

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **SNAPPER GROUPER COMMITTEE**

**Holiday Inn Brownstone Hotel  
Raleigh, NC**

**December 7-8, 2011**

### **SUMMARY MINUTES**

#### **Snapper Grouper Committee**

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Other Participants Attached

**TABLE OF CONTENTS**

Call to Order, Chairman Mac Currin.....	3
Approval of Agenda.....	3
Approval of September 2011 Minutes.....	3
Status of Commercial Catches v. Quotas for Species under Quota Management.....	3
Status of Recreational Catches v. Quotas for Species under Quotas.....	4
Status of Amendments Under Review.....	10
Presentation by Andy Strelcheck.....	10
Snapper Grouper AP Report.....	23
SSC Report.....	23
Amendment 18A/EIS:	
Presentation by Andy Strelcheck.....	31
Summary of Public Hearing Comments.....	41
Overview of Changes & Committee Action.....	42
Amendment 20A/EA.....	121
Amendment 24/EA.....	135
Amendment 18B/EA.....	145
Other Business.....	177
Adjournment.....	178

The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in the Roosevelt Ballroom of the Holiday Inn Brownstone Hotel, Wednesday morning, December 7, 2011, and was called to order at 11:27 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: Let's get everybody to the table from the Snapper Grouper Committee, please, so that we can convene. The first item of business is to approve the agenda. With the usual caveat of allowing me to move a few things as need be to accommodate staff, I would appreciate that concession.

Also, just for the public for clarification, on the main agenda, the pink sheets for the council agenda, it indicates that we would be looking at Amendment 24 first. We're going to stick with the Snapper Grouper Committee Agenda, more or less. We're going to start with Amendment 18A; and then because Carolyn Belcher will only be here today and has SSC input on Wreckfish Amendment 20A. I would like to do 20A next and then do Amendment 24 last.

If there is no objection from the committee with those changes, the agenda will stand approved. We have minutes from our September meeting. Are there any additions or corrections to those minutes? I see none and without objection those minutes will stand approved as well. Next is the status of the commercial catches versus quotas for species under quota management. Jack, are you going to do that for us?

DR. McGOVERN: This is recreational. I sent a file to Mike this morning and it shows the commercial landings versus the quotas. I don't know if we can find that or not.

MR. CURRIN: So you're going to do the recreational first?

DR. McGOVERN: That's the file right there. What I've done is taken what is in Tab 11, Attachment 1, that just shows the current quota monitoring status and then I've broken it down by month according to what is on our webpage, and I compared it to previous years. Here we have vermilion snapper, and the first two columns are 2011 data for January through June and July through December.

Then you can see where it was according to the months for the previous years. If you go down to the bottom of the page, we see that 181 percent of the quota was met and the fishery was closed on the 30<sup>th</sup> of September. Landings for July through September were considerably higher than in previous years.

If we go to the next species, which is gag, about 75 percent of the quota is met. Remember the trip limit for this went into place in June, a thousand pound trip limit and 1,500 pounds for vermilion snapper. We're tracking in a similar fashion to the previous years. The next one is the aggregate for red grouper, black grouper and gag and we're at 72 percent for that.

Moving on down to greater amberjack, again we had a change in the trip limit for greater amberjack in June to 1,200 pounds, and about 49 percent of the quota is met thus far. Most of the months look pretty similar with the exception of September where it's considerably higher than previous years at 112,000.

Next shows snowy grouper; landings are much lower than in previous years and that's probably because of the 240-foot closure that was put into place for the deepwater species in Amendment 17B. For black sea bass, we closed this species in a month and a half. If you look at the landings for just June, they're similar to what the landings were for the whole fishing year for 2007 to 2008. Red porgy, that's at 74 percent and it's a little bit higher than in previous years. Golden tilefish, we see a progression towards the quota being met sooner every single fishing year. We closed golden tilefish in March and 128 percent of the quota was met. That's all.

MR. CURRIN: Questions for Jack or comments? Duane.

MR. HARRIS: Jack, any idea why the vermilion snapper quota was exceeded by such an amount?

DR. McGOVERN: Yes, I think Dr. Brainerd can go into more detail than I can, but from what I understand it was a combination of getting landings from the ACCSP, and there was some kind of personnel change and we weren't getting the South Carolina landings, and there may be some slowness in dealers reporting the landings as well.

DR. BRAINERD: I have a couple of slides that would provide some information on the situation. Okay, moving on to the recreational landings, the first one is black sea bass recreational landings. The MRFSS data is up to Wave 4, which is preliminary for 2011. The headboat data is up to 2010. We don't have 2011 data yet.

Those are the figures for black sea bass. It seems like the past two years, 2009/2010 and 2010/2011, is more or less about the same, accounting for statistical errors. Let's move on the next one which shows the graphs of landings and also trends with fishing effort. I should note here that fishing effort is for all species across the snapper grouper complex, so it's not just for black sea bass, and that would be the same for all the snapper grouper species.

Gag grouper, again the same situation in terms of MRFSS and headboat data, and those are the figures so far for 2011, which is MRFSS. In 2010, again we see a slight decrease from 2009. We also have the graphs of the landings and the fishing effort. Again, those last two full years kind of seem to be stable, about the same in terms of landings.

Greater amberjack, again some decrease from 2009/2010. 2010/2011 is much less in landings from the previous year. Fishing effort for greater amberjack doesn't follow the same trend as the other species because it's not in the complex, so you'll notice here the last two full years is slightly different. 2010/2011 is slightly higher in fishing effort than in the previous year.

Mutton snapper, again you see an increase there in the last full year in 2010 from 2009. The 2011 data is still incomplete. Red porgy, about the same for the last full years. Red snapper, of course, is zero for red snapper since 2010. The other landings we have seen there for charterboat in 2010 and headboat just bycatch, so there is no take in that fishery.

Snowy grouper, now I should note here that for snowy grouper those numbers are in pounds and not numbers of fish. I do have the figures for numbers of fish for 2010. It's 2,066 fish. In 2011

the preliminary figures so far for the MRFSS data is 74 fish. In the next update we will change those figures to number of fish. They are not numbers of fish right now; they are pounds. It will be same also for golden tilefish. Here the ACL for snowy grouper is 532 fish, and in 2010 2,066 fish were caught.

Golden tilefish, and again it's the same situation. The numbers are in pounds and not number of fish, and we are going to fix that in the next update. The ACL golden tilefish is 1,575 fish. Vermilion snapper, the 2010 total landings for the recreational sector was much less than in 2009, but in 2011 the situation is quite different.

As I mentioned earlier, there are a few slides I have that would show why we had that 180 percent landings in the recreational sector, which overshot the ACL for vermilion snapper. Yellowtail snapper, the last two full years, 2009 and 2010, about the same, not much difference there. It seems to stable for those years in terms of recreational landings. The 2011 figure is still within the same range for the previous years.

Okay, if you can put slides for the vermilion snapper overage, on July 1<sup>st</sup>, the second part of the 2011 season opened and in early August ACCSP lost the staff that was receiving and entering the data. The manual load of the Bluefin data files which were sent to ACCSP stopped at that point, and that affected four South Carolina dealers.

