one was in those winter months.

MR. SWATZEL: Well, just pointing out that life as a headboat operator is tough already and it's going to get a lot tougher especially in the Carolinas in the spring, March and April. I mean, sea bass is really the only thing we can fish for. We're caught in the right whale speed limit issue because you can't get offshore. You can't catch vermilion snapper and part of the time you can't catch grouper either. You have effectively shut down the for-hire sector at least in the Carolinas in that time period as a result of this, so I just caution you.

DR. McGOVERN: I just wanted to add that in the analysis I think we can add information on spawning season peaks by region and by state. I'll try to add that so you can see how it's different off of Georgia, Florida. There is a cline. They spawn later the farther you go north.

DR. CRABTREE: And it's likely when the ACLs go in place, with the trends we have now and the quotas we have now, the fishery is likely to be shut down by that time because of the ACL.

MR. CURRIN: Other comments or discussion on the motion? **All in favor of the motion raise your hand, please, 4; all opposed, 8. That motion fails.** All right, I guess we could, if you have that desire, craft another motion that would perhaps try to encompass both Georgia and North Florida as well as a compromise on the spawning season closure to the north of there. I would add an alternative, I presume. Duane.

MR. HARRIS: Mr. Chairman, I would like to wait until we get the analysis that Jack is going to do before we craft another motion with respect to this issue.

MR. CURRIN: All right, is that the pleasure of the committee? Then, Jack, I think that takes us through that action; does it not?

DR. McGOVERN: Yes, it does, Mr. Chairman. We're now on PDF Page 90, trip limits for vermilion snapper. The vermilion snapper has a split fishing season, January through June and July through December. The quota for January through June is 315,523, and then for the second season it's 302,523. During 2009 the quota was met in September. It should have been met in September of this year. The January through June season, it was met in March.

Alternative 2 establishes a 1,000 trip limit for vermilion snapper. That would probably extend the season based on 2009 conditions by about three weeks. 2A would establish a 1,000 pound trip limit and reduce it to 500 pounds when 75 percent of the quota is met; and that would for the two seasons probably extend the season by about a month.

Alternative 3 would establish a 1,500 pound trip limit. That was added at the last council meeting. That would extend the season by maybe about two weeks for the two seasons. A 750 pound trip limit is Alternative 4. That would extend it by about a month. Reducing the trip limit from 750 to 400 pounds would add two weeks to that. A 500 pound trip limit in Alternative 5 would keep the fishery open almost all year, and it would keep it open all year based on 2009 conditions with a 400 pound trip limit.

MR. PHILLIPS: I would like to make a motion and then I'll explain if I can get a second for Alternative 1, no action, no trip limit.

MR. CURRIN: A motion by Charlie to select Alternative 1 as the preferred; second by Duane. Discussion? Charlie.

MR. PHILLIPS: Well, there are a lot of reasons I would do this. First of all, for some of the same reasons that Tom didn't want a trip limit on his black sea bass in North Carolina. You may – and I've heard the arguments you have a shorter trip, you will have better quality fish. My guys make seven-day trips. If they slush their fish, they look just as good as the guys that make short trips. You can keep pretty fish for seven days.

Two, it's basically a reallocation from the larger boats that make long trips to the smaller boats that make short trips. And it's going to cost more money. If you made a little extra money on the quality of fish, you're going to turn around and lose it trying to make back-to-back trips, and that's what they're going to do.

They've already told me if they have to do 1,500 pounds or something, they're going to make back-to-back trips. It is not really – you've got a derby fishery no matter what you do. It's not going to stretch the season out that much. But those guys down there with those bigger boats are going to have a hard time with even with a 1,500 pound.

I understand the concerns of wanting to stretch it out, but it really – it's a reallocation and it's economic. There is no biological reason not to let the guys catch their fish, make their money and they go do something else. I know at least one boat that tied up for quite a while because once that season was over he just tied up, so he didn't interact with anything. Some of the other boats scrapped around on grouper or amberjack, but it is really, really hard for us to make a living when we can't grind on vermilion. I understand vermilion is a significant part of the northern people, and it's part of their package; but if you want professional fishermen, you need to let them go catch their fish; and if they something else they can do, then, fine; and if they don't, then their season is pretty much over.

MR. HARRIS: I've said at the last couple of meetings I believe with respect to trip limits here that Georgia would be disadvantaged because of the distance that they have to run to get to the fish compared to some of the other states. That's what Charlie is saying; they've got to run so far, they make the longer trips, and they need to be able to bring back in what they catch and not be limited to some kind of smaller trip limit.

DR. CRABTREE: Well, I understand your concerns, but it seems to me we need a trip limit. I think the AP recommended, what, a thousand pounds?

MR. CURRIN: The AP did recommend 1,500 pounds, I believe.

DR. CRABTREE: And I don't know if this would work or not, but I wonder would it be possible to have the trip limit apply in the EEZ off of Florida, South Carolina and North Carolina but not in the EEZ off of Georgia.

MR. CURRIN: You're going to do that without allocating some portion of the catch to – which we can't do here.

DR. CRABTREE: Yes, it would have to be done without allocating anything.

MR. PHILLIPS: A lot of those boats, Phil's boats, they come out, they work all the way down that ledge.

DR. CRABTREE: Okay, never mind.

MR. PHILLIPS: And those boats in Florida, when they're not hitting fish or the tide has got them, they've got to work all the way up that ledge. I talked to Otha in law enforcement, and he was not particular about trying to track a thousand pound trip limits, 1,500 pound trip limits. And I for one don't want my boats to have to deal with it. True, nine out of ten of them can probably hit that. I don't want to deal with that other one that's not hitting that.

MR. CURRIN: Charlie would probably love that, Roy, because then they'd all come down to Georgia and sell all the fish to him in his fish house.

DR. CRABTREE: I withdraw my idea.

DR. CHEUVRONT: I'm sorry you did that, Roy. I kind of liked that idea, but okay.

MR. CURRIN: Well, again, I'm one of the people that brought this forward to the council and asked that it be analyzed and considered because of folks in my area – and granted, Charlie, many of them are small boat fishermen are very, very interested in this to try to prolong their season. Interestingly, I'll point out to you at the AP meeting – and you were there – Mark Marhefka, who is a pretty big boat fisherman and at least in the past has made week-long trips, seemed to appreciate the 1,500 pound trip limit and spoke in favor of it there. I think he sees the fishery changing. He is threatened by the early closures. He is having to change the way he fishes. Anyway, just to relate that to folks who know Mark and know his history. Tom.

MR. BURGESS: Yes, I spoke to fishermen in North Carolina and they were in favor of a trip limit on the B-liners. I spoke to one fisherman at my fish house and he said with a 1,500 pound trip limit you can still stock 7 grand in a week because you'll have grouper and triggerfish and everything else.

I've talked to quite a few fishermen who are really interested in lengthening the season and try to get away from the discards, to have some of each species so that they can make a trip and make each of the – make the B-liners last a little longer and work through the groupers and things of that nature. This fisherman asked if he could – under Alternative 3, a 1,500 pound trip limit, he was interested very much so that when 75 percent of the quota was caught to go to 500 pounds. If could add a subalternative, if that's okay.

MR. CURRIN: Well, let's deal with this. We've got Charlie's to not establish trip limits. All right, any further discussion on that motion? Robert.

MR. BOYLES: Just for clarification, Jack, we understood a 1,500 pound trip limit would extend the season approximately two weeks in both seasons?

DR. McGOVERN: That's correct, on Table 4-14 and 4-15 it shows approximately when it would be met, but that's based on 2009 conditions; so you pick different years, you'd have different times when it would be met.

MR. BOYLES: The way I see that, that's an extra month of fishing. I mean, I'm sensitive to the Georgia situation, but we've heard folks time and again come and talk about trip limits as a way of allowing them to fish longer. I would vote against that motion on the board in favor of finding a way to give these guys an opportunity to fish a little bit more steadily.

MR. CURRIN: Other comments or discussion on this motion? **All in favor of the motion raise your hand, please, 3; all opposed, 8. That motion fails.** Okay, again, we've gotten the AP's recommendation of 1,500 pounds. Tom, I think you said you had talked to a fisherman that wanted a hybrid of Alternative 3 and 4, which cuts the trip limit back after 75 percent of it.

MR. BURGESS: Yes, that's correct, under Alternative 3 a subalternative when 75 percent of the quota is met, to reduce the trip limit to 500 pounds.

MR. CURRIN: Is that a motion to add a subalternative under 4?

MR. BURGESS: Yes, it is. No, under 3.

MR. CURRIN: I'm sorry, 3. Motion by Tom to add a subalternative under Alternative 3, such that when 75 percent of the commercial ACL is projected to be met, the commercial trip limit would be reduced to 500 pounds. Second by Ben. Discussion on that motion? Again, the motion is just to add an alternative at this point. Charlie.

MR. PHILLIPS: Just to not beat a dead horse, but we definitely can't go fishing for 500 pounds. If they want to do it off North Carolina, then we'll draw a line up there.

DR. CHEUVRONT: They're not go to really target them off of North Carolina for 500 pounds either. This is a way to allow, when these guys are still fishing – and they're still going to encounter these fish when they're going after gags or whatever. This is basically to keep from throwing dead fish back overboard and at least let them bring them back and sell them when they're targeting something else.

MR. HARTIG: And exactly, Brian is right, and you may see if fishermen are able to try this, if we approve that at some time, it may be that they find a value in being able to have vermilion as a bycatch at that – to be able to go and target the other species.

MR. CURRIN: Okay, again, we're going to have some more discussion later on this, I'm sure, if it comes up as a preferred, but this is just a motion to add it as an alternative. The motion is to add a subalternative under Alternative 3 that would reduce the trip limit to 500 pounds when 75 percent of the commercial ACL is projected to be met. **Is there any objection to the motion? I see two in opposition. That motion is approved.** All right, Duane.

MR. HARRIS: Mr. Chairman, I would like to add an alternative that would establish the trip limits only for the state of North Carolina for vermilion snapper.

MR. CURRIN: Motion by Duane to add an alternative that would establish limits only in the state of North Carolina. Second by Charlie. Discussion? Duane.

MR. HARRIS: I recall most of the people that have spoken in favor of trip limits for vermilion snapper were North Carolina fishermen. Maybe I'm wrong, but I don't remember fishermen from the other states speaking in favor of trip limits on vermilion snapper. I know most of the North Carolina guys from what I've heard want trip limits, and I think it would help them. I think this is a reasonable compromise.

MR. HARTIG: Well, with all due respect, without any trip limits in the rest of the area, you're not going to extend the season, so it would defeat the purpose of having the trip limits in the first place.

DR. CHEUVRONT: Right now the majority of the landings are coming from North Carolina and Florida. If we put the trip limits only in for North Carolina, the rest of it is going to be taken

up basically in Florida. I was just whispered in my ear that a lot of the Florida fishermen actually are in favor of the trip limits as well.

MR. CURRIN: Do you want to modify your motion, Duane?

MR. HARRIS: Mr. Chairman, I want to modify my motion to include Florida in that.

MR. CURRIN: Were you serious about modifying it to include Florida, Duane?

MR. HARRIS: If I can get a second based on what we just heard.

MR. CURRIN: Charlie, are you okay with that. The motion as it has been modified is to add an alternative that would establish trip limits only for the states of North Carolina and Florida. I have to agree with Ben. I don't think the folks in North Carolina would like that approach as well. Again, we're just adding an alternative now. Discussion? Robert.

MR. BOYLES: Monica, is this not an interstate commerce issue?

MS. SMIT-BRUNELLO: What? Would you repeat the question? I'm reading something else as well, multi-tasking.

MR. CURRIN: We have a motion that is up on the board now that has been offered by Duane to establish trip limits for the states of North Carolina and Florida but not implement them elsewhere. This is just to add an alternative.

MS. SMIT-BRUNELLO: Well, I think you have some National Standard 4 concerns, but if you can build the rationale and record as to why this is a good idea and doesn't conflict with National Standard 4, then you're fine. I think you just have to build the record for it. It's not automatically wrong.

MR. CURRIN: Okay, further discussion on the motion to add this as an alternative? Charlie, last word.

MR. PHILLIPS: Okay, I've talked to a lot of these fishermen and catch shares have become a dirty word lately, and a lot of people think they're either going to get trip limits or they're going to get catch shares. They've got to have one or the other.

When I talked to some of the fishermen that used to be with me and are down in Florida now, and they said, "Well, we wanted trip limits because we don't want catch shares." And I said, "Well, what if you just left it alone?" "Oh, we didn't know that was really an option." So, there is a significant number of people that are trying to do something so they don't have the feeling that catch shares are their only other option. I just want that out.

MR. CURRIN: All right, and we'll have some of this conversation again if this gets selected as a preferred, I presume, so let's go ahead and decide whether we want to add this into the

Regulatory Amendment 9. **All in favor of adding this as an alternative in Regulatory Amendment 9 raise your hand, 3 in favor; all opposed, 8 opposed. That motion fails.** Tom.

MR. SWATZEL: I would like to move to make Alternative 3, establish a 1,500 pound commercial trip limit, as a preferred alternative and also add the subalternative that would reduce the trip limit to 500 pounds when 75 percent of the commercial ACL is projected to be met.

MR. CURRIN: That's a motion by Tom and second by Ben. That is the subalternative that Tom offered up and was added to the document. I guess it will be Subalternative 3A. Discussion on that motion? Tom.

MR. SWATZEL: I've certainly heard a lot in South Carolina and more particularly in the Murrells Inlet area about the need for trip limits. I know it's controversial, but I think there is certainly an agreement that something needs to be done to be able to extend the fishing seasons, and I think this is certainly a step in the right direction. We can certainly take it out to public hearings and see what is going to be said.

MR. CURRIN: Okay, further discussion? **All in favor of the motion raise your hand, 9; all opposed, 2. That motion is approved.** Ready to move on, Jack.

DR. McGOVERN: Okay, the next action is for gag on PDF Page 99. There are three alternatives. Currently the commercial ACL for gag is 252,940 pounds. The quota would have been met in 2007. It's not going to be met this year. It would not have been met last year. The analysis was based on 2007 data. With a 1,000 pound trip limit, the quota would have been met in December of 2007. It would not have been met if the quota was reduced to 100 pounds when 75 percent of the ACL was met, and the quota would not have been met with a 750 pound trip limit.

MR. CURRIN: Okay, Kenny and the AP weighed in on this one as well.

MR. FEX: The AP considered a thousand pound gag trip limit with a starting season date of May 1st for each year and a reduction to 100 pound gutted weight of gag grouper when 90 percent of the quota has been met.

MR. CURRIN: All right, what is your pleasure here with gags? The people I heard from, as I indicated earlier, had trip limit suggestions from 750 to a thousand, and I would note that North Carolina last year implemented I think a 750 gag trip limit.

DR. CHEUVRONT: Per day.

MR. CURRIN: Per day, yes.

DR. CHEUVRONT: So if you had a multi-day trip you could have multiple.

MR. HARTIG: I would move the AP's recommendation.

MR. CURRIN: Okay, Ben moves the AP's recommendation which is a 1,000 pound trip limit for gag with a season starting on May 1 and to reduce the trip limit to 100 pounds gutted weight when 90 percent of the quota is met. Again, I think that is an effort for bycatch. Is there a second; Charlie seconds.

MR. PHILLIPS: Second with a friendly amendment that we do a thousand pounds or the appropriate head count so we'll make it much easier on law enforcement.

MR. CURRIN: Charlie's friendly amendment or suggestion is to convert the thousand pound trip limit to a number of fish. I know we at one point had that calculation. Mark Marhefka used to throw it around. I forget what it was. Jack, do you recall?

DR. McGOVERN: I think the science center would have to provide us some kind of conversion.

MR. HARTIG: I believe the thousand pounds – the ones we catch are like 15 pound average. I can't speak for North Carolina, but it's still quite a few fish. The problems I see with this and trying to help law enforcement is in Florida when you have to take these fish out in the heat and things – and we have had to do it with king mackerel – you have quality concern that creeps up where the fish start to get warm when you start to count a large number of fish. I think a thousand pounds is just too large to accommodate law enforcement on this.

MR. CURRIN: And there are also high grade concerns when you start doing that as well.

MR. PHILLIPS: Well, you've got to remember now when we did pink porgies – that was only 200 pounds or whatever that was – we went to a fish count or head count just to make it easy for law enforcement and make it easy for the boats. I think a professional commercial fisherman is not going to be high grading, and I think you're going to average out.