Now, it didn't affect the other states and also it didn't most of South Carolina dealers. Only four dealers in South Carolina were affected. Now, on September 30<sup>th</sup> the season was closed and in mid-November the South Carolina DNR identified discrepancies between paper and electronic data. They notified ACCSP but we were not notified at that point.

Now, ACCSP had made some modifications in their procedures. This chart shows where the closure should have occurred based on the full data which includes the four dealers from South Carolina that were not processed initially. If they were not included, then the closure should have happened on September 9<sup>th</sup>.

Now, the legends on the right-hand side starting from the bottom, the blue indicates that those were the landings that were reported by October 11<sup>th</sup>; and then the red streak further up, those are landings that were reported two weeks late by October 24<sup>th</sup>. Then there is a green one that doesn't really appear because it is such a tiny fraction that was reported three weeks late.

Then the top one is the data that was not entered in time, which only was reported by November 23<sup>rd</sup> and accounted for the four dealers from South Carolina. Now, this was the anticipated closure timeframe. The early closure would have happened around the 9<sup>th</sup> of September and the late closure would have happened about the 1<sup>st</sup> of October. Now, this took into account the impact of Hurricane Irene, so we had allowed about five to seven days extra for closure because of the impact of the hurricane. This is what happened in terms of projecting the closure dates. The fishery was actually closed on September 30<sup>th</sup>.

Now, we provided some suggestions for improvement. Some of these improvements are already underway. The first one is that ACCSP needs to automate their monitoring of the load process.

The operative word there is “monitoring” because they have already automated the load processing process, but the monitoring part of that is not yet automated.

That would help in terms of improving the real time of entering this data and making sure that there is not a lag time. Now, the second one is that the Center should complete development of the compliance monitoring system. We are working on that and we hope to get that in place by March 1, 2012.

That would require accurate dealer identification with federal permit numbers. Also, the Bluefin data incorporated should add federal data permit numbers to software. This is the system by which those four South Carolina dealers reported, so they need to add federal dealer permit numbers to their software, which would help to identify, monitor and process data as they’re received.

The council and SERO should implement permit requirements for all dealers handling federally managed species. This is something we have been working with the regional office, and we hope the council would support that effort. Lastly, the Region, the Center and ACCSP should complete development of systems for automatic access to federal permit information for use in compliance monitoring, and this is very critical for all three to have access to those permits and files in order to be able to monitor compliance. These are the suggestions we came up with for improvement and also the information that led to the overage for the vermilion snapper. Thank you.

MR. CURRIN: Thank you, Theo. Mike Cahall is here from ACCSP. Come on up, if you’d like, and I’d certainly like to give you an opportunity to add anything you can to the problem.

MR. CAHALL: Actually, it would be easier if I could just speak to your slide because we’re largely in agreement with everything that we said. To give a little background about how the electronic reporting system in the southeast is currently working, the Science Center has done a really good job of trying to integrate electronic reporting into the existing systems; the goal being to put a minimum amount of additional burden on their dealers as possible.

In doing that, they’re taking two extant electronic reporting systems, one in North Carolina and another in Florida, that are based on the same software, integrating those together with the new software that was developed to manage South Carolina and Georgia. South Carolina is a specific instance where we have a dual-entry method into the electronic reporting system.

Some of the South Carolina dealers use online data entry, and those data are made available to the system immediately. Those were all reported in the system. Others use a PC-based software, the Bluefin that he referred to, and that in essence creates a flat file that is transferred to the main system and then there is an automatic processing that picks it up and loads it into the main tables. In fact, before the failure the process was automated. It was a failure of the automation that caused it to stop loading.

The piece that was missing for us was automatic notification of the system managers that the process had failed. We have analogous processes that run for the northeast and those all have

very heavy logging requirements, and the system managers, myself and Geoff White who is the system administrator, are notified whenever anything fails, and that is the piece that is currently missing right now.

We're monitoring the automatic loads manually at the moment, but we're in process of building something that will automatically notify the system's administrators. We did have a personnel change around the 1<sup>st</sup> of August, and in fact the job kept running because in the handoff of responsibilities to our software coordinator that particular piece, the need to write that log software to notify the system managers fell through the cracks; and when the thing stopped working, we didn't know. It's bad on us, but that's just what happened.

Probably within the next week we will be providing to the system's managers and I'm suspecting also to the Science Center the logs of the activities of the system. Automatically it's not terribly difficult; we just didn't get it done. We agree that the compliance monitoring needs to be improved, but it was in fact compliance monitoring that did find the data although it was a little bit late.

There is an issue with the federal permit dealer numbers in the sense that not all of them have one, and that is a problem. We're utterly in agreement that all of the dealers landing federal species should be licensed federal dealers. It makes the lines of responsibility much easier. Internally inside the systems it is much easier to identify them.

The Bluefin Software sends us a unique identifier that tells us which dealer they are, but that is associated with whomever issued that permit, so all of those data that came up from the Bluefin Software identified them as South Carolina dealers because they are currently reporting under the South Carolina authority, because that's basically the model that you use here.

It's a little difficult at times to parse out who is supposed to be doing what. Then we are definitely working on access for the federal permit information. In fact, apparently we have set a precedent. We have been given access to the data and evidently are one of the very first to having done that.

We will be working on the technical details to automate our ability to pull back the southeast federal data. We do that for the northeast on a routine basis. We routinely upload the northeast vessel permits into our system for validation when the northeast dealers load their data into the system, and also we automatically retrieve the dealer data when the permitting offices create new accounts for their folks.

This is a new system. It went into production in June. I wish I could say that every single deployment of a new system you ever do works perfectly; but whenever you try to do something new, you're prone to have occasional hiccups when they get started. Also, not only is this new, but it's fairly complex because of the desire of the region and the Science Center to keep things as straightforward as possible with as little outward change to the dealers as possible, which we laud. I think it's an absolutely appropriate road to take, but it also does add to the complexity of how you're trying to accomplish things.

We had a glitch in our system when this happened. I'm pretty sure we have solved that problem, and I don't expect further problems, but it's not all unusual to have something like this happen in a new system. It's unfortunate that it was against a species like the vermilion snapper, but it's just what happens when you deploy something new.

MR. CURRIN: Thank you, Mike. It certainly is an unfortunate situation, and it's good to hear that we think we've got everything handled so that it's at least unlikely to happen in the future. Other questions or comments for Mike or Theo? Duane.

MR. HARRIS: So this was not a question of dealers not reporting? Okay, good.

MR. SWATZEL: This might be for Theo, but going back to your slides about recreational catch, the headboat landings are absent for this year so far. I'm just wondering do they always fall a year behind.

DR. BRAINERD: Yes, there is a considerable time, and we should start to get them by the end of this month, but definitely there is a year lag time. We're working on, also, an electronic system which would speed up that process, so in the future the lag time would be much less.

MR. SWATZEL: How much less do you think?

DR. BRAINERD: I don't have that information with me, but we can provide that.

MR. HARTIG: Theo, can you go back to the black sea bass slide again, the recreational catch, the graphic representation of the data, with the effort. That's black sea bass?

DR. BRAINERD: Yes.

MR. HARTIG: I'm trying to figure out why if the effort is so low why we closed the fishery so early. Across the board in all the snapper grouper, as you showed in a previous slide, the effort is down everywhere. I'm just trying to figure out what is happening in black sea bass, and I guess we'll get to that later, but just a question I had now.

MR. CURRIN: Roy, did you have something to that point?

DR. CRABTREE: I believe, Theo, you said that was overall effort, so it's not just black sea bass effort?

DR. BRAINERD: The fishing effort is not just for black sea bass. It's for all snapper grouper species. Now, if you look at the landings, the 2009/2010 and 2010/2011 it is about the about, so landings have not gone down. Now, the '11 figures, of course, are preliminary; it is not complete. It's lacking the MRFSS and headboat data and also MRFSS data is up to Wave 4, which is still preliminary.

MR. HAYMANS: Mr. Chairman, I guess my first question is, is this the only presentation that we will have at this meeting regarding black sea bass landings for 2011/2012?



MR. CURRIN: I think Ben requested at some point a presentation with more specifics on how those landings are determined and what goes into that.

MR. HAYMANS: The question is are we going to get that?

MR. CURRIN: Yes, we will get that. Other questions for Theo or Mike about vermilion? Roy.

DR. CRABTREE: Well, not really questions for them, but I think a couple of points on vermilion. One, just be aware there is no payback provision in the commercial vermilion snapper fishery. I think the reason we didn't put paybacks in some of these fisheries on the commercial side is because we didn't think we'd have significant overruns.

I'm hoping, Mike, and I appreciate your efforts in working with us on this and it sounds like this is going to be fixed and hopefully we won't see overruns of these magnitudes anymore. I do think that we ought to move forward, Mac, on an amendment to require dealer permits and probably to adjust the reporting timelines.

I know we talked about that at the Gulf Council and passed a motion there to start working on it, because remember this will be a joint generic amendment with the Gulf Council because it will address mackerel dealers and some others that are joint FMPs. Would the time be appropriate to make a motion?

MR. CURRIN: I would have accepted that motion during the Golden Crab Committee.

**DR. CRABTREE: Well, I would like to make a motion that we recommend to the council that we begin work on a generic amendment to require dealer permits for all federally managed species and make adjustments to the reporting timelines as appropriate.**

MR. CURRIN: Motion by Roy; second by Duane. Discussion on the motion? Gregg.

MR. WAUGH: Just a question; this doesn't preclude us fixing this for snapper grouper in Amendment 18A, right, because we've got an alternative in there. We've got dealer permits in snapper grouper. We've got an alternative that will address both the commercial and the for-hire sectors; and if you adopt the alternative that implements the ACCSP Program and standards, that will require a hundred percent dealer reporting.

We can indicate that what we want to see, given the difficulty in tracking these quotas – and I think the dealers are in full support of this – is that it be daily uploads of that data. We don't have to go through a whole amendment to deal with snapper grouper. We can take care of it in 18A here at this meeting.

MR. CURRIN: Well, I don't motion would preclude us from doing that, Gregg; and having some built-in redundancy in case there is a glitch in trying to get this amendment through, we would have perhaps some fail-safe mechanism already built in. Yes, I think we should consider that in 18A as we move along as well.

And if the timing works out such that we do see that things are redundant, then we can modify this generic amendment appropriately, assuming 18A is already done. Further discussion on the motion. Any objection to that motion? **I see none; that motion is approved.** Theo, my only question for you is – and I think Bonnie gave us the same data at the last meeting, which is encouraging, that your quota monitoring system will be up and running by March and full implementation by March 2012?

DR. BRAINERD: Yes, we are still on that timeframe.

MR. CURRIN: All right, thank you. Any other questions for these guys? Mike, thank you for being here; we appreciate it. Theo, thank you as well. There are no updates for Oculina Research Activities; nothing new to report there. That will get us into our next agenda item, which is the Snapper Grouper Advisory Panel Report.

Do you folks want to take a break and come back at 1:30 and we'll start that at that point? Before we break for lunch, how about Jack giving us updates on Regulatory Amendment 11 and the Comprehensive ACL, on where they stand, and then we'll break for lunch.

DR. McGOVERN: Mr. Chairman, this will take about 30 seconds. The Notice of Availability for the Comprehensive ACL Amendment was published on October 20<sup>th</sup> and the comment period ends on December 19<sup>th</sup>. The proposed rule for the Comprehensive ACL Amendment published on December 1<sup>st</sup> and the comment period ends for that on December 19<sup>th</sup> as well. Staff is working on the final rule package to have that ready when the comment periods end. For Regulatory Amendment 11, it has gone to headquarters, and the proposed rule we're expecting might publish next week or early the following week. That's it.

MR. CURRIN: Questions for Jack? All right, we will recess until 1:30.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Roosevelt Ballroom of the Holiday Inn Brownstone Hotel, Wednesday afternoon, December 7, 2011, and was called to order at 1:30 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: Okay, we are going to reconvene the Snapper Grouper Committee. I think I told you was going to have Bobby Cardin come up from the AP and do the AP recommendations from the overview of their last meeting. We will do that, but first I think it would be best if we can get Andy Strelcheck up here to talk about the recreational black sea bass overages and how various measures might be utilized to help address some of those issues. Andy has done some analysis I think. Then we will get into Bobby and then Carolyn is going to do her SSC report to the Snapper Grouper Committee.

MR. STRELCHECK: The Science Center and the Regional Office worked on collaboratively as well as the Office of Science and Technology. This stems from a request that was sent by Ben Hartig, but was originally sent by Rusty Hudson. We want to use this I guess as an opportunity to go over our recreational data collection programs, because of the questions that we found that were being asked about sea bass certainly apply to a broader sense to all of our recreational fisheries.

Some if the data that we were being asked to provide isn't data that we collect or there was a misunderstanding in terms of what information we could or could not provide. The first part of the presentation is going to talk about how are the recreational landings estimates reported and made. We're going to go over the three surveys in the Southeast Region.

The second part we will discuss the projections and the closure dates and how they were calculated for the 2011 and 2012 fishing season. The last part gets into the detailed tables that were the request of Ben Hartig's e-mail to our agency. With the data collection programs, the objective is twofold. One is to have a robust coast-wide monitoring program.

Our goal is to collect information on both fishing effort as well as catch rates, and I'll talk about how that information is then used to estimate recreational landings. Obviously, what we're wanting to do with recreational data collection is produce reliable annual and regional estimates of total fishing effort as well as total angler catches, and that includes both landed catch as well as discarded catch.

We have the three surveys in the southeast. They're broken down into different components depending on how the survey is run. For the Marine Recreational Fisheries Statistics Survey, which is now becoming MRIP or has become MRIP, that is going to collect information on shore and private recreational angler fishing effort and catch.