DR. CRABTREE: I think this one is administratively going to be very difficult to pull off because we're usually projecting the closure date before 90 percent of it is caught, and you're going to get into a whole lot of projecting and everything that's going to really throw us off because it's going to be hard to know how much that is going to slow the closure dates and all. I think this one is difficult to do administratively.

MR. CURRIN: I kind of gathered that might be a problem. Further discussion on this motion? **All in favor of the motion raise your hand, 8 in favor; opposed, 2 opposed; any abstentions, 1 abstention.** Okay, now, Ben, your motion was to adopt the AP's recommendation. Was that intent to select it as a preferred, to add it as an alternative and select it as preferred or was that just to add it as an alternative? **The motion was approved.**

MR. HARTIG: Well, my intent was it to be a preferred alternative.

MR. CURRIN: Was that clear to everyone in the vote? We have voted and we were trying to determine what we voted on, whether we voted to add it as an alternative, as some understood, or to select it as a preferred, as others understood.

MR. HARTIG: Mr. Chairman, since the rest of the people who voted did not think it was going to be a preferred alternative, I will move that as an alternative to be considered.

MR. CURRIN: What do we need to do, just clarify that motion, read it again? We've already voted on it and it has been approved.

MR. HARTIG: Well, what I wanted to do was –

MR. CURRIN: Well, if it's unclear and some people were confused – Duane, you voted in favor of it; you can make a motion to reconsider if you'd like.

MR. HARRIS: Well, I voted in favor of it because I thought it was just to add it as an alternative and not make it the preferred. I don't know if we need a motion to reconsider it. It was adopted as it was, but it was not as a preferred. If you want to make it a preferred, I think it's cleaner to make a motion that it become the preferred.

MR. CURRIN: Then we'll proceed that way, so that motion has been interpreted as adding this alternative as an alternative to the Regulatory Amendment 9, so now what do we want to do about a preferred for this issue? Mark.

MR. ROBSON: Well, I'd like to hear a little bit more from NOAA regarding the problem they encounter with the trip limit and the reduction.

DR. CRABTREE: Well, I think it is going to be difficult for us to do because, like I said, we'll be projecting the closure date before 90 percent of the quota is caught. What I'm going to ask my staff to do is to go between now and the next meeting to really look and see how much of a problem it is.

If I come back at the next meeting and tell you administratively we can't do this, you can interpret that to mean that we won't approve it, but I'm not prepared to say it at this point. I'd like to do what you guys want to do, but I don't want to set us all up for just a big mess because we can't do it from an administrative point of view.

MR. ROBSON: Well, Roy, does that apply to the 75 percent as well or is that more of the standard that you all look at?

DR. CRABTREE: We've done 75 percent in the past and that gives us a little more working room than 90. I think we've okay with doing that. Administratively it's easier not to have these triggers, but 75 we've done in the past and we've been able to live with it.

DR. CHEUVRONT: I would like to make a motion that we make Alternative 2 our preferred alternative.

MR. CURRIN: Motion by Brian to make Alternative 2 – second by George. Discussion on that motion? Brian, is your intent with that strictly just to establish a 1,000 pound trip limit?

DR. CHEUVRONT: That is correct because if I'm not mistaken, based on the landings in the past, that if we did it at 75 percent, we wouldn't take up all the quota if we did Subalternative 2A; and if we did just 2 the season would last through about mid-December and it would close January 1, anyway.

MR. HARTIG: Well, I don't know if it will with a hundred pounds at 75 percent.

MR. CURRIN: That's not his motion. His motion is just to establish a 1,000 pound trip limit for tag. Further discussion on that motion? **All in favor of that motion raise your hand, please; any opposed. All right, that motion is approved.** All right, Jack, isn't that it in Regulatory Amendment 9?

DR. McGOVERN: One more action. This is on PDF 104. It's a trip limit for greater amberjack. Currently there is 1,169,931 pound ACL for greater amberjack. Alternative 2A would increase the greater amberjack commercial trip limit to 2,000 pounds; 2B would increase it to 1,500 pounds. Alternative 3 would change the trip limit to 2,000 pounds for vessels making multi-day trips north of Cape Canaveral. The way the IPT has defined a multi-day trip is one that lasts for more than one day. For all other trips, the 1,000 pound trip limit would apply.

Alternative 4 would change the commercial trip limit to 2,500 pounds for vessels making multi-day trips north of Cape Canaveral, and for all other trips it would be a thousand pound trip limit. Under all these alternatives, the commercial ACL would not be met. The effect of all these different trip limits, the expected catch is shown on Page 106, Table 4-28.

DR. CHEUVRONT: I would like to make a motion that we select Alternative 4 as our preferred alternative under Action 4.

MR. CURRIN: Motion by Brian; second by Charlie to select Alternative 4 as the preferred. Discussion? Kenny, what was the AP's recommendation here?

MR. FEX: The AP talked about it and they didn't see no reason for action. They thought a thousand pounds trip limit was substantial.

DR. CRABTREE: My concern – and I'm going to ask Otha – I don't know how in the world enforcement would know whether they're on a multi-day trip or not, and so I'm going to ask Otha is this enforceable?

MR. EASLEY: The short answer to that is no. Many of our trip limits are enforced at the dock. We don't know when they took off. Even at-sea boarding by the Coast Guard or state partners, it would take a great effort to investigate when they left and such, so this is a tough one.

MR. CURRIN: Yes, I think when things like that are done, typically a call-in system is used or hail in and hail out sort of thing, and that is difficult. Roy.

DR. CRABTREE: Yes, I'd offer a substitute motion to move Alternative 3 and 4 to the considered but rejected.

MR. CURRIN: Substitute motion by Roy to move Alternatives 3 and 4 to the considered but rejected; second by Duane. Discussion on that motion? I think the consideration is for law enforcement and the unenforceability of those as the primary impetus or rationale for that. Any discussion on that motion? **All in favor of that motion raise your hand, please, 11 in favor; any opposed. That motion is approved; I see none opposed.** Duane.

MR. HARRIS: Mr. Chairman, I would move that Alternative 2A be our preferred alternative. That's to increase the greater amberjack commercial trip limit to 2,000 pounds.

MR. CURRIN: Motion by Duane; second by George to select Alternative 2A as the preferred. That's to increase the amberjack commercial trip limit to 2,000 pounds. Discussion?

MR. HARRIS: Mr. Chairman, I'll speak to the motion, if I could. I've been hearing from Paul Nelson down off the coast of Florida that we've not ever met the quota or the ACL for amberjack and they're limited to a thousand pound daily trip limit. They just said, "You know, it's ridiculous that we're limited to that when we can't even catch the quota." I told him I'd do whatever I could to try to increase that daily trip limit for amberjack.

MR. HARTIG: And I appreciate that, Duane. I've been involved in this fishery since it started, and I appreciate that. We didn't want any higher than a thousand pound trip limit where we are because we don't think the fishery can withstand the day trips of over a thousand pounds. I have had problems with the assessment.

I wasn't involved in the last one; I was involved in the prior one. There are some problems that we see with the assessment. I mean, we watched the fishery literally crash when the science was still saying you can still fish; it's still healthy, in fact. But there were two years there when that I was going on where I couldn't hardly catch a legal-sized amberjack.

So, yes, the fishery has come back; yes, we are seeing the average size increase; yes, we are seeing fish in the 80 to a hundred pounds again, which we saw before. However, the volume of those fish that we see is not there yet. I would be hesitant – and I talked to a guy in the Keys, too, before I came, twice, and he called me when I was up here, and he is in the same boat as me. He has been in the fishery the whole time and he sees the same things I'm seeing, but he's still not – he doesn't want to go over a thousand pounds. He'll travel 75 miles one way to catch them at times. That's why I would speak against the motion. I think it's too much too soon, and there is probably a reason why we're not catching the quota that you might think about. If they were as easy to catch, we may be producing more fish.

MR. CURRIN: And that same sentiment was shared by a number of people at the AP that were from southern Florida as well, Duane, and I share Ben's sentiments on that, too.

MR. HARRIS: Well, I appreciate anything Ben has to offer with respect to this issue. Would you be willing to compromise at 1,500 pounds, Ben? I mean, I would offer that as a substitute motion if that – I mean, we can either vote it up or down, but a compromise might be –

MR. HARTIG: No, to hear what people have to say, 1,500, yes, that's fine, we'll do that, but I think – well, you'll hear it.

MR. HARRIS: Mr. Chairman, I would offer to amend my motion to 1,500 pounds, if it's okay with the seconder.

MR. CURRIN: Motion by Duane to amend the previous motion to reflect a 1,500 pound daily trip limit for amberjack.

MR. GEIGER: And it's okay with me if we call the question.

MR. CURRIN: Alternative 2B is the preferred then. Is there a second?

MR. GEIGER: It's fine with me if we call the question.

MR. CURRIN: All right, the motion is to select 2B as the preferred. **Is there any objection to that motion? I see none; that motion is approved.** Okay, now we've got one last thing to do with this Regulatory Amendment 9; do we not? Robert.

MR. BOYLES: Mr. Chairman, I recommend that we move Regulatory Amendment 9 for public hearings.

MR. CURRIN: Motion by Robert to recommend to the council to approve Regulatory Amendment 9 for public hearing; second by Brian. The motion is to approve Regulatory Amendment 9 for public hearings. Discussion on that motion? **Any objection to that motion? I see none; that motion is approved.**

MR. HARTIG: Myra, how much public comment do we get on a regulatory amendment?

MS. BROUWER: I guess that would depend on what is being proposed. I don't have an answer for you, sorry.

MR. CURRIN: Bob just said, Ben, that we'll probably get a fair amount on this. We've had considerable input into this amendment during its development.

MR. HARTIG: Well, the reason I asked I think I remember a regulatory amendment previously on the council you only had to take public hearing at the meeting before you approved it. Is it the intent of the council to do more public hearings than that for this regulatory amendment?

MR. MAHOOD: Yes, I think we're going to take this out to public hearing because we're going to go out to public hearing with a number of things; and that is why I said because of the multitude of things we're taking out I think we'll hear a lot about the suite of amendments and regulatory amendment or whatever we're taking out. I expect a good turnout as we get down into Florida.

MR. CURRIN: Okay, Jack, thank you very much. Before we get away tonight, I would like to try to do one more thing. We considered Regulatory Amendment 10 earlier. As a committee, if we can just grab those two or three motions, whatever they were, and let me present those from the committee to the council and have those approved tonight, and then, Mr. Chairman, it's up to you what we do after that. I think we're all getting tired, but I'd like to take care of that, if we can.

MR. CUPKA: We still have a lot to cover. We can come in early in the morning, but we do need to finish these snapper grouper amendments if we can. There is no way that we'll probably adjourn at our regular time tomorrow.

MR. CURRIN: I'm willing to stay. We've got Amendment 24, which shouldn't take too long, and we do need to approve that for scoping, so I'll stay as long as you want. If you want to do that tonight, we can. Okay, on behalf of the committee I've got a number of motions that I'd like to bring to the council.

The motion is to select Alternative 11 as the preferred for Regulatory Amendment 10. Is there any discussion on this motion? Any objection to the motion? I see none and that motion is approved.

On behalf of the committee, I would move that we add discussion in that document that the Southeast Fisheries Science Center provide an interim update on the status of red snapper in early 2012 and that it be reviewed by the SSC. Is there discussion of that motion? Any objection to that motion? I see none; that motion is approved.

On behalf of the committee, I move to remove Alternatives 12, 13 and 14 and Action 2, the sunset provisions, and put them in the appendix. Is there discussion of that motion? Any objection to that motion? I see none and that motion is approved.

On behalf of the committee, I move that Regulatory Amendment 10 be approved for submission to the Secretary of Commerce. Do you have to do a roll call on that, Bob?

MR. MAHOOD: Mr. Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Dr. Chevront.

DR. CHEVRONT: Yes.

MR. MAHOOD: Mr. Boyles.

MR. BOYLES: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Mr. Geiger.

MR. GEIGER: Yes.

MR. MAHOOD: Mr. Harris.

MR. HARRIS: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Robson.

MR. ROBSON: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Chairman Currin.

MR. CURRIN: Yes.

MR. CURRIN: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: It's unanimous.

MR. CURRIN: All right, I guess what we do next depends on how much longer you want to stay. **Okay, another motion from the committee to provide staff editorial license to make changes to the document and ready for submission to the Secretary of Commerce. Is there discussion of that motion? Any objection to that motion? I see none; that motion is approved.**

We need a motion to deem the regulation as appropriate and necessary. Motion by Duane; second by Robert. Discussion on the motion?

MR. MAHOOD: If we're going to give editorial license, the way we've done this before is once all the editorial stuff has been done and if there are any changes to the regulation because of that, your chairman has been given the authority to deem them as complete.

MS. SMIT-BRUNELLO: Well, we've had the council deem them, but then said that if there are any changes, you all would give the chairman the authority to be the redeemer.

MR. CURRIN: Do you want to do that in another motion or add it to this one?

MR. HARRIS: Mr. Chairman, I would add that if there any changes and it needs to be redeemed, that the chairman be given the authority to redeem it.

MR. CURRIN: Okay, the motion then is to deem regulations as necessary and appropriate; and if there are any changes, that the chairman be given the authority to redeem them. Further discussion on that motion? Any objection to that motion? I see none and that motion is approved.

Okay, what's your pleasure, folks, for the rest of the evening? Well, we've got a couple we could do real quickly, I think, if we wanted to do quickly tonight or quickly tomorrow. What time do you want to come in the morning? We've got 60 motions to go through with ACL, but I'm hoping I can approach them the way I did the last time when we had 195 or whatever it was.

MR. CUPKA: If you want to come in earlier, we can do that.

MR. CURRIN: All right, let's just recess until 7:30 in the morning and come in ready to go, and let's take care of the ACL and present all those motions. We'll run through those real quick and then jump right back into our schedule and do 24 and 18B, 20 and 21.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened as the Committee of the Whole in the Hilton New Bern/Riverfront Hotel, New Bern, North Carolina, Friday morning, December 10, 2010, and was called to order at 7:30o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: Good morning, everyone, we will reconvene as a Committee of the Whole dealing with snapper grouper. My plan this morning is to go back and present the motions in groups from the Comprehensive ACL Amendment, which we approved as a committee, but the council needs to approve.

If it's okay with everyone, I would like to approach it somewhat like I did at the last meeting when we had so many motions, and I would like to present them as actions. The largest one has six motions within that action so we'll go through and approve all the motions under each action. I will give you a moment to look at those to make sure everyone is okay with them. We do have

a couple of things to take care of that we skipped over and neglected during our committee deliberations on the ACL.

Everyone should have a copy of the summary report, and Myra has got those up on the screen as well, I believe. Okay, you don't have the summary report; I've got it. You will get it. **Anyway, on behalf of the committee regarding Action 1 there were three motions, numbers one, two and three, and on behalf of the committee I would move approval of those three. They will be on the screen, Roy. Myra said she has not sent a copy of that report yet. I've got a draft copy yesterday. Is there discussion on the motion? Is there any objection to that motion? I see none; that motion is approved.**

Action 2, the motion from the committee is under Action 2, change the preferred to Alternative 1. Discussion of that motion? Any objection to that motion? I see none; that motion is approved.

Under Action 3, there are two motions; numbers five and 6, establish species groupings, and on behalf of the committee move approval of those two motions. Any discussion of that motion? Any objection to that motion? I see none and that motion is approved.

Under Action 4 there are three motions, numbers 7, 8 and 9. On behalf of the committee, I move approval of those motion. Any discussion of those motions? Any objection to those motions? I see none and that motion is approved.

The next action from the committee was a discussion on the ABC Control Rule. There is a section there that is on the board. I think, Roy, you wanted to have some further discussion on alternatives here. Yes, go ahead, Myra, walk us through it.

MS. BROUWER: Up on your screen is the revised control rule action which combines former Action 4 and Action 5. Action 4 was for unassessed species and Action 5 was for assessed species. If you're going to adopt the SSC's control rule, which addresses both, the guidance was to put those two actions under one, so this is what we came up with.

Alternative 1 would be no action. Alternative 2 would be where applicable establish an ABC control rule where ABC equals OFL. That would be for species where the OFL is known, where we have an OFL. Alternative 3 for unassessed species, establish an ABC control rule where ABC equals a percentage of OFL or a percentage of the median landings 1999-2008 as appropriate.

This captures the SSC's suggestion that where the OFL is not known, that we refer to it not as an OFL but just the median landings. Those would be your subalternatives, 65 percent, 75 and 85 percent. Alternative 4 for assessed species, establish an ABC control rule where ABC equals a percentage of the yield at MFMT.