The for-hire survey collects information from charterboat fishing effort and catch, and there is also a headboat component to that, which is in a sense duplicative of our headboat survey, and those estimates from the for-hire survey aren't used when we calculate landings estimates, but we have the ability to do side-by-side comparisons.

Then we have a headboat survey which is intended to be a logbook program, very much census-based, that collects direct information on headboats in the southeast region. Last night, for those of you that were in this room listening to public input and comments, there were some comments made about the telephone survey and questions being asked and why they're not asking for catch and information, and that's very purposeful.

The coastal household telephone survey surveys private and shore-based anglers. It's intended to obviously have phone calls to coastal counties, because that's where a majority of the people that go fishing in marine waters reside. There is random digit-dialing that is done to survey people in these counties, and it's weighted based on population sizes within each county.

The only information that is gathered is fishing effort information, so there is no catch information that's collected from this telephone-based survey. What we're obtaining from it is the angler efforts estimates or angler trips that are made and some additional information as you can see at the bottom of that slide is also provided in terms of the mode of fishing, state and county that they accessed fishing, date and time of the fishing trip that they reported, and private versus public access sites that are being used.

For this coastal household telephone survey, there is essentially a two-month wave in which phone calls are made at the end of the wave, so there could be as much as a 60-day recall time or lag time in terms of gaining that information about fishing trips.

DR. LANEY: Andy, my question was relative to MRIP and the sampling protocol. I thought that we were going to be switching over to the license frame as opposed to random digit-dialing, so are we doing both right now or still just doing the random digit-dialing that was associated with the MRFSS?

MR. STRELCHECK: We are in the process of transitioning from random digit-dialing to a license-based frame. There has been pilot work and studies on going to evaluate some of the challenges that we'll face in doing that, but at this point this is describing really the methods that have been place and what was used for the black sea bass quota projections as well as all of our recreational estimates to date.

MR. CUPKA: That's what I wanted to ask about the sampling. I was curious when we were going to shift over now that we've got this data base on licensed anglers, which was supposed to be used in MRIP. It's the same question Wilson asked.

MR. CURRIN: Andy, I have one as well, and maybe you want to talk about it when you talk about the extrapolation or mention that, but it has to do with both the coastal survey and the extrapolation. When those extrapolations are made, is there any weighting or allowance given for counties?

For example, in North Carolina we have a hundred, and the furthest ones from the coast on the order of 500 miles, so it makes sense that folks that live in Macon County and close to the Tennessee Line, although they do fish in saltwater, some of them, they don't fish as frequently perhaps as somebody who lives in one of our 20 coastal counties. Are there adjustments or weightings that are given as far as counties or residents in some distance from the coast?

MR. STRELCHECK: I don't recall the exact distances used, but it really goes back to coastal counties that are receiving these telephone surveys. If you are in an inland county away from the coast, you're not going to receive a phone call. I'll talk a little bit later about how intercept data is used to gather information on both fishermen that are a resident of coastal counties as well as fishermen that are out of the state or non-resident to coastal counties and how those adjustments then play into the actual landing-and-effort estimates that are made.

With charterboats, the main difference between the random digit-dialing survey and charter vessels is that a vessel directory is used for charter vessels, and this is a weekly survey within the two-month waves, so essentially there are eight weekly surveys directed at charterboats. Selection is still random but random based on license holders, and the operator or owner of the vessel is contacted. Once again, only fishing effort information is collected on that trip.

We've reduced then the recall bias from 60 days down to a maximum of a 7-day recall bias. They're essentially being asked all of the information they would be able to provide for fishing trips that occurred within the past week. For the headboard program, as I mentioned, it's a

logbook survey. The monthly total number of trips by vessel is tabulated from logbook reports, but then those can be expanded using port agent direct observations, ticket office reports from the headboat operation and other information.

There are reports that might not have been submitted, so estimates have to be expanded. There might have been reports submitted but the number of anglers reported was less than the number observed, so there are some small expansion factors that are used to scale up total landings and total effort based on the work that is done by those port agents.

Then ultimately those are used to estimate angler days and produce catch estimates. In addition to the effort component of these surveys, there is a catch component of the surveys. With the headboat program the catch component is the logbooks themselves. For private, shore and charter catch rates there is an angler intercept survey, and this is dockside interviews that are completed at the end of a fishing trip.

Essentially a sampler is located at a dock and he or she is intercepting all anglers that are coming off that trip. It's not intended to be selective. The sites that they go to and interview anglers and sample fishing trips are based on a weighted site selection, so sites that have more boats and traffic they're going to be sampled more frequently than low-use sites.

This is where we get our catch-per-unit effort data for computing total catch estimates, so it is going to be providing specific information about catch by species, the disposition of that catch as well as obtaining some biological information. Then as Mac had mentioned or asked me earlier, it also collects information on angler home location, and this is used to adjust the estimates or expand the estimates based on the number of anglers that reside in coastal counties versus reside outside of those coastal counties, either in other states or within the same state but not surveyed as part of the telephone effort survey.

This is boiled down to I guess a fairly simple slide, but what it ultimately shows you is that we generate an estimate of the angler trips by coastal residents through the phone survey, so that's the left side. The gray boxes on the right side all come from the angler intercept survey. Essentially the total estimated angler trips from the phone survey are adjusted upward based on the number of trips that were sampled relative to the number of sampled trips with coastal residents only, so there is the adjustment factor for out-of-state residents.

Then we multiply that by a catch per trip to come up with total catch estimates, and that's once again coming from direct observations through the angler intercept survey. For charter catch estimation, very similar; the main difference is you have obviously the vessel directory, so we're estimating for-hire angler trips from the vessel directory and then scaling those based on for-hire angler trips that were sampled relative to those vessels that were sampled that are in the directory.

If a vessel is newly permitted, if it hasn't been included in the vessel directory, then you could intercept vessels that we weren't aware of at the time to survey them, so therefore is an adjustment that is made, and then once again it's multiplied by the catch per trip to get total catch estimates.

For headboat, a little bit different but very similar in the sense that there are total angler days that are calculated, and that's based on adjustments made to the reported landings for a vessel divided by the reported angler days for that vessel to come up with total landings. You don't have a catch rate here because the landings are reported as part of the logbook. For many vessels there is an adjustment factor because the logbooks match exactly with what was reported and what was observed by the port agent.

If there are instances of underreporting or a report was missed, there could be an expansion factor, but it's fairly small and we have pretty good compliance to this point with reporting requirements through the headboat survey. What does this all mean in terms of annual catch limits and accountability measures and monitoring quotas?

We take the information that is collected through those surveys and we have to determine when the annual limit for black sea bass is met or projected to be met and then the assistant administrator has authority to close the fishery for the remainder of the fishing year. In addition, if the ACL is exceeded then we file a notification to reduce the annual catch limit for following fishing year.

We've obtained data and landings through these surveys. It is an aggregation of the recreational MRIP statistics, the for-hire survey and headboat estimates. The Science Center maintains an annual catch limit data base. In some instances there are no weight estimates that are produced for the MRIP program and so they essentially supplement the data with lengths and weights from nearby strata in order to estimate an average weight if an average weight is missing.

For sea bass you can see in the last 12 or 14 years that we've only had to produce an additional 700 pounds of landings, so we have good length and weight estimates in order to expand the estimates from numbers of fish to pounds of fish. Then one other nuance to the black sea bass data is that we manage from Cape Hatteras southward; so the state of North Carolina, the landings statistics are generated for the entire state.

We post stratify them to remove landings north of Cape Hatteras when calculating the ACL closure date. These were the landings that were used to determine the overage from the past fishing season that ended on May 31<sup>st</sup>. Earlier Tom had asked about the headboat landings estimates and whether they were available in season, and I mentioned to him that we can request headboat landings in season on a species-by-species basis.

They're not going to be finalized so this reflects essentially preliminary estimates that are used for headboat as well as the estimates that are generated for the MRFSS survey. But from last year's landings statistics, we estimated about a 67,000 pound overage, so that overage was deducted from the 409,000 pound ACL for this fishing season to result in about a 342,000 pound ACL for the 2011/2012 fishing season.

What was available when we had to make a decision about closing black sea bass back in October? We included available landings through August, so this table shows you what information we had before us at that time, which included three months worth of headboat landings and one month for the MRFSS private and charter landings.

In total about 64 percent of the quota had been caught, but we did not have complete landings through the month of August. We closed in October so we also had a supplement, the projections in landings with information to estimate, well, would the landings have been in July/August for MRFSS data as well as September and October for all modes, and I'll talk about that next.

These are fairly basic methods. We've used a lot of more detailed methods for projecting closures. In this instance, because we already had about two-thirds of the landings in, we felt it was probably appropriate just to use prior years' landings as proxies. We looked at using the 2010 and 2011 landings by wave and mode and just adding those into the catches that were known for this season and not adjusting them for the bag limit reduction.

We also ran it where we adjusted it for the bag limit reduction. For number three, landings were unusually high for September/October, almost like an outlier for MRFSS statistics, and so we looked at, well, what would the effect of the season be if we replaced that value with the estimated landings for July/August, and then finally number four takes into account essentially the increase that was observed between the 2011 and 2010 seasons for comparable waves and fishing modes and used that as a scaling factor to estimate when the season would be met.

And all of this went into a report, which I cite at the bottom of the screen that's posted on our regional office website. Here is a spaghetti plot that shows the various projection scenarios as well as the actual landings estimates. Projections one through four are essentially the ones to the far right of the screen. The purple line was the one that we estimated would reach the ACL the fastest, and that would have closed the fishery on September 10<sup>th</sup>.

Recall we were doing this in early October when we had the landings data. The others estimated closure dates anywhere between October 1 and October 19<sup>th</sup>. The black line shows where we're at as of today with June through August landings, so it does not include September and October, and you can see we're already over that reduced ACL, and we were well ahead of schedule with the quota likely being met right around the tail end of August, so definitely earlier than our projections would have indicated.

Getting into the request sent to us by Ben, here is essentially the request that we received. I wanted to point out with the sub-bullets B and E here that highlighted in red, this is information that we're not able to provide because we don't collect the information that way. Based on the discussion earlier, the phone intercept doesn't collect landings information by species.

That's what the intercept survey does, so we provide that. And then also the estimate of the recreational fishermen that actually fished for black sea bass, Theo brought this up during the discussion of his presentation that the effort estimates are based on all species and they're not specific to black sea bass, although we do have ways of estimating target and directed trips for a particular species, but those aren't actually used for calculating the final landings estimates.

These statistics were provided largely from Science and Technology and the Headboat Program. This is the number of charter and headboat vessels and the sampling frame by state. You can see

with headboat we have 77 vessels that participate in the logbook program. For charter there were over 2,100 vessels in the sampling frame.

The Florida east coast surprisingly I thought was rather low and was told that one of the main reasons is this excludes any vessels that fish in the Florida Keys. I also asked about North Carolina and they indicated that North Carolina has a lot of small guide boats that I guess are included as part of their estimation survey. These are the number of phone intercepts by state, so you can see for charter, which for charter these are successful contacts, and it could include the same vessel being surveyed multiple times.

North Carolina you'll notice for a lot of these statistics is significantly higher in terms of sample sizes, and I understand that's because they supplement the funding from the National Marine Fisheries Service with some state-level funding as well to increase sample sizes. These show the number of successful contacts for charter and then also households contacted in May through August for the private and shore modes.

The first column shows those that indicated that they go fishing; the second column indicates households contacted that do not fish; and then it's the total of the two columns. You can see that it's approximately about 10 percent of the household survey report that they go fishing, or even less than that.

This is one of the major improvements that MRIP hopes to make is by having a direct-dial survey to licensed anglers that we're going to greatly increase the number of households that indicate fishing activity. For dockside sampling by mode and state, on the left is the MRFSS estimates of angler intercepts and you can see the distribution of angler intercepts with the most coming in North Carolina followed by Florida, as you would expect.

For headboat it's not angler intercepts; it's actually the number of trips where biological information was collected during May through September; so a good number of trips are being sampled for the fleet of 77 vessels. These are the weight and length measurements that are collected.

You can see that for headboat they collect a tremendous amount of lengths and weights for black sea bass and for charter and private much smaller numbers in terms of the total number of lengths and weights that are measured dockside when conducting an intercept. These are the total landings estimates in numbers of black sea bass, not pounds of black sea bass, just so that you can see the breakdown by state and by mode to give you an indication of how many have been reported during this past fishing season.

I'll note that we just ran out of time to post stratify those North Carolina estimates for this presentation, so it will be slightly higher than what we would ultimately estimate in terms of the number of landings because we include north of Cape Hatteras. With that, these the whole series of websites that I'll point you to.

These have information about the new MRIP program where you can find the recreational statistics. We also have an ACL monitoring page on our home page of our website that people



can go to and take a look at where landings stand relative to the annual catch limit at any particular time. With that, I'll take any questions.

MR. CURRIN: Thank you, Andy, very much. Duane.

MR. HARRIS: Andy, do you derive error estimates around those whole numbers for landings for individual species?

MR. STRELCHECK: Yes, error estimates are derived for both the effort estimation as well as the catch-per-unit effort estimation to generate total error estimates for landings.

MR. HARRIS: Can you tell us what those error estimates are around the black sea bass numbers?

MR. STRELCHECK: Not off the top of my head, but I can look them up and get back to you. Certainly, it will be variable by state and mode, so would you want it broken down just as total estimates or what level of detail would you like?

MR. HARRIS: Total estimates.

MR. JOLLEY: Andy, that was very informative and helpful. Is it okay if I asked two quick questions that deal more with MRFSS and MRIP than just black sea bass; is that still okay? This may not be directed so much at you, but I'm trying to get an answer that I've never been able to understand. It might be more appropriate for Roy, but do we have any idea of why it took 30 years with MRFSS to come to the conclusion, hey, this isn't going to work the way we want it to work, and maybe it was never intended that way is what I've been told, but instead of, say, 10 or 15 years.