Here just a clarification that this, of course, does not apply to unassessed species, and you had made a motion to remove that alternative from Action 4 pertaining to unassessed species, but it

would remain here for assessed species. Alternative 5 was reworded to again capture some of the nuances that had been left out.

For assessed species, establish an ABC based on the South Atlantic SSC's ABC control rule. For unassessed species, adopt the South Atlantic SSC's control rule but establish an interim ABC equal to 75 percent of median landings 1999-2008 until the SSC's control rule can be fully applied. Here I would like some guidance from perhaps Monica on the language that is highlighted. If you choose to adopt this rule, what exactly does that mean? Is that the appropriate language to have there?

MS. SMIT-BRUNELLO: So you're asking me whether the highlighted language is appropriate? I don't see an issue. Is there something I'm missing? It seems like it would be appropriate.

MS. BROUWER: Well, it was my understanding that if the council chooses to adopt that rule, even though it has not been finished and cannot be fully applied right now, that it would not necessitate another amendment in order for it to be applied later on when the SSC gives us those values next year. But then you might be in a position where once you adopt it, you can't choose a different approach. That is the caveat that I was concerned about.

DR. CHEUVRONT: To that point, I think one of the things that we're talking about is would this preclude us from then later looking at the Gulf's ABC control rule and potentially adopting some version of that. If this being our preferred and it goes forward, would it stop us from doing that?

MS. BROUWER: It would and there is another alternative. I haven't gotten through all of them yet, but there is an alternative that was added per your suggestion, Alternative 7, and that is again for assessed species you would stay with our SSC's control rule, but for unassessed species you could establish an ABC based on the Gulf Council's SSC's ABC control rule where the ABC is 1.5 standard deviations above mean landings. Again, this deviates a little bit from the guidance we've received from our SSC to use the median landings.

MS. SMIT-BRUNELLO: So a couple of issues I see, and I'll address the last one first on adopting the Gulf's SSC control rule. I see no problem in bringing that out and getting comment on it, but I think at some point your SSC needs to look at that and decide whether they want to go that route, too.

But going back to your original question about the fact that the ABC control rule isn't finished yet from the SSC, you've kind of got a couple of things moving parallel a little bit down the track. If you want to put that as your preferred, you just note that it's still in draft form, I guess, in the discussion, and you have the option when you look at it again to say, no, we don't like it, please go back, and then you have other alternatives. As long as everybody is aware that it's not finished – and I'm not sure when it's scheduled to be finished; I don't know.

MS. BROUWER: My understanding – and, John, if you're around, correct me if I'm wrong, but the SSC will revisit this next year, but the portion that is left to be completed is the very last tier for the unassessed species. Based on discussions at the National SSC Meeting and conversations

with SSC members, I don't know if that portion is going to be fully completed anytime soon. What we have currently is what we're going to get for some time.

MS. SMIT-BRUNELLO: Right, so you look at what you've got and you decide whether it's appropriate to use; and if it's still in draft form, it's in draft form, but if you all adopt it as an approach you want to use here, then that's what you're going to use until you change it. But I don't know that it locks you in forever to this sort of thing if the SSC is still looking at it. I mean, it's a little hard to figure out when that all is going to be finished.

MR. CARMICHAEL: The last tier, their intention there is to partially use the table that is put forth by Rick Methot, which just allows you a way of quantifying the information within there and breaking that out to a degree whether or not you think the landings are significant or low and whether or not there are signs of overfishing or overfished having occurring, and then it gives them sort of some guidance in terms of where they might set the ABC given that.

So the thought from the SSC is that Tier 4 though remains a bit open ended, and I think one of the reasons they feel that is because in dealing with things like sargassum and golden crab and the aspects of wreckfish, corals, they realize that with many of the species that the council faces, it is really hard to go and apriori and prescribe exactly what you're going to do in every circumstance because there is such a wide range of circumstances they face. So not that I would say that it's incomplete; it's that it's probably not going to be strictly prescribed at any time.

MS. SMIT-BRUNELLO: When do they meet again?

MR. CARMICHAEL: They meet again in April, and their intention is to use a four-level table that was put forth by Rick Methot as part of the data-poor group. It's probably going to be another year, what we're told, before the data-poor group that came out at last year's National SSC comes up with a full report.

It sounded like every council is working on this and maybe over time we'll learn more about that sort of final tier, and we'll revise this as some information comes together, but I think at this point in time it's probably better to leave it a bit open because that's the area where the SSC can then judge all the information that is available and apply it's best scientific judgment to the problem.

MR. HARRIS: I don't have any problem leaving it open right now, but aren't we taking this to public hearing in February; and if we are and we have a preferred alternative and we don't really know what that preferred alternative is other than this language and some member of the public picks up on that and asks me, chairing the meeting, well, what is that alternative, and I say, well, it's open ended right now; where does that leave us?

MS. SMIT-BRUNELLO: But shouldn't the alternative be descriptive enough for you – I mean, there's going to have to be some work done so that it's descriptive enough for you, one, to know what it is; and, two, to describe it to the public.

MR. HARRIS: But they're not meeting again until April and these public hearings are in January and February; aren't they?

MS. BROUWER: Yes, they are, but we would have – if you adopt it the way it is now, we would have values for everything because you would be using the 75 percent of the median landings; and then for those species that are special cases such as sargassum and wreckfish, we already have ABCs from the SSC put in place.

MR. HARRIS: Okay, I'm okay. Thank you, I just wanted to make sure that I'm not going to be sitting there going –

MS. SMIT-BRUNELLO: So, maybe that needs to be rephrased slightly, right? If you've got values for the unassessed species, you want to put that in the description. I would urge you not – I will tell you at some point not to adopt something that is not finished, but you don't know what it is.

MS. BROUWER: In the document this action is followed by a table that shows what those values would be for all the species in the FMU, so we do have values for everything.

MR. CURRIN: I'm not as concerned about the confusion because I think as long as it's explained properly, there is a caveat there that has an interim that would use 75 percent of the median landings. What concerns me is using 75 percent of the median landings. I mean, the median landings, we had a lot of discussion of that yesterday, I think are extremely conservative.

Again, it puts forth a tacit assumption that we've been overfishing for 50 percent or more of the entire time series of whatever selected landing stream you use regardless of what selection that you make. It takes no account of trends in those landings, what is going on with the stock, how many people are fishing, nothing. I'd be a whole lot more comfortable as an interim using median landings if we have to or average landings over that timeframe for data-poor stocks that we know very little to nothing about. John.

MR. CARMICHAEL: And when the SSC reconsidered the control rule the last time – they discussed this in August and it came up again in November – there are some SSC members who have raised that same concern of using a median as an estimate of the OFL because of the implication that overfishing then is occurring by definition in at least half of the years. So, that's why they're very interested and were very willing to reconsider the control rule that was put forth and I think recognized that the interim step that we're at here is conservative.

MR. CURRIN: Well, I view it as ultraconservative. I would view just using the median landings as conservative. I don't know how that meshes – I mean, that may be not the advice we've gotten from the SSC so far, but we also understand that they're looking at this and realize there are some problems as well. Myra.

MS. BROUWER: And if you look at the new Alternative 7, that does give you the option of deviating from that slightly and continuing to use some of what our SSC has recommended, but

then perhaps using the various tiers in the Gulf Council's ABC control rule for unassessed stocks. That is what Alternative 7 would do.

MR. CURRIN: Yes, and I understand that and I'm fine with that as an alternative; but from what little I know about it now, it seems to be carrying it a little bit too far, the Gulf's approach at this point. I would view the use of the median landings as somewhat in between our current preferred and the alternative regarding the Gulf landings.

But if you're comfortable with the current preferred at 75 percent of the median landings equal to the ABC, then that's where we are. If you want to change that, now is the time to do it. I think in answer to your question, from my perspective, Roy, you certainly need to comment on the revisions of combining Actions 4 and 5 together appear to be adequate.

DR. CRABTREE: I think with this short time to look at it, it seems okay. I think staff is going to have to go through it pretty carefully and see if they catch anything.

MR. CUPKA: So the only flexibility we have at this point, really, is in regard to the percentage because the SSC has recommended that we use the median values, so we couldn't change from median to mean or average, but we could I guess change the percentage; is that correct?

MS. BROUWER: Yes, that's correct.

DR. CHEUVRONT: Then maybe it might be appropriate to add a new subalternative that we take a hundred percent of the median as one of our choices, because right now I think we have 65, 75 and 85, so ABC equals 100 percent OFL or median landings 1999-2008, so that would Subalternative D, and gets us closer to the number that you were thinking about, Mac, which I share your concern for the overly conservative nature of what we've got right now.

MR. CURRIN: Is that a motion to add that Subalternative 3d?

DR. CHEUVRONT: So moved.

MR. CURRIN: Motion by Brian to add a Subalternative 3d that sets ABC equal to 100 percent of either OFL when known or median landings from 1999-2008. Is there a second? Second by David. Discussion? Roy.

DR. CRABTREE: Well, according to the guidelines if you set ABC equal to OFL, there will be a presumption that overfishing is occurring unless you're able to provide a justification and rationale, which I'm not sure you have, as to why that's not the case. I think your issue here is with the way the OFL is being set. I think the SSC did that, when, John, a year ago practically – April of last year. You've got a lot of new people on the SSC. I'd send this back to the SSC and ask them to relook at that – express your concerns to them and ask them why the Gulf Council approach at specifying OFL and then the ABCs from that is not appropriate and see what their response is..

MR. CURRIN: Well, I'm thinking of this more along the lines, Roy, of where we do not have an OFL, for those stocks where we don't have an OFL, and we're trying to determine an ABC where we don't have an OFL.

DR. CRABTREE: My concern, though, is whether you call median landings an OFL or not, I think you could argue we're essentially using it as an OFL. Maybe you can write up a rationale. I just point out to you that that alternative has problems with it being consistent with the guidelines, that you're going to have to be very careful and make sure you address it if that's where you come down. I think it's going to be difficult to do that.

MR. CUPKA: Well, what if we change it to something like 98 percent, but also I think we need to send this back to the SSC and have them look at the OFL issue.

MR. CARMICHAEL: The SSC put forth the median as an estimator of OFL at their April meeting, and it was in conjunction with the other control rule which was extremely conservative, as you guys noted, and then had them reconsider that and reconsider a number of specific species. So at the June meeting when you did that, the council put forth with accepting essentially at that time the OFL estimate based on the median, so the SSC was basically provided that information and didn't really talk about it in depth.

As I noted, there are several SSC members who have questioned what that implies in terms of the stock, and there are some who are uncomfortable with that. Given that the council essentially took that OFL and then set the 75 percent ABC as kind of a step while the SSC worked out the details further and has the time to apply the analyses of the current control rule, there is the possibility that you guys could choose some other approach for the interim step. I don't know that you would be crossing lines with the SSC if you were to do so.

MR. CURRIN: Well, if a hundred percent causes us some problems, then we probably ought to step it down some, but I view 75 percent as too much of a step down personally. Discussion on this motion? Charlie.

MR. PHILLIPS: Well, I'm not sure what the timelines would be, but what if we used the Gulf rule for an interim rule and sent what they've sent us back and let them sort it all out whether the Gulf rule is okay or how they want to do it and then let us use the Gulf rule as an interim rule and then send it back and let them redo it and bring it back to us.

MR. CURRIN: That's up to the committee. Duane.

MR. HARRIS: All we're trying to do right now is get a suite of alternatives to take to public hearing, and we want to make sure that suite of alternatives covers all the alternatives that we're likely to choose because then we don't have to bring it back to public hearings again as long as we've included those. If there is something in here or there is something that is missing from this list of alternatives, we need to add it and take it out to public hearings. Otherwise, if we change it later, then we've got to go back through that whole process again.

MR. CURRIN: Okay, we've still got this motion on the floor that Dr. Crabtree has advised us is likely not to pass muster. How do you want to deal with that motion; are you ready to vote on it?

DR. CHEUVRONT: I would like to modify my motion to add Subalternative 3D for ABC equals 95 percent of median landings of 1999-2008.

MR. CURRIN: Motion by Brian to modify that motion to add Subalternative 3D, ABC is equal to 95 percent of median landings from 1999-2008. Seconded by David. Further discussion on this motion? And, again, it's just adding an alternative. **Any objection to the motion? I see none; the motion is approved.** David.

MR. CUPKA: To Duane's point, he is right, and I think we've got a very broad range there now, because I think the Gulf Control Rule is high enough that anything we do is likely to be within that range of alternatives. I do think that the SSC, at some point, needs to revisit this issue and take a look at the whole issue of OFLs for some of these stocks.

MR. CURRIN: And I think it's captured in our discussion yesterday of adding the Gulf Control Rule, that we wanted the SSC to look at that Gulf Control Rule as well as I'm sure the other alternative that we just added. As John indicated, there is some concern and I think they're going to be looking at that whole issue.

All right, as it stands now we have added one more subalternative to this, the Gulf alternative is there, and we still have a preferred, but again we'll get another bite at the apple after public hearing. Is everybody okay with this action as it stands and combining these alternatives? Myra.

MS. BROUWER: The IPT had suggested moving Alternative 6 to the appendix because it is redundant. It is already incorporated in the SSC's control rule; so if we could get some guidance to go ahead and do that. And also for Alternative 7 you see I've left the years for you to decide if you want to stick with the 1999-2008 or pick different years for that.

MR. CURRIN: Is there a motion to move Alternative 6 to the considered but rejected? Motion by Brian; second by Duane. Discussion? As Myra indicated, it is redundant. Any objection to that motion? I see none; that is approved. Alternative 7, we need to supply a timeframe for that. Is 1999-2008 that we've used for the other alternatives appropriate to apply for the Gulf?

MR. HARRIS: So moved, Mr. Chairman.

MR. CURRIN: Motion by Duane; second by David to use the 1999-2008 timeframe to calculate the Gulf Rule. **All right, the motion is to use the 1999-2008 timeframe for Alternative 7. Is there any objection to that motion? I see none; that motion is approved.** Action 6 to specify allocations for the snapper grouper fishery; there were just some suggested word changes and guidance to the staff; no motions from that action.

Action 7 to establish annual catch limits for the snapper grouper fishery, there were two motions there; Motions 10 and 11. On behalf of the committee, I would move approval of

those two. Is there discussion of the motion? Any objection to that motion? I see none; the motion is approved. Now we have one thing hanging that we left under Action 7. Myra, I'll turn it over to you. It is an action that we took on several other alternatives throughout here, but it just kind of fell through crack.

MS. BROUWER: Right, so under Action 7 you had selected to remove the subalternatives under each of the alternatives, and this is an action that you took for other similar actions in the document, so just for consistency I would need a motion to do the same here.

DR. CHEUVRONT: I make a motion that we move Subalternatives from, is it, 2, 3, 4 and 5. I forget how many total there were – 2, 3 and 4 to the considered but rejected appendix.

MR. CURRIN: Motion by Brian; second by Duane. Discussion on that motion? The motion is to remove subalternatives from Alternatives 2, 3 and 4 and put them in Appendix A. Any objection to that motion? I see none; that motion is approved. All right, are we okay there, Myra, until we get to Action 8?

Okay, we've got another measure to take care of in Action 8, but first like to offer, on behalf of the committee, approval of Motions 12, 13, 14 and 15 regarding AMs and ACTs. Any discussion of that motion? Any objection to the motion? I see none; that motion is approved. Now, I think, Myra, we've got one more item under Action 8 to take care of, is that correct, and that is to consider setting a commercial ACT.

MS. BROUWER: Right, on the screen are the alternatives for the commercial ACT, and you did not pick a preferred for this one. This is for snapper grouper species.

MR. CURRIN: If you recall what we did in similar circumstances I believe was modify Subalternative 2A to state that we would set no ACT for the commercial industry. Brian.

DR. CHEUVRONT: I make a motion that we select Alternative 2 and Subalternative 2A as the preferred for ACT.

MR. CURRIN: Motion by Brian to select Alternative 2 and 2A as the preferred; second by George. Discussion? Any objection to that motion? I see none; that motion is approved.

Action 9, there was one motion, specify allocations for the wreckfish fishery, and the motion on behalf of the committee is to select Alternative 3 as the preferred. Is there discussion? Any objection to that motion? I see none; that motion is approved.

Under Action 10, to establish annual catch limits for wreckfish, the motion from the committee is to remove subalternatives under Alternatives 2, 3 and 4 to the appendix. Is there discussion of that motion? Any objection to that motion? I see none and that motion is approved.

Under Action 11, there are three motions, 18, 19 and 20, dealing with accountability measures for the wreckfish fishery. On behalf of the committee I move approval of those

three. Is there discussion of the motion? Any objection to that motion? I see none and that motion is approved.

Under Action 12 there are five motions regarding management measures for wreckfish; 21, 22, 23, 24 and 25. On behalf of the committee I move approval of those motions. Is there discussion of the motion? Any objection to that motion? I see none and that motion is approved.

Action 15, black grouper annual catch limits, two motions, numbers 26 and 27. On behalf of the committee I move approval of those motions. Discussion of the motion? Any objection to that motion? I see none; that motion is approved.

Action 16, there are five motions, 28, 29, 30, 31 ad 32. You will note that there were substitutes under 32. On behalf of the committee I would move approval of those. Discussion of the motion? Is there any objection to that motion? I see none; that motion is approved.

Action 17, there are three motions, numbers 33, 34 and 35. On behalf of the committee I would move approval of those, dealing with the ABC for dolphin. Discussion of those motions? Any objection to the motion? I see none; that motion is approved.

Action 19, two motions, Number 36 and 37, ACLs for dolphin. Discussion of that motion? Any objection to that motion? I see none and that motion is approved.

Action 20 regarding accountability measures for dolphin, there were seven motions, 38, 39, 40, 41, 42, 43 and 44. Any discussion on the motion? Is there any objection to this motion? I see none and that motion is approved.

Action 21 is management measures for dolphin – remember we requested that the staff do some analysis of bag limits, and I think we've got that available for your consideration now. Action 21, we added an alternative to set a 20-inch size limit for dolphin from Florida through New England, but we asked for some analysis on bag limits to see what kind of reduction that would get us.

Recall we were looking for an 11 percent reduction in the dolphin harvest. The 20-inch size limit everywhere gave us I think 15. At first glance, it looks like a limit of 8 for all states would give you a 10.82 percent reduction. Scratch that, then.

MR. GEIGER: Gregg, correct me if I'm wrong, we can take the percentages from each of the sectors and add them together to get the total reduction necessary, right, from the for-hire sector and the private sector.

MR. WAUGH: Jack is saying yes, and one caution is these were done very quickly last night, so we would want editorial license to double check them and make any necessary adjustments. There are three tables there; one showing percent reduction on headboats. That's up there now so you get – you'd have to look at how you want to add them to get it. If you look at 8 across the

board, you'd add the 5.55 there for headboats. The next one is charter and then private at the bottom.

MR. GEIGER: And my intent was not so much to select that number today. This is a public hearing document and it gives the opportunity to the public to see what can be done in terms of length changes or length regulations as well as bag limit reductions to achieve that 11 percent reduction that we're looking for. This is a good tool for the public to see how you can achieve that reduction and let them decide.

MR. CURRIN: Thank you, George, and it looks like, again a quick addition here, that a bag limit of 9 would give you slightly more than an 11 percent reduction. Robert.

MR. BOYLES: Jack, are these per person or is it per boat?

MR. CURRIN: Per person, I believe; is that correct, Jack. Yes. Well, I'm not sure whether that previous motion was the preferred or not. It did not indicate it; so if you want a preferred, we have two alternatives here to choose from, a size limit, and they're not mutually exclusive, and/or a bag limit. Robert.

MR. BOYLES: Mr. Chairman, I make a motion that we select as preferred a management measure of a bag limit of 9 per person.

MR. CURRIN: A motion by Robert to select 9 dolphin as a bag limit for the recreational industry; seconded by George. Discussion? Roy.

DR. CRABTREE: Do all of the states have 10-fish bag limits at this time? In order for this to get you what you need, the presumption is that all of the states will move to 9 fish, too, just so all you state directors understand that. If that doesn't happen, then we will have to revisit it.

MR. ROBSON: Again, the 20-inch size limit also achieved the necessary reduction if that was implemented?

MR. CURRIN: That's correct. In fact, I think it got us to close to 15 or a little over 15 percent reduction. We'll have an opportunity to let the public react to this and come back and look at it again and see what people think. Further discussion? Mark.

MR. ROBSON: Well, I'm going to have to speak against this motion to make this the preferred. I think I would prefer to see the size limit the preferred. That's my preference.

MR. CURRIN: Further discussion on this motion? **Is there objection to the motion, five in opposition; all those in favor, 7; so that motion is approved then.** Again, we'll have an opportunity to look at this again after we get reaction from the public. Gregg.

MR. WAUGH: Just in terms of editorial license, as we double check these calculations and put this together, if there is an adjustment necessary in that bag limit – if, for instance, it really needs to be 8 in order to get that 11 percent reduction – would it be your intent that replace the 9 as a

preferred; or if we find that there needs to be another alternative in order to achieve that 11 percent, that we would add that as another separate alternative?

MR. CURRIN: What is your pleasure here, folks? Brian.

DR. CHEUVRONT: I think because of some of the controversy associated with this and the close vote, I think it would really be – if it's something less than 9, we need to bring it back to the council for more discussion and not make it the preferred at that point. Because we're taking this out to public hearing with 9 as the preferred – well, even if it stayed the preferred, it became 8, we would still have to bring it back to the council and we could change our mind.

MR. CURRIN: That's correct.

DR. CHEUVRONT: But I think what we would have to do is I think there would be a lot of reservation on the part of the council if we have to drop it down to 8 fish, that we need to have another serious discussion about it, and I just didn't want to lock us into that as our preferred at this point. I guess I'm okay just for public hearing sake.

MR. CURRIN: It's up to you. We're going to have another bite at it in March; and if you feel more comfortable with not having it switched without your knowledge until you come back in March or see this again, then we can just not select a preferred here. Robert.

MR. BOYLES: Mr. Chairman, the purpose of my motion was simply to give staff some guidance on what to look at. Mark, I appreciate you bringing up the point we're trying to achieve an 11 percent reduction, and I think what we're getting a sense of is how do folks want to get there, what bus they want to ride. Clearly, there are some folks who don't want to ride the minimum size bus; so if we don't do that, what are we looking at in terms of the bag limit reduction. I don't feel really strongly one way or another, but I sure would like to know what our constituents think.

MR. GEIGER: Yes, and based on Gregg's comments here, this seems like the 9 figure is kind of squishy. Certainly, if we're going to make this our preferred based on squishy information, I'm kind of pulling back from my desire to do this because if it turns out it needs to be 8 or 7 or some other number and we take this public, which is why I said all I wanted was an opportunity for the public to see that you could do by bag limits or by size limits. **I would make a motion that we reconsider this motion.**

MR. CURRIN: Motion by George to reconsider; second by Robert. That motion is now on the table. It is currently a preferred. A motion to uncheck it or de-select it, I'm not sure what the proper term would be in order if you just want to leave the alternatives for the public to view and then the council would not have a preferred. Is there a motion to that effect?

MR. BOYLES: So move, Mr. Chairman.

MR. CURRIN: Okay, motion by Robert; second by George to remove or de-select as a preferred the 9-fish bag limit for dolphin. Further discussion? Any objection to that

motion? I see none; that motion is approved. Thank you, Gregg and Jack, for working diligently to get that analysis to us today.

All right, back to Action 21, there is a single motion there from the committee that I offer to the council to set a 20-inch minimum size limit for dolphin from Florida through New England Council's Area. Discussion of that motion? It is just to create an alternative. Any objection to that motion? I see none; that motion is approved.

Action 22, there are three motions, 46, 47 and 48, dealing with ABC control rule and ABC for wahoo. On behalf of the committee, I move approval of those motions. Discussion of that motion? Any objection to that motion? I see none and that motion is approved.

Action 23, allocations for wahoo, the motion from the committee is to use 1999 as the initial year for allocations in Alternatives 3 and 4. Discussion of that motion? Any objection to that motion? I see none; that motion is approved.

Action 24, ACLs for wahoo, Motions 50 and 51 I offer on behalf of the committee. Any discussion of that motion? Any objection to that motion? I see none; that motion is approved.

Under Action 25 for accountability measures for wahoo there are six motions that I would offer on behalf of the committee, Motions 52, 53, 54, 55, 56 and 57. Any discussion on that motion? Is there any objection to that motion? I see none; that motion is approved.

Action 26, management measures for wahoo, two motions, 58 and 59, I move on behalf of the committee. Any discussion? Any objection to the motion? Any opposed to the motion? I see two opposed; that motion is approved.

Action 27, on behalf of the committee I move that we move Action 27 to the appendix. Discussion of that motion? Any objection to that motion? I see none; that motion is approved.

On behalf of the committee, under Action 28 I move that we move Action 28 to the appendix. Discussion of that motion? Any objection to that motion? I see none and that motion is approved.

On behalf of the committee, Action 29, ACLs for golden crab, I move that we adopt the IPT's recommendation to modify wording of no action alternative. Any discussion of that motion? Any objection to that motion? I see none and that motion is approved.

Under Action 31, to modify the golden crab framework procedure, there was a motion to remove Action 31 to the appendix; undertake changes to framework procedures in a future amendment. Is there discussion of that motion? Any objection to that motion? I see none; that motion is approved.

And then the final motion on ACL I would present on behalf of the committee to approve the Comprehensive ACL Amendment for public hearings. Discussion on that motion? Any objection to that motion? I see none and that motion is approved. All right, I think that takes care of the Comprehensive ACL; does it not, with nothing left over? All right, we're back to our agenda and next is Amendment 24 found under Attachment 7. All right, Myra, whenever you're ready.

MS. BROUWER: Amendment 24 is the red grouper amendment. In September the guidance from the committee was to take the black grouper actions out of this amendment and add them to the Comprehensive ACL Amendment, so that just left red grouper included in here. Action 1 is to establish an MSY for red grouper. You have two alternatives. You do have a preferred and that is to set MSY equal to the yield produced by Fmsy or the proxy, and the ones that are recommended by the most recent SEDAR. That would be an Fmsy of 0.2212 and MSY would be at 1.1 million pounds.

MR. CURRIN: Everybody okay with that preferred? I'm seeing heads nods. Okay.

MS. BROUWER: The next action is on PDF Page 61, and that is to specify a rebuilding schedule for red grouper. Red grouper was found to be overfished and overfishing. You have four alternatives. Again, you do have a preferred and that is to define a rebuilding schedule as the maximum period allowed to rebuild.

That's Tmax and this would equal ten years with the rebuilding time period ending in 2020. The IPT discussed this and they recommend that the council consider an eight-year rebuilding schedule alternative as well. Under the F rebuild scenario there would be a 54 percent probability of stock recovery in eight years.

MR. CURRIN: What's your pleasure; do you want to add an alternative for eight years?

MR. BOYLES: So move.

MR. CURRIN: Motion by Robert to add an alternative for an eight-year rebuilding timeframe; second by David. Discussion on the motion? Okay, the motion is to add an alternative to consider an eight-year rebuilding schedule for red grouper. Okay, Kenny, the AP's recommendation.

MR. FEX: The AP recommended to the council to consider no changes to the red grouper management because existing regulations appear to be sufficient to keep landings below the ACL. Recommendation; the council should consider an increase in the bag limit to account for the fact that other regulations appear to be sufficient and landings kept below the limit.

MR. CURRIN: Further discussion on the motion? **Any objection to the motion? I see none; that motion is approved.** The current preferred is a ten-year rebuilding schedule. Roy.

DR. CRABTREE: Well, we skipped over the MSST section and I wanted to come back to that for a second, Mac, when you think it's appropriate.

MR. CURRIN: All right, let's just make sure everybody is okay on this action, the rebuilding schedule. Okay, with the current preferred? Okay, Roy.

DR. CRABTREE: We have a long history of setting MSST equal 1 minus M times Bmsy. In my view that has resulted in us setting MSSTs that are too close to Bmsy to be very practical. What the guidelines say is that MSST should equal whichever the following is greater, one-half of Bmsy stock size or the minimum stock size at which rebuilding to the MSY level would be expected to occur within ten years if the stock or stock complex were exploited at the MFMT.

I think we ought to request that the science center provide us with an estimate of the minimum stock size at which rebuilding to the MSY level would be expected to occur within ten years if we were fishing at the MFMT, and that that ought to be added in as an alternative. It may come out to very close to 1 minus M, I don't know, but it could come out differently.

MR. CURRIN: Is that a motion?

DR. CRABTREE: So moved.

MS. BROUWER: Roy, would you kindly reread that for me?

DR. CRABTREE: I move that we request that the science center provide us with an estimate of the minimum stock size at which rebuilding to the MSY level would be expected to occur within ten years if the stock is exploited at the MFMT level and the result of that be added as an alternative.

MR. CURRIN: Motion by Roy; second by Mark. Discussion on the motion? **Is there any objection to the motion? I see none; that motion is approved.**

MS. BROUWER: Action 3 is on PDF Page 64, and that is to specify a rebuilding strategy for red grouper. There are several alternatives. The no action is to maintain a yield-based rebuilding strategy with the Foy at F 45 percent SPR. Under this strategy the fishery would have a 57 percent chance of rebuilding by 2014 and a 99 percent chance of rebuilding by 2020 based on an F 30 SPR proxy.

And then you can see the various levels for OY; the overfishing level; the ABC recommendation from the SSC, which is 665,000 pounds whole weight with dead discards and 622,000 pounds whole weight without dead discards. Under this no action alternative, the ACL would not be specified. Here the IPT suggested to change the language in the alternative to do not specify a rebuilding strategy since the rebuilding plan expired in 2006.

Also, the IPT recommended that the council discuss whether setting an ACL for a number of years if appropriate. Alternative 2 would define a strategy with Foy equal to F rebuild, and here again you have the OY level, the OFL level, the ABC that is recommended by the SSC. The ACL here would 665,000 whole weight with dead discards and 622,000 whole weight without dead discards. Under this scenario the ACLs would be set at the ABC that has been recommended by the SSC.

Alternative 3 defines a strategy where Foy is equal to 85 percent of Fmsy. For this one the ACL would be higher than what has been recommended by the SSC. Alternative 4 would set Foy equal to 75 percent of Fmsy. Under this strategy the ACL would 613,000 pounds whole weight with discards and 573,000 whole weight without discards.

Alternative 5, Foy equal to 65 percent of Fmsy; the corresponding ACLs would be 535,000 pounds with discards and 501,000 without discards. Alternative 6 sets Foy equal to F rebuild, and the ACLs are 583,000 pounds whole weight with discards and 545,000 without dead discards.

MR. CURRIN: All right, a couple of suggestions regarding Alternative 1 or a question and a suggestion from the IPT. The plan expired in 2006 and is there a need to consider changing the wording in Alternative 1. Roy.

DR. CRABTREE: It's sort of a general question about all of these. I think every one of them has an annual catch limit, and they all give a value in pounds whole weight with dead discards and then a pounds whole weight without dead discards. The two numbers are really close. I'm looking at Alternative 3, 668,000 pounds with dead discards and 643,000 pounds without dead discards. Maybe John Carmichael can help me with this.

We've got whole weight with discards and then another number that's whole weight without discards. I'm reading this that it's saying we're only going to have about 40,000 pounds of discards and harvest 600,000 pounds of fish, which I find difficult to believe, and I wonder if it's not right or if I'm misinterpreting what it means.

And if you don't know the answer right now, I don't think we need to go into it, but, Myra, I think that's a question that the folks need to figure out because it's hard for me to believe you could harvest 600,000 pounds of red grouper and only have 40,000 pounds of discards, but it may be true; I don't know.

MR. CARMICHAEL: I would believe that it's a function of likely how the discards are estimated through the projection scenarios. Normally what is done is if you look at, say, the prior years and see what the ratio is of what is kept versus what is discarded; and then as you move forward into the future, it presumes that there is a certain level of encounters and you maintain that proportion essentially of the mortality that is discarded.

So then the issue then gets to be as you change regulations that affect that ratio, then what you will observe is a much greater proportion of fish that end up being discarded. That is where the council has gotten in the past into doing things like post-quota bycatch mortality and other analyses after the projections are done to try and get a better handle on what you really think will be discarded. I would think that's predicated on the management system that was in place up to that time, and we would anticipate that you have level of total removals, but there may actually be a greater proportion of those in the future that will end up being an actual discarded part.

DR. CRABTREE: Well, I guess all I'm saying is it appears odd to me that the discards would be so low and ask that the team look into that a little bit and report back to us what they've found.

MR. CURRIN: Yes, you've got to keep in mind that most of this fishery occurs in Florida and how good those guys are down there. It is a relatively shallow water fishery, but still that's less than a 10 percent hook-and-release mortality on them. That's just for the recreational guys. A lot of that fishery occurs off of North Carolina, too, and it's fairly deep water. It's well over a hundred feet, so it does seem odd. All right, what's your druthers regarding the questions from the IPT on the no action? Roy.