MR. STRELCHECK: I think it's a question for Roy. My initial response would be that there have been improvements to the survey over time. There has been additional funding provided to increase sample sizes. The for-hire survey was essentially an offshoot of concerns by charter captains indicating that they didn't feel like the estimates were being generated to provide an accurate reflection of the landings that were being produced and catches that were being produced from their vessels.

I don't know if it's fair to say that it took 30 years. I think there has been recognition over time that certainly improvements need to be made, but certainly with the NRC findings and determination, that's really been the impetus for us now overhauling the program and making drastic improvements.

DR. CRABTREE: Yes, I think that's exactly right; it has been improved over the years. Now, when Magnuson was reauthorized and annual catch limits were required in all fisheries, that certainly increased the requirements in terms of being able to do in-season monitoring and close recreational fisheries when annual catch limits have been met.

That's something we have not done very often in the past although we have done it in the Gulf of Mexico with red snapper for years. I think a lot of the difficulty we have with MRFSS now has to do with the timeliness of data delivery, and that's one of the things that I've talked to our folks in headquarters about on many occasions is the need to improve the timeliness of it; so that when we make these projections about quotas being caught, we aren't having to make assumptions for as long a period of time.

The problem with that, of course, is that in order to maintain the quality of the estimates, if you want to deliver them in a more timely basis you have to up the amount of dockside intercepts and everything else that you're doing, and so that pushes the cost up quite a bit. There is a little bit of tension within the plans for improving MRIP in terms of where do you want to put your money? Do you want to produce higher quality estimates or do you want to put it in producing more timely estimates?

There are some tradeoffs with that given that there is just a fixed amount of money that we have. But I think like all these things, we have over the years made improvements. I can tell you the MRFSS estimates today are much, much better than what we had back in the 1980's. The number of intercepts and things and the stratification of it has all been improved, but it still has some issues and particularly in terms of the timeliness and things like that.

MR. JOLLEY: Thank you very much; that's helpful. I just have a philosophy that we need to learn how to pivot faster when the need is there, and I hope that's something that we all reflect on as we go forward. Is all of this data getting to ACCSP?

MR. CAHALL: Yes, we're receiving all the data. Just a quick addition to the comment, MRFSS was never designed initially to be used for what it is being used for now. It was intended as a regional survey to provide data at a regional level. It did that pretty well, but as the management requirements needed better data, more specific data at a lower resolution faster, it costs a lot of money to do that.

That has really been the issue with MRFSS more than anything; that nobody wants to fund the program to the level that's required to produce, say, stratified numbers that are accurate and fast enough for, say, upper and lower Chesapeake Bay in Maryland, because it's very expensive. The MRIP is being redesigned – I sit on the Operations Team – and the MRIP program produces better data, but it's also going to have the same kinds of problems that if folks don't want to pony up the money to do the surveys to the level of specificity that is needed, you're not going to be able to get the precision that you want at the level that you need it in order to do these kinds of things.

They're talking a lot about shortening up the cycle times and that sort of thing, but I think the fundamental problem with MRFSS that folks – because we're forced to use the data, that's what we've got – it never was designed to do what we're doing with it. Yes, we do get the data. In fact, we pull it straight from their main data bases when they're done.

MR. HAYMANS: Andy, I have a couple of questions for you, if I could. Starting with Wave 3 and how Wave 3 is divided – realizing for black sea bass it's closed but we still had 958 pounds

that were landed – now for other species that had a June 1 start date, how would you divide out May and June in Wave 3?

MR. STRELCHECK: With black sea bass, it was closed in May, so for the purpose of the analysis the presumption is no landings were coming in for May for the MRFSS survey. We did have a small amount that came in for the headboat survey. For other species, if the entire wave is open, we have really no way of differentiating how much of the landings estimate comes in for one portion of the wave versus another.

Typically what is done is it's split out based on the number of days in each month; so if there is an equivalent number of days in that wave for each month, then it would be 50 percent goes to one month and 50 percent goes to the other month.

MR. HAYMANS: And then specifically to two of your slides I have a question; Slide 15 being the first one. Is that pounds or numbers?

MR. STRELCHECK: That's pounds gutted weight.

MR. HAYMANS: That's pounds gutted weight. Okay, so then that's telling me at the end of August somewhere in the neighborhood of 218,000 pounds towards the ACL?

MR. STRELCHECK: Correct.

MR. HAYMANS: Okay, so then if you jump to Slide 23 it's reported in number, right? Why don't we go with pounds gutted weight?

MR. STRELCHECK: This was provided because the request specifically asked for numbers of fish and not pounds of fish for providing this information, so that's why we're providing it in that manner.

MR. HAYMANS: And I guess the final part is we've got some tables that were provided at the public hearing that go ahead and project out through the closing date. Why don't we have that in here as well because that's really where we go is somewhere around a projected landings of 684,000 pounds, right, if you apply that 405 with the gutted weight estimates?

MR. STRELCHECK: I'm not sure I know which one you're talking about. You're saying the projections that indicate 604,000 pounds would be landed?

MR. HAYMANS: 684,000 pounds.

MR. STRELCHECK: I'm presuming, but correct me if I'm wrong, that is probably from the assessment projections; is that correct, John; do you know?

MR. CARMICHAEL: Which one?

MR. STRELCHECK: A value of 684,000 pounds is being projected as total landings.

MR. CARMICHAEL: The assessment has looked at projections – in doing the projection analyses, to look ahead, they've used assumptions for 2011 looking at landings being a hundred percent of what was allocated at 150 percent and 200 percent, so that's the numbers that they've actually used. I don't know if those match with this 600 and something value or not. It doesn't sound exactly right.

MR. STRELCHECK: Yes, so I think we're talking about two different sources of information, and the analysis that I cited on the regional office website projected just through when we expected the quota would be met. This black line on the graph shows what landings we know as of today, and we're still waiting on September/October landings to roll in before we have an idea of how much over the quota we'll be.

MR. HAYMANS: So what is the conversion for 405,000 pounds through September? Well, I guess it's partly September and then the other is August. What is that gutted weight conversion?

MR. STRELCHECK: The 405,000 is in numbers of fish and not pounds of fish.

MR. HAYMANS: Right, but what are the pounds of fish?

MR. STRELCHECK: The pounds of fish – and I have to look it up, but it's slightly less than 400,000 pounds based on this graphic through August.

MR. CURRIN: And, Doug, I think Gregg has got the ability to address your question.

MR. WAUGH: Yes, that was a table we put together, and the question comes down is what are the September/October wave numbers, and we don't know what they are. You have one option of using the September/October from the 2010 and 2011 wave. You can either assume that they're that amount. The value that we ended up using was 1.88 times that wave's estimate based – yes, the September/October wave. I have got the details that I could show you on that, but that is just a way to estimate what the actual numbers are going to turn out to be for September/October.

MR. HAYMANS: So the table from the public hearing was generated through staff?

MR. WAUGH: That's correct.