DR. CRABTREE: I think I agree with them in terms of the rewording.

MS. SMIT-BRUNELLO: I do, too, I think that's a good idea.

MR. CURRIN: Okay, everybody okay with that, I presume. Then the second question, the IPT recommends that the council discuss whether setting ACL in a number of years – I guess, for example, three years is appropriate. Myra, can you expand on that little bit. It's not really clear to me exactly what they're asking.

MR. BROUWER: I think basically is do you want to see ACL values – what they would be for 2011, 2012 and 2013 and consider setting those values for a three-year time period, for instance, or do you want to just set it for the following year and then revisit that.

DR. CRABTREE: Well, I think it's because the ACL is projected to go up every year, right, so the question is do you want to just set a single number or do you want to set a three-year series of increasing numbers.

MR. CURRIN: Okay, that's clear now. What is your pleasure on that, folks?

DR. CRABTREE: I'll make a motion. I would move that we set a three-year series of ACLs.

MR. CURRIN: Motion by Roy; second by Mark to set a three-year series of I presume increasing ACLs. Okay, discussion? Roy.

DR. CRABTREE: And then we would have to come in after three years and revisit but presumably we would have an update sometime around that timeline.

MR. CURRIN: Further discussion on the motion? **Any objection to that motion? I see none; that motion is approved.** I did not see that the council had selected a preferred for this.

MS. BROUWER: You do not currently have a preferred, but I just want to remind you this is going to be going to scoping, so that's where we are in the process.

DR. CRABTREE: I don't think we need to select a preferred right now. I don't think we have any economic analysis. **I think Alternative 3, the ABCs in that alternative exceed the SSC's recommendation, so I would move Alternative 3 to the considered but rejected bin.**

MR. CURRIN: Motion by Roy; second by George to move Alternative 3 to the considered but rejected as the ACL exceeds the ABC provided by the SSC. Discussion? Any objection to that motion? I see none; that motion is approved.

MS. BROUWER: The next action is on PDF Page 71, and that is to specify the ACLs for red grouper. You do have a preferred which is to divide the ABC into commercial and recreational sector components based on criteria in the various options. Again, I'll remind you that for other amendments you have chosen to divide the ACL and not the ABC.

With that guidance to be consistent, we would change this for these percentages to apply to the ACL as opposed to the ABC. Also, the language that refers to poundage has been stricken through. That's what you've decided to do for other amendments as well, so to be consistent I suggest that we do that here.

MR. CURRIN: That makes sense and I think everybody would agree with that. Everybody okay with expressing the value as a percentage of the ACL as opposed to the ABC? Do you need a motion for that or are you okay with guidance to do that?

MS. BROUWER: I'm good. Alternative 3 simply looks at three components instead of two with the same percentage.

MR. CURRIN: At this stage I presume everybody is fine with leaving that in there to get public reaction. Roy.

DR. CRABTREE: If you were in the Gulf of Mexico, that one would create an uproar and huge controversy. That's the dreaded sector separation word.

MR. CURRIN: I'm not so sure the reaction wouldn't be the same over here so far, but we'll see.

MS. BROUWER: The next action is to specify accountability measures and management measures for red grouper, and I'll refer you to Table 4-11 on PDF Page 78. This shows landings with the four-month closure taken out. That's using information from 2009. This table shows that the total landings in 2009 are well below the ACL. It's looking like management measures are not necessary to keep the landings below the ACL, in which case we would just take this action out and just set a rebuilding plan for red grouper.

DR. CHEUVRONT: Can we go ahead and make a motion then to remove this action?

MR. CURRIN: Well, since we're going to scoping –

DR. CHEUVRONT: Okay, can we then somehow – and I don't remember; do we have wording in there that says specifically that based on the numbers that we have now that we probably don't need to set accountability measures as this point or is that somehow in violation of Magnuson not to set them even though we don't really need them?

MS. SMIT-BRUNELLO: If you don't need them, the Magnuson Act doesn't require that you do them or set them.

DR. CRABTREE: Accountability measures?

MS. SMIT-BRUNELLO: I thought you meant other management measures.

DR. CHEUVRONT: No, I meant accountability measures.

MS. SMIT-BRUNELLO: It sounds to me like you have measures in place already that would suffice for accountability measures, yes or no?

MR. CURRIN: Yes.

DR. CHEUVRONT: Well, we have a quota on the commercial side and that would basically – if they hit that, they would shut down.

MR. CURRIN: I think the bottom line is we will need to have accountability measures. We can't say just because you didn't reach the quota last year we're going to make the assumption you're never going to reach it.

MS. SMIT-BRUNELLO: Well, yes, that's right. We were just talking about what measures were actually in place right now for that.

DR. CHEUVRONT: So then at this point, no preferreds or anything, just take out what we have?

MR. CURRIN: I think at this point that would probably be good. You're point of making it clear to the public that at this point, based on the perceived and identified reduction in 2009 from the four-month closure, that no further actions will be needed to meet the rebuilding schedule for red grouper.

DR. CHEUVRONT: Yes, and if we can make that very explicit, because I've gotten a lot of questions from North Carolina red grouper fishermen that are concerned that they knew the status of this stock from the SEDAR and they had been asking me what else is going to have to happen now, and I said, well, we have to wait and see because we're trying to see if the four-month closure, which was not in effect when the stock assessment was done, is that going to be enough, so I've got a lot of guys who are waiting to hear this news.

DR. CRABTREE: There is a statement in the document that says the current management measures may be sufficient to limit the landings to below the ACL, but I think we do need the accountability measures to be specific to red grouper because it is overfished. It does appear that no additional management measures or reductions are necessary.

I would point out that to some extent this is a large paper exercise that really is a result of having a very high minimum stock size threshold that is set very close to Bmsy; and that if the stock

were not overfished, we would have already solved the problem and ended the overfishing and we wouldn't have to go through anything with this. That's why I think we need to think a little more carefully about our minimum stock size thresholds to make sure we aren't constantly having to do rebuilding plans just because of the normal fluctuation of things. I do think we need to keep the AM alternatives in here.

MS. BROUWER: And you do have selected preferreds for the commercial AMs and also for recreational, and here we would just need guidance to change the wording in Alternative 4 to strike through "in-season" like we've done in the Comprehensive ACL and other amendments.

MR. CURRIN: Yes, you may do that. Okay, that's it for Amendment 24. Is everybody okay with where we are? Do we need to approve this for scoping. I would entertain a motion to that effect. George.

MR. GEIGER: Mr. Chairman, I would make a motion we approve Amendment 24 for public scoping.

MR. CURRIN: Motion by George; second by David that we approved Amendment 24 for scoping. Discussion on the motion? Any objection to that motion? I see none; that motion is approved. All right, the next agenda item is to look at Amendments 18B, 20 and 21. They're Attachment 8. Kate is going to do that. Let's take five minutes.

MR. CURRIN: Let's get everybody back to the table, please. Our next agenda item is to have a look and discuss a little bit three amendments that we've had on the table for some time, 18B, 20 and 21. I'm going to turn it over to Kate.

MS. QUIGLEY: At the September council meeting the council had asked that staff, basically the Amendment 18B IPT and NOAA General Counsel get together and come up with some possible options. The council had asked us to get together and devise some possible alternatives for consideration. Due to work on other amendments, we were not able to get together to work on that. The issues in 18B remain as they did in September, which was basically a conversation about whether 18B is necessary or not; and if so, how would we go about doing it.

MS. SMIT-BRUNELLO: Kate and I have talked about it, but I've thought about it further and I've read the Act and the guidelines and what I would advise you is to really back-burner this amendment until you get your ACL amendments done. I think there is some good initial rationale for extending the fishery management unit. I don't know whether you would end up extending for all or some.

I think that remains to be seen, but my consideration is in extending it and then you would need to I think revise your ACLs, although they're not final. All of them aren't final so some of them would be revised and some of them would be new, but it's the lack of data and information really that's available right now.

I think that the better plan would be finish your ACL amendment, and your Comprehensive ACL Amendment has groupings in it as to how you're going to monitor ACLs. It has some species

that you may remove from the management unit. My advice would be to finish that, see how you end up with all your species, monitor the information, that you get the landings information from Virginia. I heard that Maryland is also going to have some new landing requirements

And then see what that looks like and then decide whether it's appropriate to extend the management unit; and if so, that will give time as well to work out with the Mid-Atlantic Council the procedures of are you going to specify a portion of the ACL and then give them management authority over it, how will that be done, and all those other kinds of procedural issues that need to be resolved. My main concern is really the lack of complete information that you would have in order to figure out how to establish ACLs and all that.

MR. CUPKA: Mr. Chairman, earlier this week Rick Robins and Chris Moore from the Mid-Atlantic Council, along with Mac and Monica and Roy and myself, met to discuss this issue. I think at this point the Mid-Atlantic Council is willing to remain flexible. Given the advice we got from Monica and the discussions that we had earlier this week at our meeting, I think my recommendation to you all would be that we not proceed with this at this time. I don't think it's something that we have to do immediately; and given the number of other issues that staff has to deal with, I would suggest that we not move ahead with 18B at this time but instead put our efforts in other areas that are a higher priority.

MR. CURRIN: I would also note as a result of the get-together we had at dinner the other night, that Rick informed us that the state of Virginia is collecting some hard parts for bluelines and I presume snowy groupers as well. Red could probably speak to that better than I can, but that's good new I think so there will be material available from that area for use in the assessments. I don't know who is doing the aging. Red, to that point.

MR. MUNDEN: Mr. Chairman, that is correct, Virginia is starting to collect more data. Virginia has measures already in place that limits the amount of snapper grouper species that can be landed. The information that I have received is that the state of Maryland is planning on enacting similar restrictions on snapper grouper fisheries. I know there is some interest also in Delaware. I'll keep the Mid-Atlantic states informed of what has been going on down here at the South Atlantic Council, but we are interested in staying on top of this and collecting more and better data.

MR. GEIGER: Mr. Chairman, I was just going to, based on Monica's information, request an update from your meeting the other night, which David already accomplished.

MR. CURRIN: Any other questions on 18B or comments? Monica.

MS. SMIT-BRUNELLO: And also Red can speak to this, but it seems like the Mid-Atlantic is very flexible on this and recognize that there may be some need to do this, and they're very willing to work with this council to get that done.

MR. MUNDEN: That's correct.

MR. CURRIN: Yes, I think that's been apparent from the very beginning working with those folks and it has been cordial so far at least. Nothing else on 18B. All right, Kate.

MS. QUIGLEY: Okay, moving on to Amendment 20, then, the document has not changed since the last time that you saw it. We have received word from some of the wreckfish fishermen, basically the participants of the wreckfish fishermen of their preference to have a halt in the wreckfish ITQ program until a new stock assessment has been done. I just wanted to put that out there, but there has been no progress since September on Amendment 20.

MR. CURRIN: Kate, have you heard anything from the guys participating in that fishery or the coupon holders, or permit holders about how the current low ACL might affect their participation or interest or desire to maintain the program as it is?

MS. QUIGLEY: Yes, all the wreckfish shareholders that are participating now, everyone has told me that they will no longer be able to participate or go fishing after implementation of the 250,000 pound ACL or TAC. They will no longer be able to participate, which is why they were thinking, well, if we just suspend the program until we get a new stock assessment, then, yes, it would be a derby fishery basically, but they would be able to make catches similar to what they were catching before and still in total catch what they had historically caught as a fishery.

We don't have numbers because some of them are confidential, but the average landings are somewhere between 200,000 and 250,000, and that's why the SSC chose that number for the ABC. Even if it's a derby fishery, they would be able to participate and make the landings that they were making before, but they would no longer be able to participate once the 250,000 TAC is implemented/

MR. CURRIN: Yes, and I think it's important to note that this is one of the species, I understand from John Carmichael, that the SSC is going to look at again, realizing that there might be some problem with how the ACL was set. That's my impression, anyway. Monica.

MS. SMIT-BRUNELLO: Kate, have you received any completed waivers of confidentiality from any of the shareholders?

MS. QUIGLEY: We still only have one waiver and that's from somebody who is not participating in the fishery. They're a wreckfish shareholder, but they're not participating in the fishery, so, no, we have not received waivers from current participants.

MS. SMIT-BRUNELLO: There is a section in the regulations that – the part of the regulations you looked at the other day or Bob handed out regarding the SOPPs, but it also covers other council kinds of things, and then there are some other sections on confidentiality of statistics and all that. I believe there is a provision in there that the executive director of the council could write a letter to the AA for the Fisheries Service and ask permission for council members to see confidential information.

He would have to explain why. I am going to maybe work with Bob, if he is amenable to this, to draft that request up because it's silly, actually, and you can't do your jobs if you can't see this

information because of the few numbers of participants. I think we can work on that letter and hopefully you'll be given authorization, clearance, whatever to see that information. I don't, though, know how we're going to portray it to the public, so we'll have to work on that.

MR. CURRIN: Monica, a question on that; could it also apply to the SSC?

MS. SMIT-BRUNELLO: I think that there is provision in there. Well, I saw a draft of some revised regulations which would allow the SSC to see that very thing, the confidential information. I don't think that has gone out to the public yet, so I'll check on that. But if there is any way for that to be done, of course, we'll work on it.

Some of the members of the SSC right now can see it as a function of how the Magnuson Act is set up. If you're, for example, a state employee whose primary responsibility is working on fishery management plans, you can see confidential information as long as you're working on certain other criteria, a federal fishery management plan and all that, so some of those people who are on the SSC would be able to see the information and others on the SSC would not be, so we'll try to see what we can do to continue to get straightened out.

MR. CURRIN: That's encouraging. Anything else on 20 at this point? Okay, before we get into 21, Kate – and that is Attachment 8, so everybody can bring that up – Phil Steele asked me for a little bit of time to make some comments about the new format, which I think you probably all noticed in Amendment 24.

MR. STEELE: If you've read Regulatory Amendment 10 and Amendment 24, you've noticed a pretty radical departure from our normal format of how we present our documents. For years we've heard from the communities and our constituents that our documents are very difficult to read, almost incomprehensible. Our intent here was to bring a new design – it's a trial balloon here to float this to you to see if you like this new format on how we're presenting our documents to you.

I hope to do this region-wide with all of our councils and working with our council staffs to make these documents more comprehensible and more readable. I would like your input on that. If you're okay with it, we'll continue to grow and develop these documents for the more readable. Thank you.

MR. CURRIN: My initial reaction was very favorable and very positive. I hope you'll also – and I'm sure you will – get input from the staff on this. I'm sure you get that already as they're transitioning.

MR. STEELE: Yes, sir, we've been working closely with the staffs to do this. Particularly, I'd like to thank Rick DeVictor; he has been leading the charge on this.

MR. CURRIN: Other reaction or comments for Phil? George.

MR. GEIGER: Yes, I see it as a positive move. I think it looked great, much easier to read, much more appealing to read rather than the sterile white and black pages. It's much better.

MR. BOYLES: I would echo everything George said. It has been very, very easy to find stuff and to refer folks to it. I appreciate it and I'm looking forward to plowing through more documents like it.

MR. CURRIN: Yes, and I'm sure you're keeping a sharp eye to reducing the volume as well, so that would be helpful to everybody.

MR. STEELE: Well, part of our intent here is to – there is a lot of redundancy in these documents; and if I can still abide by our rules and regulations and all applicable laws and get rid of some of this, I think we're on the right track.

MR. CURRIN: Okay, thank you, Phil, I appreciate that. All right, Kate, Amendment 21.

MS. QUIGLEY: Okay, Amendment 21, we had one item on the agenda and that was to approve the issues contained in the Amendment 21 options paper, which is in the Draft Amendment 21 for scoping. But before that, we had two other issues that have come up that the IPT would like some guidance on.

The first one is that in the Amendment 21 document, which hopefully you have open and I have here, which I can refer to if needed, we have a comparison of catch shares to a number of different programs, and one of them is trip limits. Just as the council knows, we are exploring trip limits in Amendment 9, so the first question the IPT has for the council is do you want to continue to include trip limits in the Amendment 21 document in comparison to catch shares?

DR. CHEUVRONT: I think at some level it does need to stay in the document because it needs to be looked at in comparison to the other potential alternatives, which is not included in the Regulatory Amendment 9. I don't know that we need to get into the detail of saying this is what trip limits could be for this species, whatever. I see this as being more of a philosophical discussion and not a specific this is how it would be for each species.

MR. CURRIN: Yes, and I would agree. Robert.

MR. BOYLES: I agree as well; and something that Charlie said last night really struck me regarding the discussion of trip limits, and my sense is that among a lot of our constituents trip limits are viewed as an alternative to catch shares, and so I think it is important that these comparisons are contained in a single document; again, in the spirit of the new format, it makes it a little bit easier for folks to understand what we're contemplating and going through. I think it needs to stay.

MR. CURRIN: It may even be beneficial, Kate, that we've actually got or will have some trip limits established so we'll actually have some values for comparison, and that may shed some light on informing people what their options are and how things are working. Roy.

DR. CRABTREE: Are we saying that trip limits should be more of a discussion in a context and frame of reference kind of thing rather than specific alternatives?

MR. CURRIN: I was speaking to including them or keeping them in for comparative purposes within the document. We've considered all the trip limits so far that people have expressed interest in. I mean, there are certainly other stocks like sea bass that we didn't include as a trip limit managed species, and there are certainly others. I don't know, to answer your question exactly, Roy. I would say at this point they probably ought to be included as alternatives.

DR. CHEUVRONT: I guess I've always seen this amendment all along as not being we're setting up a catch shares program and this is how we're going to implement it; I mean, this is what we're going to do. I've seen this as being more a discussion of this is potentially how catch shares could work in the South Atlantic, here are the pros and cons, here is how trip limits could work in the South Atlantic and here are the pros and cons; and state-by-state quotas.

We're going to basically have a side-by-side comparison of all these different management schemes that the council could choose, and at this point in the amendment we weren't actually going to say this is what we're going to do for this fishery. I'm seeing some other heads nod around the table that that is the way other people saw this amendment, too.

Now, if we need to put in examples of maybe a specific fishery that we could carry across all the different management options as an example to show how it might work as a way to make the comparison between the alternatives a little more concrete and less abstract for council members and the public, I would be okay with that, but I didn't see this as being a prescriptive document saying this is what we are going to do.

DR. CRABTREE: Well, when you read the purpose and need, it talks about trip limits, endorsements, cooperatives, catch shares, regional quotas, state-by-state quotas, so there is a lot of stuff in here; but if we select trip limits in Regulatory Amendment 9, then that will become the status quo, and that's where the comparison with trip limits will be. They won't be separate alternatives; it will be that's the status quo alternative is a trip limit. But I guess that just depends on what we decide with Regulatory Amendment 9.

MS. QUIGLEY: Okay, the second issue was that we have an additional action that has been crafted in the last 24 hours that we would like to present to you for inclusion in the options paper to see if it's something amenable to the council. We thought it was important enough to bring up. You have the Attachment 8 scoping document, and then we also have a catch share participation action that I'm going to read to you. It's a bit of wording so it's hard to blow up, so I'll just read it.

New Action, Catch Share Participation – this would occur pretty early in the document – Alternative 1, no action, do not establish criteria for participation in a catch share program for South Atlantic snapper grouper species. Alternative 2, participation would be mandatory for fishermen harvesting catch share managed species. Alternative 3, participation would be mandatory for fishermen harvesting catch share managed species if a majority of eligible fishermen approved implementation of the catch share program through referendum.

Note: Criteria for determining eligible voters in the referendum would need to be determined by the council. And then Alternative 4, initial participation would be voluntary for fishermen

harvesting catch share managed species. Prior to the start of the catch share program, fishermen could decide whether or not they would like to participate in the catch share program.

Those choosing to initially participate – that is, in the first year of the program – would be allocated shares and annual pounds based on the criteria developed by the council for the catch share program. Fishermen choosing not to participate initially in the catch share program could choose to opt in the catch share program prior to the start of subsequent fishing years and would be allocated shares and annual pounds based on criteria developed by the council for the catch share program.

Those choosing not to participate in the catch share program would be included in a “common pool” of fishermen. These fishermen would fish under non-catch share regulatory constraints imposed by the council; for example, trip limits, quotas, closed seasons, et cetera. So what this is, is a proposal for an action for a voluntary catch share program.

MR. CURRIN: Reaction – David.

MR. CUPKA: Well, I think it’s a good action. One minor thing I would point out, though, under Alternative 3 is I think we would not only need to develop criteria for determining who the eligible voters are, but how those votes would be assigned, would it be based on a catch history, would it be each person that meets certain criteria gets one vote. The number of votes that they get, I think that’s an important part of that issue that needs to be considered, also.

MR. CURRIN: Yes, I would agree, David, that is a very important aspect. You almost decide the game by how you set that up. Charlie.

MR. PHILLIPS: I wholeheartedly agree that this is a proper avenue for looking at this; not necessarily implementing, but looking at it and people just knowing what the format would be. I like this a lot.

MR. CURRIN: Kate, under Alternative 4, I presume if it’s an optional sort of thing, that then there would be a segment or a portion of the ACL that would be assigned to the participants in the catch shares and that would have to be determined how that was allocated, and then the other fishermen would be fishing under a different management regime for whatever was left over or their allocation.

MS. QUIGLEY: That was our thinking is that there would be some sort of split in the ACL perhaps based upon the catch share histories of those participating in the catch share program or some other method.

MR. CURRIN: Yes, my initial reaction is to definitely move in this route. Everybody okay; do you think this a good action to add? Brian.

DR. CHEUVRONT: So I’ll go ahead and make the motion that we include this new action for the catch share participation part of Amendment 21 to be taken out.

MR. CURRIN: Motion by Brian; second by Ben. Discussion? Any objection to that motion? I see none; that motion is approved. Okay, the motion was to include catch share action in Draft Amendment 21, and it was approved.

MS. QUIGLEY: Okay, the only remaining task is to approve the issues in Draft Amendment 21 for public scoping.

MR. GEIGER: Mr. Chairman, if we could to Action 22 in the document – that's on PDF Page 17, Action 22, Cost Recovery Plan. Alternative 1 says no action, do not establish a cost recovery plan, and my checking on this is that we're actually required to have a cost recovery plan. For NEPA purposes, I understand why we have a no action alternative, but I think we need to explain in that alternative probably in parentheses that the council is required to have a cost recovery plan associated with a catch shares program. I make that motion unless all we need are instructions.

MR. CURRIN: I think direction to staff should be fine, and, Kate, is nodding her head. David.

MR. CUPKA: I will make a motion that we approve Amendment 21 for scoping, Mr. Chairman.

MR. CURRIN: Motion by David to approve Amendment 21 for scoping; second by Duane. Discussion? Any objection to that motion? Tom.

MR. BURGESS: So we're at scoping now for this amendment. I wasn't sure; that was my question about where we were at with the amendment and the process and stuff, so it's scoping, come back to the council, public hearings and things of that nature; is that how that usually works or do you think that will work the same with this amendment?

MR. CUPKA: Scoping is basically to identify the issues that you want to address in an amendment. It is at the very beginning of the process, so we'll see it several more times, yes.

MR. CURRIN: Kind of think of it like the council is thinking about doing something in this arena and here are some things that we've thought about and we're asking for you to add to this list or modify this list or give us your opinions on how this should go. It is very early in the process, and it's just kind of open, give them a chalkboard and let them start writing down what they like, what they don't and what they'd like to see in addition, that kind of thing. Any further discussion on the motion? **Any objection to the motion? I see none; that motion is approved.**

Okay, that's it for 18B, 20 and 21. We two other items left on the snapper grouper agenda and that's Amendment 22 and then we've got a couple of items under other business that we need to take care of.

MS. BROUWER: Amendment 22 needs to be approved for scoping, and this is the amendment that contains long-term management measures for red snapper. The amendment has not changed

much from what you saw in September. You did make a motion to add a few things to it. Those things were added.

I walked through the document with the Snapper Grouper AP. They had only one recommendation and they actually made a motion to exclude catch shares from the consideration for long-term management of red snapper. The AP also requested that material and minutes from meetings where red snapper issues have been discussed in the past be provided to them so they can formulate better recommendations for the council. That's basically all I have on Amendment 22.

MR. CURRIN: All right, thank you, Kenny you can pass, as we all will, along to the AP that at this stage at least the council chose at the last meeting to keep catch shares in as an option at this stage. That's no endorsement necessarily of a way to go about it but just a possible approach that may be considered.

MR. FEX: You guys had said a few minutes ago about if somebody wanted to be involved with catch shares, they could be involved; and if somebody else didn't want to be involved, they could be involved in the derby, but I think that would be a big problem because, say, a vessel wanted to be involved with the catch shares, I don't know what kind of regular management you would be able to keep that vessel from being in each one of them. I don't know how that would go, so that might be something you might want to think about. I mean, if one vessel wants a catch share and the other don't, how is that going to regulated?

MR. CURRIN: Well, the answer to that is we don't know right now. We're going to have to figure that out and we're in the very early stages in that previous amendment. We just added an action just to look at it. David.

MR. CUPKA: Mr. Chairman, I would like to make a motion that we approve Amendment 22 to go out for scoping.

MR. CURRIN: Motion by David to approve Amendment 22 for scoping. George.

MR. GEIGER: Mr. Chairman, in Alternative 5 we have establish a tagging program, and I think it's a tag program. A tagging program connotes to me and I think the general public that we're going to tag fish in an effort to – okay, I see heads nodding. What we're trying to do here is establish a tag program whereby they have a set number of tags to be affixed to the fish as they're caught, which limits them in effect as to how many fish they can catch, number one.

The second thing is in conjunction with a tag program I think our discussions in the past have included the elimination of a size limit to the effect where the first fish caught would be retained, thereby eliminating the potential for discard mortality. I would propose that be included as part of that tag program, and it has to be linked back up to the first alternative which talks about retaining the size limit at 20 inches. I'm sorry if I've delayed the process here.

MR. CURRIN: No, that's okay, I appreciate you bringing it up. It is an important measure. Do we need a motion to include that? I think direction to staff is okay, probably. Are comfortable

with that or would you rather make a motion? I see no objection from the rest of the committee. Okay, David, I'll let you make that motion again.

MR. CUPKA: Okay, the motion is to approve Amendment 22 for public scoping.

MR. CURRIN: Motion by David; second by George Geiger to approve Amendment 22 for scoping. Discussion on that motion? Any objection to that motion? I see none; that motion is approved.

Under other business we got an e-mail or Myra did from Steve Atran from the Gulf Council regarding their request and desire to cede the management of mutton snapper and yellowtail to the South Atlantic Council. There were three issues that came up regarding how that was going to come about regarding permits and a couple of other things. We need to have some discussion on those. One is the question of how would the South Atlantic Council handle commercial permitting requirements? Do you want to handle them one at a time and see if we can make a decision on those, and I then I'll go to the second question. David.

MR. CUPKA: Well, not specific to that, but I have been attending Gulf Council meetings, and you'll remember the original was for three species, Nassau, yellowtail and mutton. They did approve us being responsible for or taking on Nassau grouper, but at their last meeting they wanted to look a little further into some of these issues on yellowtail and mutton.

I had the impression, Roy, that some of the people in your permit office were going to look at that issue and maybe that's where Steve got some of his – I haven't seen Steve's memo, so I don't what is in there, but you had expressed not concern but you wanted to give the permit people an opportunity to look over some of those issues. Again, I don't know if it's in that memo, but I didn't know if you wanted to make any comments on that.

MR. CUPKA: Well, there are three questions. Let me go ahead and give you all three because I think this is going to require some work by the staff and the regional office. That's the first question. The second was how would the South Atlantic Council handle bag limit conflicts? The Gulf Council staff suggested the South Atlantic Council remove these species out of the aggregate snapper grouper bag limit and give them each an individual bag limit.

And then the third question was which amendment would that come in? Of course, we can't decide that today. There are some questions for consideration I think by the regional office, the council and the staff, and perhaps the best way to handle this is ask the staff to develop some possible ways that we can address their concerns and any others that might pop up as we consider taking over management from the Gulf of mutton snapper and yellowtail. Monica.

MS. SMIT-BRUNELLO: Mac, did Steve say that it was also an option for the Gulf Council to remove those species from the reef fish management unit?

MR. CURRIN: I don't recall that being mentioned in the memo, but that certainly would seem to be a viable option. I guess if they gave them to us, then they would have to remove them from their management unit.

MS. SMIT-BRUNELLO: Right, but I meant in the sense – well, yes, that’s right. I was thinking of Florida managing, but I will talk with Shepard Grimes as well and I’ll work on this.

MR. CURRIN: Is that sufficient, Myra?

MS. BROUWER: Yes.

MR. CURRIN: Any further discussion by the committee on this? Everybody okay with that approach? All right, other business to come before the Snapper Grouper Committee? Brian.

DR. CHEUVRONT: Mac, I’d like to go ahead and make a motion and then have some discussion on this motion. **I would like to make a motion that we ask the Secretary of Commerce to disapprove Amendment 17B and send it back to the council for reconsideration of the deepwater closure.** If I can get a second on this, I will go into some explanation as to why I’d like to have this done.

MR. CURRIN: Motion by Brian; is there a second? Second by Tom Burgess. Discussion on the motion? Brian.

DR. CHEUVRONT: Well, I think we’ve heard from public testimony, we’ve seen several – I mean, there have been written statements by council members and things on this that really indicate that there are probably other viable alternatives to a complete deepwater closure. We heard the public testimony a couple of nights ago about the fact that they don’t see speckled hind and Warsaw grouper north of Cape Hatteras.

We’ve gotten evidence from other folks that perhaps off of Florida and there may be some other places where this deepwater closure is not going to achieve any management measures that we’re trying to get. What we’d like to do is bring that back to us, let’s discuss it, let’s refine this and see where we can go from there.

DR. CRABTREE: Well, some questions; so you’re specifically asking that the secretary disapprove just the prohibition on fishing for I think it was seven deepwater species outside 240 feet, so just that specific measure, correct?

DR. CHEUVRONT: Well, there were a couple of other issues I know that we made in our statements. There were some things about snowy grouper that were in there where we were basically prohibiting and putting more restrictions on snowy grouper. Ben, can you address some of the other things?

MR. HARTIG: I don’t know if I really had anything more than just the deepwater closure in my problems. I think my comments were specific to that.

DR. CRABTREE: So I’m taking that you’re talking specifically about the deepwater closure and just the deepwater closure; because, if we’re talking about a whole bunch of things, then I think this is going to get extremely complicated and difficult. If you’re talking about one specific thing, you can lay out your rationale for that and we’ll look at it.

MR. CURRIN: Monica just reminded me as well, Roy, for the consideration of the council that the black and red grouper ACLs are different in 17B and what we are considering approving as well. I guess we can modify those through another amendment, but if that came back as well, it could be done at the same time or it could be done through the existing amendment.

DR. CRABTREE: And I don't have any trouble that you've got new information that is going to lead you to setting up a different ACL or something, and I don't think that's any basis for disapproval. I think here if you're talking specifically about that deepwater closure, then you need to lay out a careful basis that there is new information that you didn't have available to you; or, as Brian said, you've concluded that it's not going to achieve what you originally thought it would or it's going to have impacts that you didn't have information at that time.

A lot of that has been in the letter I think we got from North Carolina, the minority reports and all that kind of thing. If that's your concern, I would urge you to focus on that one particular thing and not broaden this out into a whole list of things.

MR. CURRIN: And that's my primary concern, Roy, and in addition to that I'll also say that I'm very interested in having us look and re-evaluate that deepwater closure because I think there is some new information that was – I mean, the minority report, the information in that was new to me. In fact, much of that was not discussed in our deliberations on 17B.

Since that time I think there has been further analysis by the state of North Carolina, as pointed out in their letter to the council and the secretary, that needs to be considered. In addition, we just heard this week regarding the blueline tilefish landings, that they have gone up tremendously over the last two years.

One of my concerns in supporting that deepwater closure was that carving out or excepting the blueline tilefish fishery was going to lead to greater harvest of snowy and greater discards of snowy and exceeding the ACL that we had established for snowy. Even with these large landings the last two years, they're, what, two to four times the average landings for bluelines, I believe I'm correct in stating that the snowy landings still are maintained well below the current ACL, so my fear has not been realized and it gives me pause or concern for the necessity of that deepwater closure especially north of Hatteras where that blueline tile fishery is prosecuted off of our coast at least. Monica.

MS. SMIT-BRUNELLO: Well, at this point the comment period on the amendment has closed and the comment period on the proposed rule has closed. I believe December 22nd or 23rd is the day that the – 22nd, Jack says, is the day the secretary has to make the decision on whether to approve, disapprove or partially approve the amendment. It might be helpful for your discussion that the Magnuson Act states that really the only way the secretary – the Service, Department of Commerce can't substitute their judgment for that of the council and you can only disapprove if the action is inconsistent with the Magnuson Act or some other applicable law.