MR. HARRIS: Mr. Chairman, this just goes to John Jolley's question. John, we recognized as state directors years and years ago that MRFSS was not meant to provide the kinds of estimates of numbers that we needed to manage on a state basis. It was a regional survey as Mike said, so a lot of states – and Georgia did – used DJ and Wallop-Breaux monies to supplement that data collection system. What we were trying to do was get numbers that we could use on a state-by-state basis to manage our fisheries, and that's what a lot of states did. We recognized a long time ago that MRFSS was not intended to do what it's being used for today.

MR. JOLLEY: I was well aware of that. I do think, though, in fisheries, the way things are going, we really need to learn how to pivot faster; and if something isn't working for what plans

are coming forward, we need to be ready to move on it and change things. Thirty years is a long time to collect data in a program that we have had all this difficulty with.

MR. CURRIN: In my assessment, John, a conscious decision was made at the point where we knew we needed more and better information was is it more cost-effective and better to scrap MRFSS and start a new program, and certainly the answer to that was, no, we couldn't afford it. There was no money around to do it.

North Carolina has done the same thing that Georgia has done in trying to supplement that because we use the data in North Carolina as well for development of our fisheries management plans. We recognized the need for better information and we try to create that, but it doesn't come cheap even on the state level.

Our license money, I think the first year we started apportioning – and, Red or Michelle, correct me, but we awarded I want to say \$300,000 a year out of the license fund to the division to specifically enhance the MRFSS information in North Carolina developing that. Certainly, that get used by NMFS and by this council, but we realized it was important and it doesn't come cheap. Gregg.

MR. WAUGH: Andy, one of the other questions that we got a lot at public hearings was why the adjustment to the ACL wasn't made sooner in the fishing year? I think the regulations say that adjustment should be made at or before the start of the fishing year. Are we going to be able to calculate these overages so that we let people know at the start of the fishing year what the revised ACL is?

MR. STRELCHECK: Ideally you want landings available obviously as early in the following fishing year as possible. Typically annual landings estimates are available in March and April of each year, completed. The challenge we have for sea bass is that the fishing year ends May 31<sup>st</sup>, so we have to wait then for landings to come in through May 31<sup>st</sup>, which is the reason why we didn't announce it until October. It's not a huge lag, but it's still a three or four lag.

It's just a lag in the middle of the year rather than at the beginning of the year. Plus, we have the added challenge of headboat estimates are preliminary and we have to go out with a specific request to the Science Center to obtain those in season because the final annual estimates aren't available until early the next year. I think the short answer will be to the extent that we can speed up getting the headboat estimates for sea bass earlier after May 31<sup>st</sup>, that will go a long way to speeding up when we can announce the adjustment.

MR. WAUGH: I guess that won't be an issue this year given that everything is closed; but thinking ahead for the future, then maybe we need to change the regulations on how this is done because the way the regulation is written it says that they should be notified at the start of the year.

I think even if you're given a preliminary number at the start of the year, I think it's helpful for the public to understand that their target is really lower than that ACL rather than the ACL, because I think it generates a false sense of what you can go out and catch, and that may have

contributed to extra trips this year. The sooner we can let them know what the real ACL is and if the system can't generate that at the start of the fishing year, then we either need to change the requirement that it be specified at the start of the year or change the system.

MR. BURGESS: Andy, has there been any thoughts about using whole weight to estimate these catches? I thought I've heard around the table before that a lot of people don't gut their fish and things like that. I thought I recall in March a headboat operator making comments about something to that effect, and I was wondering if there were any thoughts of changing that in the future.

MR. STRELCHECK: The landings are reported in whole weight for all of the fishing modes, and we convert them to gutted weight. My recollection is it was an intentional decision on behalf of this council to manage the ACL in gutted weight. I don't know the rationale behind that, but certainly I think it's within your purview to change that if you think it would be more beneficial to manage in whole weight. Because it's a conversion factor and it's a fixed conversion factor, it really means nothing in terms of projecting when the catch limit will be met or how much has been landed. It's just a scaling factor.

MR. CARMICHAEL: Actually, could you consider numbers because the recreational data is counted in numbers? There is additional sampling required to get the weight measurements, and MRFSS actually cautions against their weights because of the troubles with sampling them; and you also know that when there is a fishery that involves discards, there are no weights for the discards because you didn't see the fish. So numbers is actually the base unit that is used for the recreational fisheries and that's why the stock assessments, the data that goes into them for recreational is all in numbers.

MR. CURRIN: That makes the most sense to me. Ben.

MR. HARTIG: Andy, thank you and the rest of the staff for addressing those questions in a comprehensive fashion. It answered a lot; and by the time I sit down and digest everything that you gave me, there be some more questions forthcoming, but I certainly appreciate that. I'm hoping we have a copy of this on our e-mail sites now.

MR. STRELCHECK: I have been told it will be posted, but it hasn't been yet.

MR. CURRIN: Any other questions for Andy? All right, I see none; thank you, Andy and everyone else involved in putting all this information together. We were going to get into 18A. I was going to get the AP's summary of their comments unless you've got something you want to jump in now. Then I want to get Carolyn's comments from the SSC on 18A. All right, Bobby Cardin, come on up and give us a summary of the AP's meeting.

As we go through these amendments, I think it may be most productive, as we have discussed, to take the specific recommendations on the individual amendments as we address those amendments, but I want to give you an opportunity to make any kind of general comments you want and specific comments about items you guys discussed outside of the three amendments that we have on our plate today and tomorrow.

MR. CARDIN: As you all know, we had an AP meeting in October. Pretty much every member was there. It was a very productive meeting, and a lot of council members attended. As far as outreach between council and the AP, that goes a long way when council members join the meetings.

In general we went over the amendments as things came up; and like you say, I'll do that today. We did have a few more motions. A lot of AP members wanted to see size limits on hogfish, like 18 inches.

There wanted some size limits on the triggerfish. As we go through this, the AP would have one motion and another motion that kind of countered that, and that's because we don't really know which way the council is going to go on, say, like 18A and the sea bass endorsement program and what have you. At this point I would just like to listen to the meeting and participate as we go along. Thank you.

MR. CURRIN: Thank you, Bobby, and we'll look forward to your input on the individual amendments as we go through. Carolyn, do you want to come up and give us the SSC's assessment of 18A and your recommendations.

DR. BELCHER: I'll open it up, first off, for those of you that have had time to look through the report, to see if there are any specific questions from the group relative to any of the information that is there.

MR. CURRIN: Any questions that anybody had in going through the SSC Report specifically on 18A at this point? I don't see any hands up.

DR. BELCHER: Some of the general overlying comments that the group had and concerns with specifically were some of the language that was in there dealing with the overages was specifically one of the things. You will find that carries through a few of the amendments and not just 18A.

The fact that overages, when we set the ACL equal to ABC, and those overages occur, somehow there needs to be an earlier trigger is what the SSC was leaning towards; that maybe an ACT needs to be set in such a way that the overages can occur. Because, again, if you set ACL equal to ABC, the assumption is that management can control it well enough that you can pretty much shut it off and hit right at the ABC value, which obviously isn't happening. That was one of our concerns.