So, new information in and of itself to me isn't sufficient grounds to disapprove an amendment necessarily unless you can couch that in some way with a law that then leads to the amendment being inconsistent with, if you get my circular argument. I'm not being too direct here, but there

are other ways for you to deal with new information. As you know, you've got emergency rules, you've regulatory amendments, you've got all those kinds of things. So when you're talking about this, the only for the secretary to disapprove an action is if it's inconsistent with the law.

MR. CUPKA: I don't ever remember the council taking this type of action in our history, and that's not say we can or shouldn't, and I'm not speaking against the motion. I do have some concerns about what the other impacts would be if we do that. I was going to ask the question, Monica or Roy, if there are other ways to deal with looking at this issue without creating further problems with the amendment?

MS. SMIT-BRUNELLO: Well, you have emergency rule, you have interim rules that can only be used to reduce overfishing. You have regulatory amendments, plan amendments so I think you're all kind of aware of the different vehicles you can use to change. Let's say 17B got approved, then you know all the different ways that you can change that. I believe in the framework process it allows you to adjust – well, I know it does because we just did if for Regulatory Amendment 10, but it allows you to adjust area closures and those sorts of things. That's one way to deal with it.

MR. CUPKA: To that point, yes, I think we all know the ways. I guess what I'm really asking is, is there a better way among those or if we wanted to do something, wouldn't it be better to use one of those routes rather than try and pull back the entire amendment, and apparently it –

MS. SMIT-BRUNELLO: Well, you've all discussed 17B. I know it was a close vote, but we've tried to make an adequate administrative record to support the action the council took, which was ultimately to send it forward to the Secretary of Commerce, so perhaps I need to hear some more discussion on the specific concerns.

I've heard some about blueline tile and the fact that maybe – I think, Brian, you said the reductions – maybe you could talk a little bit more about what the closed area you thought would get you – it will not achieve its purpose that you thought it would. After I hear some of that, perhaps you could use an emergency rule if the amendment got approved. Again, nothing has been done it yet.

DR. CRABTREE: And just so we're clear, at least the way I'm understanding the motion, you're not asking us to disapprove Amendment 17B or pull it back. You're asking us to partially approve it and to disapprove one specific measure and presumably approve the remainder of the amendment.

DR. CHEUVRONT: Yes, that would be all right now. To me, if this is not the proper mechanism to make this work, to pull back – you know, disapprove this one action, my goal is the outcome and not the method. Whatever method we need to do to get this to happen will be fine, but I just want to make it's going to happen. Now, if we can request the Secretary of Commerce to disapprove this one – partially approve the amendment except for this one action, that's fine, but if we need to go through the route of – like we did, which is now 17A, where we had the emergency rule, 17A went into place with the closures, but then an emergency rule went

into place at the same time that delayed those closed areas, then that would work, too, if that would give us enough time to work out what exactly should be the areas that should be closed and what should be open.

I can speak to north of Hatteras, but there may be other areas that Ben might be aware of or we could help figure out off of Florida where maybe we don't need to have the closure for the same or different reasons than we've got. For example, we can show – from North Carolina trip tickets we can show you that we do not encounter speckled hind or Warsaw grouper, the two species that triggered this closure. They don't occur north of Cape Hatteras.

Whether that constitutes new information or whatever, we can show that we have reasons for not doing that closure north of Cape Hatteras. Now, I also understand fully, especially with the conversations I've had with Roy, this is not going to solve our blueline tilefish problem. Okay, we know that we're going to have issues and that there is probably going to be certainly a more restrictive quota in place for the commercial fishery than what they've been doing for the last three years.

We're aware of that, but this preclude the closure of that area and the fishermen still will be able to get – if they're going out there to fish – that hundred pound snowy grouper bag limit – or excuse me, trip limit. We can come up with the reasoning for why we should open this north of Hatteras. What I would like to do is let other areas, like off of Florida, if they can come up with the reasoning behind why it should be open off of Florida, let that be considered as well.

MR. CURRIN: And my interest in this is making it as timely as possible and doing it as quickly as we can. It doesn't make any difference to me which way we go about it. I just would like to see it done as quickly as possible to ameliorate the impacts that we know are going to occur.

MR. HARTIG: The only avenue I saw for trying to do the legal aspect of it, when I wrote that paper, was basically the best available science, and I don't think NMFS has ever gone against the best available science or lost a case or anything as far as the legalities. There is certainly a lot of science lacking in that document and there are problems with it.

I'm comfortable, actually, if I see this council showing the willingness to go back and consider this again. My fear was that once this got approved, it wouldn't reopen again in my lifetime based on the uncertainties that the SSC would have with the deepwater complex without any information.

I don't see a scientist looking at this and ever being able to reopen it without a significant fisheries-independent data monitoring program, which I don't think is going to happen in the deepwater complex because it is very, very expensive. We've placed our fisheries-independent monitoring a lot for some of our other species, and rightfully so. I would like to come back and see this council look at this deepwater complex with a slant towards MPAs and allowable fishing areas in the long term so that we could have a significantly closed areas of the deepwater complex and then in a smaller allowable area.

MR. BOYLES: As far as the minority report, the only thing I've seen is Ben's great comments on 17B. As the basis for asking to send it back to the council, I can't support the motion. This has been a very difficult process. I'm sensitive to information. I don't get a sense that this is new information, though. We've advised the secretary – given the secretary our best advice, and I won't support the motion.

MR. HARRIS: I can't support the motion as it is currently structured, either. I don't think the secretary can disapprove an amendment based on new information. I don't know whether there is new information or not, but I would support an action to relook at this deepwater closure in some emergency action. I just can't support this motion/

DR. CRABTREE: Well, my advice to you, if you want to change this, would be to do it through a framework action. I think that would be more appropriate and could be done quickly. This is essentially a time area closure is my read on it, Monica, which your framework allows you to do. And if you have new information or different ways of looking at things that would lead you to think you can achieve goals through something that is going to have less economic impact, I think you could certainly do that. How quickly we could get that changed, I don't know. It depends on how complicated it gets and how long it takes you to figure out what you want to do. But if you want to start work on changing it, that would procedurally be the best way to do it.

MS. SMIT-BRUNELLO: Well, let me read what the purpose or at least part of the purpose of the closure is at least from I believe the proposed rule that Andy just pulled up. "The ACL would prohibit all harvest and possession of speckled hind and Warsaw grouper regardless of the depth where they are caught.

"In order to maintain an ACL of zero for these two species, all fishing and possession of deepwater snapper grouper species, snowy grouper, blueline tile, yellowedge grouper, misty grouper, queen snapper and silk snapper would be prohibited beyond a depth of 240 feet. By prohibiting harvest and possession of these co-occurring species, fishing mortality of speckled hind and Warsaw grouper is expected to decrease." So, is what I'm hearing today is that is not accurate in the sense that you just said that those two species, Warsaw and speckled hind, do not occur off of North Carolina?

DR. CHEUVRONT: They do not occur in North Carolina north of Cape Hatteras and none of those other species occur in North Carolina at all.

DR. CRABTREE: So I think what I'm hearing is that may well be true throughout most of the geographic range of it, but there are specific parts of it –Brian mentions north of Hatteras where it may not, so I guess you could argue that the closure could be smaller, maybe, or something like that.

MR. CURRIN: And I think that's the point. Brian.

DR. CHEUVRONT: I understand the opposition to the motion that stands now. Would it be possible if we changed the motion such that we request an emergency rule to be put in place to delay the deepwater closure and then institute framework action to reconsider that – I'm trying to

find something that is feasible that NMFS will allow as well as what the rest of the council is willing to go with.

I think you understand the concern of what we're trying to do. I don't want to disallow the rest of the amendment, obviously, because there are good things in that amendment. My goal is to get to the end result of where you all can see where I want to end up. How we get there is less important to me – the journey is less important than the destination, let's put it that way. If I can get some help from folks to make sure that we can come up with another way to get there, I'm fine with that.

DR. CRABTREE: Well, I'm having a difficult time getting to an emergency because this is something we sat here and deliberated on and reached a decision on and so it's hard for me to say what is the new unforeseen circumstance. It's quite different than 17A where we had a new stock assessment handed to us at the last minute, and so that's a little different here.

I think, Brian, the best you could do would be to ask staff to put a framework action together, give them some fairly specific instructions as to what you want, and potentially that could happen quickly. We wrote Regulatory Amendment 10 and took action on it at this meeting. I don't know if you can get this thing done that quickly, but it's possible to make a framework action happen relatively quickly, and then you could make the changes to it. I suspect you're going to have a fair amount of discussion about exactly what to do with it, but I think that's your best bet is to work on a framework and just change it rather than an emergency rule.

MR. CURRIN: You've heard the advice. Monica.

MS. SMIT-BRUNELLO: And procedurally I agree with that, too. I've just reread the Service's guidelines for emergency rules, and it's hard to fashion these kinds of circumstances into an emergency rule with recent unforeseen events or recently discovered circumstances and that sort of thing. I think that's going to be more difficult. I'm not saying you couldn't try, but then that will be evaluated and we'll have to figure that out, so perhaps a regulatory amendment is – it's definitely a more long-term way to deal with this situation.

DR. CRABTREE: And bear in mind if you did ask for an emergency rule, there is going to be a lot of staff time put into dealing with the emergency rule; and then if the decision is that won't work, then we've spent a lot of time spinning wheels that could have been spent working on a framework action potentially.

MR. CURRIN: And that's my sense as well, Brian, after this discussion.

DR. CHEUVRONT: I guess I was seeing the emergency rule as being an incentive to get this work done. This council and the council staff have a huge amount on their plate right now, and I could see this framework action getting pushed back later and later and later while we're dealing with some of these other things.

Meanwhile the deepwater closure would go into place and who knows when we would get this framework action actually worked on. I mean, look at some of the amendments that we

discussed today that staff simply hasn't had any chance to do any work on them since our meeting in September, and so this would just probably be something else that ends up in the queue, and that's not the journey I wanted to take.

MR. CURRIN: Further discussion on the motion? Charlie, last word.

MR. PHILLIPS: I'm trying to follow this rabbit trail myself. If you disapprove the deepwater closure and not put the emergency in with the understanding that we're going to do a framework, I'm like Brian, I'm looking for ways out.

MR. CURRIN: Well, I think that route would be redundant in essence. If you approve this amendment and the secretary does disapprove the deepwater closure portion of 17B, that portion would come back to us and there would be no need to do an emergency or a framework action. The other option is to disapprove this amendment or withdraw it and then request today that staff being work on framework action to address Brian's and Tom's and my concerns about that area north of Hatteras.

If there are other areas that Ben or other council members are aware of that exhibit the same characteristics where blueline tilefish occur and yet interactions with speckled hind and Warsaw and snowy as well, I would add, don't occur, then those also could be considered in that framework action. All right, let's vote on this motion. I'll read the motion; it has been modified since it was offered.

DR. CHEUVRONT: **Okay, I'll withdraw the earlier motion.**

MR. CURRIN: With the consent of the committee, the initial motion was withdrawn. The new motion, Brian, do you want to make it?

DR. CHEUVRONT: This would be the new motion: request that an emergency rule be put into place to delay the deepwater closure in 17B and take action through framework to modify the deepwater closure.

MR. CURRIN: Okay, is there a second; second by Tom Burgess. Okay, all in favor of the motion –

MR. MAHOOD: Is this going to the secretary? If you request an emergency rule, it is.

MR. CURRIN: Yes, okay, Bob.

MR. MAHOOD: Mr. Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Dr. Chevront.

DR. CHEUVRONT: Yes.

MR. MAHOOD: Mr. Boyles.

MR. BOYLES: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: No.

MR. MAHOOD: Mr. Geiger.

MR. GEIGER: Yes.

MR. MAHOOD: Mr. Harris.

MR. HARRIS: No.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: No.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Robson.

MR. ROBSON: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Chairman Currin.

MR. CURRIN: Yes.

MR. MAHOOD: Okay, the motion passes with three dissenting votes.

MR. CURRIN: My hesitancy there was because I fear the request for the emergency rule may delay the action and implementation of the goal that we all have. That may or may not be the case. It's going to take a strong case I think in that, so that was why I hesitated, and I'm not sure this is the best route.

DR. CRABTREE: So in the letter you're going to send us, Bob, a couple of things. You're going to need to get us this request very quickly because we have to approve or disapprove by the 22nd of December, and we need time to digest what you get us. I am going to say you need to get us something very early next week. And, two, you're going to need to lay out what the new and unforeseen circumstances are that meet the criteria of an emergency or this will just go nowhere. I won't be able to get this through the system unless you can lay out that there are new and unforeseen information or forces here that would enable to do this. Monica, I don't know if you have anything else to add to it.

MS. SMIT-BRUNELLO: I will add that I will give you a copy, if you don't already have it, of the policy guidelines for the use of emergency rules, but I'll be glad to work with you for any help I can give you when you craft the letter.

MR. MAHOOD: Okay. Gregg pointed out to me there's actually two parts to this. What will be the priority of the follow-up framework in our scheme of things now? That will have a little bit more it than the emergency rule request.

MR. CURRIN: Well, from my sense the priority still has to be the statutory deadlines to be met, and I would place this right below that.

MR. MAHOOD: And Chairman Cupka makes a good point. We'll probably know something pretty quickly because of the timelines of whether or not we even need to proceed on that relative to what happens with the emergency rule, and then that would probably determine what the priority would be of the framework.

MR. CURRIN: Yes, that's a good point.

DR. CRABTREE: And bear in mind if there was an emergency rule to do this, it would only be in place for 180 days. It could be extended but only if there are permanent changes coming down the pike.

MR. MAHOOD: Right, I think that's the point Gregg was trying to make is then you'd have follow up with some action, which would be a framework action, so it's going to throw more into the mix relative to everything else that's going on.

MR. CURRIN: Other comments? All right, I see none and we've got a path at least. I hope it's the right path. Mr. Chairman, I think that ends the Snapper Grouper Committee's deliberations.

(Whereupon, the Committee of the Whole was adjourned at 10:10 o'clock a.m., December 10, 2010.)

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COMPREHENSIVE ACL AMENDMENT MOTIONS

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PAGE 79: Motion to remove the preferred designation from Alternative 4. Motion carried on Page 79.

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PAGE 96: Motion to remove Action 28 from the Comprehensive ACL Amendment. Motion carried on Page 96.

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COMPREHENSIVE ACL AMENDMENT MOTION

PAGE 110: Motion to approve the Comprehensive ACL Amendment for public hearing. Motion carried on Page 110.

REGULATORY AMENDMENT 10 MOTIONS

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PAGE 127: Motion to add some discussion in the document that the council will request that the Southeast Fisheries Science Center provide an interim update on the status of red snapper in early 2012 and that be reviewed by the SSC and made available at the council's March meeting. Motion carried on Page 127.

PAGE 127: Motion to remove Alternatives 12, 13 14 and Action 2 to the rejected appendix. Motion carried on Page 127.

PAGE 128: Motion to recommend to the council that Regulatory Amendment 10 be approved for submission to the Secretary of Commerce. Motion carried on Page 128.

PAGE 129: Motion to provide staff editorial license to make changes to the document and ready for submission to the Secretary of Commerce. Motion carried on Page 129.

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AMENDMENT 18A MOTIONS

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PAGE 129: Motion to add language or an action as necessary based on previous amendments to specify an appeals process for golden tilefish endorsements. Motion carried on Page 129.

PAGE 130: Motion to select Alternative 2 as the preferred alternative. Motion failed on Page 133.

PAGE 133: Motion to select Alternative 3, allocate the golden tilefish commercial quota based on 85 percent longline and 15 percent hook and line, as the preferred alternative. Motion failed on Page 133.

PAGE 133: Motion to select Alternative 4, allocate the golden tilefish commercial quota based on 90 percent longline and 10 percent hook and line, as the preferred alternative. Motion carried on Page 134.

PAGE 134: Motion to select Alternative 4 as the preferred alternative; hook-and-line golden tilefish endorsements can be transferred between any two individuals or entities that hold valid commercial unlimited snapper grouper permits. Motion carried on Page 134.

PAGE 135: Motion to choose Option 1 as the preferred under Action 3, Alternative 4. Motion carried on Page 136.

PAGE 136: Motion to choose Option 1 and Alternative 3 as preferred under Action 3. Motion carried on Page 136.

PAGE 136: Move Alternative 1, no action, retain the existing January 1st start date for the golden tilefish fishing year. Motion carried on Page 136.

PAGE 137: Move under 2.6, Alternative 1, no action, do not establish trip limits for golden tilefish hook-and-line fishery for commercial fishermen who do not receive an endorsement in the commercial golden tilefish hook-and-line fishery. Motion failed on Page 138.

PAGE 138: Motion to select Alternative 2 as the preferred under Action 6. Motion carried on Page 138.

PAGE 139: Motion to remove Alternatives 2 and 5 under Action 3 to the considered but rejected appendix. Motion carried on Page 139.

PAGE 139: Motion to change the preferred to Alternative 4, limit tag distribution to black sea bass pot fishermen with valid commercial snapper grouper permits that landed at least one pound of black sea bass caught with pot gear by the date of 12-31-09. Motion withdrawn on Page 140.

PAGE 142: Motion is to choose under Action 7, Alternative 2B (1,000 pounds) with Subalternative 1, which is an average over that time period as the preferred instead of Alternative 2. Motion carried on Page 145.

PAGE 146: Motion is revise the language in Action 7 to indicate that all the qualifiers are for an endorsement that then allows you to receive black sea bass tags; add another alternative to allow transferability along with the snapper grouper permit and transferability separate from the snapper grouper permit; transferability attached to the snapper grouper permit and no transferability. Motion carried on Page 149.

PAGE 151: Motion to send a letter to the science center endorsing 100 percent electronic dealer reporting. Motion carried on Page 154.

PAGE 154: Motion to modify Action 10, Alternative 4, to apply only to dealers and not fishermen and to change the statement so it says "using the SAFIS or NOAA Software Systems". Motion carried on Page 155.

PAGE 159: Motion to select Alternative 1, no action, as the preferred. Motion carried on Page 159.

PAGE 160: Motion to reconsider the motion to set Alternative 1 as the preferred alternative. Motion carried on Page 161.

PAGE 160: Motion that Alternative 1 not be the preferred alternative. Motion carried on Page 161.

PAGE 161: Motion to select Alternative 6 as a preferred alternative under this multifaceted action item. Motion failed on Page 163.

PAGE 163: Motion to make Alternative 11 the preferred alternative. Motion carried on Page 164.

PAGE 166: Motion to select Subalternative 12C as a preferred. Motion failed on page 166.

PAGE 167: Motion to select Alternative 1 as the preferred. Motion failed on Page 169.

PAGE 169: Motion to add a subalternative under Alternative 3 that would reduce the trip limit to 500 pounds when 75 percent of the commercial ACL is projected to be met. Motion carried on Page 170.

PAGE 170: Motion to add an alternative that would establish trip limits only for the states of North Carolina and Florida. Motion failed on Page 172.

PAGE 172: Motion to make Alternative 3, establish a 1,500 pound commercial trip limit, as a preferred alternative and also add the subalternative that would reduce the trip limit to 500 pounds when 75 percent of the commercial ACL is projected to be met. Motion carried on Page 172.

PAGE 173: Motion to move the AP's recommendation which is a 1,000 pound trip limit for gag with a season starting on May 1 and to reduce the trip limit to 100 pounds gutted weight when 90 percent of the quota is met. Motion carried on Page 173.

PAGE 174: Motion to make Alternative 2 the preferred alternative. Motion carried on Page 175

PAGE 175: Motion to select Alternative 4 as the preferred alternative under Action 4.

PAGE 175: Substitute motion to move Alternative 3 and 4 to the considered but rejected. Motion carried on Page 176.

PAGE 177: Motion that Alternative 2B be the preferred alternative. Motion carried on Page 177.

PAGE 177: Motion to approve Regulatory Amendment 9 for public hearings. Motion carried on Page 177.

REGULATORY AMENDMENT 10 MOTIONS

PAGE 178: Motion to select Alternative 11 as the preferred for Regulatory Amendment 10. Motion carried on Page 178.

PAGE 178: Motion to add discussion in the document that the Southeast Fisheries Science Center provide an interim update on the status of red snapper in early 2012 and that it be reviewed by the SSC. Motion carried on Page 178.

PAGE 178: Motion to remove Alternatives 12, 13 and 14 and Action 2, the sunset provisions, and put them in the appendix. Motion carried on Page 178.

PAGE 178: Motion that Regulatory Amendment 10 be approved for submission to the Secretary of Commerce. Motion carried on Page 179.

PAGE 179: Motion to provide staff editorial license to make changes to the document and ready for submission to the Secretary of Commerce. Motion carried on Page 179.

PAGE 180: Motion to deem regulations as necessary and appropriate; and if there are any changes, that the chairman be given the authority to redeem them. Motion carried on Page 180.

COMPREHENSIVE ACL AMENDMENT MOTIONS

PAGE 181: Under Action 1, motion to approve Motion numbers one, two and three. Motion carried on Page 181.

The following motions under Action 1 were approved by the council:

Motion 1: Add alternatives that would remove species from the FMU based on 10,000 pounds and 20,000 pound landings.

Motion 2: Make the 20,000 pound alternative a preferred under Action 1 with the exception of cubera snapper, Warsaw grouper and lesser amberjack.

Motion 3: In Action 1, add speckled hind to the list of species that are excluded from consideration for elimination.

PAGE 181: Motion under Action 2, change the preferred to Alternative 1. Motion carried on Page 181.

PAGE 171: Under Action 3, motion to approve motion numbers five and six. Motion carried on Page 171.

The following motions under Action 1 were approved by the council:

Motion 5: Separate Scamp and black grouper in Action 3.

Motion 6: Select Option 2 under the new species groupings approach as preferred.

PAGE 181: Under Action 4, motion to approve Motion Numbers 7, 8 and 9. Motion carried on Page 181.

The following motions under Action 4 were approved by the council:

Motion 7: Move Alternative 4 to the appendix.

Motion 8: Add an alternative to use the Gulf Council's Control Rule to establish ABCs for unassessed or data-poor stocks.

Motion 9: Combine Actions 4 and 5 under a single action.

PAGE 185: Motion to add a Subalternative 3d that sets ABC equal to 100 percent of either OFL when known or median landings from 1999-2008. Motion modified on Page 187.

PAGE 187: Above motion modified to add Subalternative 3D for ABC equals 95 percent of median landings of 1999-2008. Motion carried on Page 187.

PAGE 187: Motion to move Alternative 6 to the considered but rejected? Motion carried on Page 187.

PAGE 187: Motion to use the 1999-2008 timeframe for Alternative 7. Motion carried on Page 187.

PAGE 187: Motion to approve Motions 10 and 11, Action 7. Motion carried on Page 188. The following motions under Action 7 were approved by the council:

Motion 10: When establishing ACLs for the sectors, divide the ACL not the ABC.

Motion 11: Make Alternative 2 the preferred alternative.

PAGE 188: Motion to remove subalternatives from Alternatives 2, 3 and 4 and put them in Appendix A. Motion carried on Page 188.

PAGE 188: Motion to approve Motions 12, 13, 14 and 15. Motion carried on Page 188. The following motions under Action 8 were approved by the council:

Motion 12: Replace Subalternative 2A; do not establish a commercial sector ACT.

Motion 13: Select Alternatives 3 and 4 as preferred.

Motion 14: Combine Alternative 6 and Alternative 8 so that the trigger for AMs is incorporated into Subalternatives 8A and 8B.

Motion 15: Select new Alternative 8B as the preferred.

PAGE 188: Motion to select Alternative 2 and Subalternative 2A as the preferred for ACT. Motion carried on Page 188.

PAGE 188: Motion to select Alternative 3 under Action 9 as the preferred. Motion carried on Page 188.

PAGE 188: Motion to remove subalternatives under Alternatives 2, 3 and 4, Action 10, to the appendix. Motion carried on Page 188.

PAGE 188: Under Action 11, motion to approve Motions, 18, 19 and 20. Motion carried on Page 189. The following motions under Action 11 were approved by the council:

Motion 18: Move Subalternative 2C to the appendix.

Motion 19: Move Alternative 2 to the appendix.

Motion 20: Select Subalternatives 4A and 4B as preferred.

PAGE 189; Motion to approve Motions 21, 22, 23, 24 and 25. Motion carried on Page 189. The following motions under Action 12 were approved by the council.

Motion 21: Move Alternative 2 under Action 12 to the appendix.

Motion 22: Select Alternative 4 under Action 12 as preferred.

Motion 23: Exempt the recreational sector from having to have commercial permits (snapper grouper and wreckfish), wreckfish shares and coupons to land wreckfish.

Motion 24: Add two alternatives for recreational season; July-August, May-June.

Motion 25: Make the July-August recreational season the preferred.

PAGE 189: Motion to approve Motions 26 and 27. Motion carried on Page 189. The following motions under Action 15 were approved by the council:

Motion 26: Remove Subalternatives 2, 3 and 4 under Action 15.

Motion 27: Select Alternative 2 as preferred; ACL equals ABC.

PAGE 189: Motion to approve Motions 28, 29, 30, 31 and 32. Motion carried on Page 189. The following motions under Action 16 were approved by the council:

Motion 28: Modify language in Alternative 2A to not establish a commercial sector ACT and make that the preferred.

Motion 29: Remove the preferred status of Alternative 7.

Motion 30: Combine Alternative 6 with Alternative 8.

Motion 31: Select Subalternative 8B as an additional preferred.

Motion 32: Select Alternative 5C as preferred.

PAGE 189: Motion to approve Motions 33, 34 and 35. Motion carried on Page 189. The following motions under Action 17 were approved by the council:

Motion 33: Modify Alternative 3 to read “adopt the SAFMC SSC Control Rule and set ABC equal to a percentage of the OFL.

Motion 34: Move Alternative 4 to the considered but rejected appendix.

Motion 35: Add an alternative to consider the Gulf Council’s SSC Control Rule for dolphin.

PAGE 189: Motion to approve Motions 36 and 37. Motion carried on Page 189. The following motions under Action 19 were approved by the council:

Motion 36: Keep Alternative 2 as the preferred.

Motion 37: Move subalternatives in Alternatives 2-5 to rejected appendix.

PAGE 189: Motion to approve Motions 38, 39, 40, 41, 42, 43 and 44. Motion carried on Page 189 The following motions under Action 20 were approved by the council:

Motion 38: Add Subalternative 2A and adopt as preferred.

Motion 39: Add Alternative 4 as a preferred alternative.

Motion 40: Reconsider previous motion.

Motion 41: Remove preferred designation from Alternative 4.

Motion 42: Use the 3-year average PSE for dolphin.

Motion 43: Authorize the RA to make in-season adjustments for AMs based on data available.

Motion 44: Combine Alternative 6 with Alternative 8 and remove “for in-season”.

PAGE 190: Motion to select as preferred a management measure of a bag limit of 9 per person under Action 21. Motion carried on Page 190.

PAGE 191: Motion to reconsider the above motion.

PAGE 191: Motion to remove or de-select as a preferred the 9-fish bag limit for dolphin. Motion carried on Page 192.

PAGE 192: Under Action 21, motion to set a 20-inch minimum size limit for dolphin from Florida through New England Council's Area. Motion carried on Page 192.

PAGE 192: Motion to approve Motions 46, 47 and 48. Motion carried on Page 192. The following motions under Action 22 were approved by the council:

Motion 46: Reword Alternative 3 to adopt the SAFMC SSC Control Rule and set ABC to a percentage of OFL.

Motion 47: Move Alternative 4 to the rejected appendix.

Motion 48: Add an alternative with the Gulf Council's SSC Control Rule.

PAGE 192: Motion to use 1999 as the initial year for allocations in Alternatives 3 and 4 under Action 23. Motion carried on Page 192.

PAGE 192: Motion to approved Motions 50 and 51. Motion carried on Page 192. The following motions under Action 24 were approved by the council:

Motion 50: Adopt Alternative 2 as the preferred.

Motion 51: Remove subalternatives from Alternatives 2-5 to considered by rejected appendix.

PAGE 192: Motion to approve Motions 52, 53, 54, 55, 56 and 57. Motion carried on Page 192. The following motions under Action 25 were approved by the council:

Motion 52: Replace Subalternative 2A with new wording and select as the preferred.

Motion 53: Move existing Subalternative 2A to rejected appendix.

Motion 54: Remove "or ACT" if specified from Alternatives 3 and 4.

Motion 55: Combine Alternative 6 with each of the subalternatives in Alternative 8 and remove "in-season" from Alternative 6.

Motion 56: Allow the RA to reduce the bag limit of wahoo to one fish and reduce the season as necessary to achieve the reduction; make this the new preferred.

Motion 57: Remove "or ACT" if specified from Alternatives 7 and 8.

PAGE 192: Motion to approve Motions 58 and 59. Motion carried on Page 192. The following motions under Action 26 were approved by the council:

Motion 58: Establish a recreational boat limit of 2 wahoo per boat/vessel per day.

Motion 59: Select the new alternative as the preferred.

PAGE 192: Motion to move Action 27 to the appendix. Motion carried on Page 192.

PAGE 192: Motion to move Action 28 to the appendix. Motion carried on Page 192.

PAGE 192: Motion adopt the IPT's recommendation to modify wording of no action alternative. Motion carried on Page 192.

PAGE 192: Motion to remove Action 31 to the appendix; undertake changes to framework procedures in a future amendment. Motion carried on Page 192.

PAGE 193: Motion to approve the Comprehensive ACL Amendment for public hearings. Motion carried on Page 193.

AMENDMENT 24 MOTIONS

PAGE 193: Motion to add an alternative to consider an eight-year rebuilding schedule for red grouper. Motion carried on Page 193.

PAGE 194: Motion to request that the science center provide us with an estimate of the minimum stock size at which rebuilding to the MSY level would be expected to occur within ten years if the stock is exploited at the MFMT level and the result of that be added as an alternative. Motion carried on Page 194.

PAGE 196: Motion to set a three-year series of ACLs. Motion carried on Page 196.

PAGE 196: Motion to move Alternative 3 to the considered but rejected bin. Motion carried on Page 197.

PAGE 199: Motion to approve Amendment 24 for public scoping. Motion carried on Page 199.

AMENDMENT 21 MOTIONS

PAGE 205: Motion to include the new action for the catch share participation part of Amendment 21. Motion carried on Page 206.

PAGE 206: Motion to approve Amendment 21 for scoping. Motion carried on Page 206.

AMENDMENT 22 MOTIONS

PAGE 208: Motion to approve Amendment 22 for public scoping. Motion carried on Page 208.

MOTIONS UNDER OTHER BUSINESS

PAGE 209: Motion to ask the Secretary of Commerce to disapprove Amendment 17B and send it back to the council for reconsideration of the deepwater closure. Motion withdrawn on Page 215.

PAGE 215: Motion to request that an emergency rule be put into place to delay the deepwater closure in 17B and take action through framework to modify the deepwater closure. Motion carried on Page 216

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cindy.chaya@safmc.net

Purchasing/Adm. Assistant

✓ Julie O'Dell
julie.odell@safmc.net

SEDAR/ Staff Administrative Assistant

Rachael Silvas
rachael.silvas@safmc.net

✓ KARE MACLAUCHLIN

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 Meeting December 8, 2010 New Bern, NC

<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
Christopher Elkins PhD	CCA-NC 919 417 3171	297 Steepg Point Rd Gloucester, NC 28525
Leda Dummire	PEG 305 393 0934	93 Manwa Ave Key Largo, FL 33037
Sara Drexlerak	PEG 910-685-5705	Wilmington, NC 28422
Bill Kelly	FKCFA	
FENTRESS MUNDEN	252-808-8009	NC MARINE FISHERIES
JAY BOULET / SEFSC	727-824-5373	263 13th Ave South, St Petersburg, FL 33709
Sherri McCoy	321-960-1663	715 N. Tropical Trail Merritt Island, FL 32983
Josh McCoy	321 960 -4885	807 Hampton Way Merritt Island FL 32953
DAVE Allison	Oceano 202-833-3900	WASH DC 1350 Connecticut Ave 20036

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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<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
Robert Carvin	772-370-4163	FL.
Rusty O'Neil	386-239-0948	FL 32120-9351
JP Jones	252-342-8322	NC
Ember A. Shuter	252-725-7091	Carteret County News-Times
Michelle Ounn EDF		Sarasota FL
Libby Telferston TOC - FL		
Eileen Dougherty		EDF Charleston, SC
David McKinney	512-289-1969	Austin, TX
Dick Brane		CCA WILMINGTON, NC

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**Snapper Grouper Committee Meeting
December 8, 2010
New Bern, NC**

**NAME &
ORGANIZATION**

**AREA CODE &
PHONE NUMBER**

**P.O. BOX/STREET
CITY, STATE & ZIP**

Dilvin Salomone PEW

321-972-5020

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