Another thing that came up was in the language – and I'm trying to find the specific line – dealing with the OY being set to the ABC being set to the ACL. This language occurs in quite a few, and this might not be – actually, I don't think I see it so much here with 18A, but where that language does occur, there are ramifications for saying that ABC and OY are equal to one another. They're calculated separate.

When you look to the management tables that we put forward with the different values for management, you'll find that the OY is 65 percent of yield to Fmsy; 75 percent of yield to Fmsy;

and 85 percent of yield to Fmsy. The way that we calculate the ABC is not linked specifically to that same relationship. ABC is a function of the probability of overfishing. Technically those two numbers will not inherently be the same.

OY also in the sense of the socio-economics has a different meaning as well because it's actually the point at which you optimize the difference between your costs and your revenues. Depending on who your audience is, that can have an impact as well, so that ABC equals ACL equals OY, I think the language needs to be changed on that.

It's difficult – and I'm saying this just from my own standpoint – to comment specifically. The way that our report has kind of been written, it's more I think directive questions are helpful for us, and at least it is for me because then I can at least answer specifically where your concerns might be with something that the SSC is putting forward.

You will notice that there is a lot that we referred back to the SEP. The SEP has done a lot more of that analysis as to how some of these socio-economic impacts will affect – and a specific case in point is talking about the actual trip limits. With the issues of determining highliners, that this may not be the best approach to be able to extend the season because it concentrates the fishery to the highliners who need to maintain high catches to survive economically. They didn't feel that 3,500 pounds constitutes a highliner.

There are directed points that the SEP did make. Like I said, if there are direct concerns from the council about some of the comments we had, I'd feel a little bit more comfortable addressing them straightforward rather than me trying to kind of pick and choose from the comments of the group.

MR. CURRIN: Any specific questions? Carolyn, from my perspective you hit the one question that I had or addressed the issue on the ABC and OY being equal, and certainly that's something we're going to have to talk about. That was the major take-home for me from you guys' report. Any other concerns that anybody has got, clarification you need on the SSC comments on 18A?

MR. JOLLEY: Any comments from the SSC about extending the season somehow?

DR. BELCHER: I know that there was discussions – one of the things that was another concern that came up – and again I'm trying to find the language specifically is more difficult than I thought it would be, but the fact that there seems to be three goals that the council is working toward as far as diminishing effort, impacts with right whales, and not knowing how these are all interrelating to one another.

There seems like there is a lot of overlap with some of the management, that it's not really clear how, you know, basically encapsulating a box within a box within a box is just justifying in meeting all the goals; are they being all met simultaneously; are they being handled independently. Those were points that came up from the group.

Again, I might be confusing my amendments without being able to find the specifics, but I think that is actually not with this particular one, but the issue of if you were looking at changing the



fishing year, if there is already an issue with shifting effort because of migrations of the fish, that could be problematic if you're trying to change that season because you might already be affecting the fishery.

This was a specific comment as I was saying with the three goals: Since the fish are not known to aggregate during spawning, reaching the goal of reducing the fishing effort can be done with a closure anytime during the year. There is no data available suggesting a spawning season closure would be biologically beneficial to the stock.

There seems to be three goals the council would like to achieve and those are protecting the spawning fish, preventing right whale interactions and reducing exploitation, each of which requires a very different approach and may not be possible to achieve all three with one closure unless that closure is fairly long. That was one of the discussion that we had relative to what was being proposed.

Concerns about the biological gains and losses from overages and paybacks, you really don't know – this was one of the discussions that we had as we were building the ABC Control Rule relative to the P-star. When you look at our projections, the probability of rebuild is based on the entire time series, and that is predicated that again you're holding to those incremental numbers; there isn't any change so that 2010 is different than what is proposed.

We had talked, when we were first coming up with that methodology, about whether or not the individual probabilities – for each year there should be a probability of rebuild, and that all gets built in, so that each one of them – it's more of a multiplicative effect so it has a different overall probability approach, and every year that you go over alters your probability of rebuild. The farther over you are, we really don't know what the detrimental effect is as far as the ability to rebuild from that.

The same way an overage might get you a little bit, but there is no guarantee how much that little bit of payback or that little bit of buffer will get you back in terms of biological yield. That's another concern for the group is how are these overages going to affect your rebuild. I mean, on target for 2016 but if overages are cumulative enough, we may not find that we actually make the 2016 mark.

MR. HARTIG: I was lucky enough to sit in the SSC meeting, and I watched them struggle at times trying to address every option in the document. I think what would be much better would be directed on things like a spawning season closure, which Carolyn mentioned, the directed information on species-by-species spawning basis where they said you may not get a bigger bang for your buck in the spawning season closure for black sea bass because they don't aggregate to spawn. I found that interesting.

The other thing, the Socio-Economic Panel has some interesting things to say that would help us. Now, the overall looking at the biological benchmarks of where we're going, that is a good thing to comment on; but to have the SSC comment on every single item we have, I think it would be much more beneficial and a better use of their time to be able to have directed questions on what we would really like from the SSC to answer.

MR. CURRIN: Kind of like terms of reference, almost, for their analysis.

MR. HARTIG: Almost. I appreciate what they did. Some of it is very, very good and helpful; but sitting through the meeting, some of it wasn't as productive as it could have been.

MR. CURRIN: Well, they can always make that recommendation to us if that's the way they would like it. This is just the way we've done it. We've sent the amendments for the SSC to review and make sure that they were comfortable or told us where they weren't comfortable with what we were doing. If we need to consider a different approach to that to make it more efficient, then we can certainly do that and would appreciate any kind of ideas you guys have.

DR. BELCHER: I think we'll figure it out. The problem has been in the past – and I'm sure John will concur with this, that in the past when the group has gotten basically the action item has been to review and comment. If the group doesn't have any direct comments, there is not much that comes out.

If you have specific needs like looking at bag analyses or some function of analysis that is built in and wanting the advice that way, I think it's a little bit more directed where this one we were looking at everything, and you get some of our general comments and discussions, but we're not going to tell you what is the preferred alternative because that's not within the purview of the group to give you that.

Like Ben was saying, you get a lot of the debate and the discussion about some points that we may have as concerns, but that doesn't necessarily get you into the direction of picking what your preferred is going to be. It's just a lot of the thought that maybe we had the same discussions you had and maybe we didn't.

MR. CURRIN: Yes, and I'm sure some of that goes on, so if we can streamline it and let's see if we can give it some thought to make the process a little more efficient. We know the SSC is under huge time constraints to accomplish everything we want them to accomplish. Ben, did you have anything else at this point? Charlie.

MR. PHILLIPS: Carolyn – and it may apply more for 18B than 18A, but I think it probably applies for both stocks – was there any discussion of having a smaller amount of fishermen and the fishermen being in more localized areas; how it's going to affect the next assessment? Like I say, I think it's definitely going to affect golden tile, but I think it's probably going to affect sea bass, too.

DR. BELCHER: I can't really think that we did discuss that specifically. Again, a lot of what we were focused on was some of the support on whether or not trip limits would be working. The SEP has some really good comments on that. The issue of requiring fishermen to bring traps back after a trip may be difficult to enforce.

Those were some of the generals, but as far as the regional, I don't remember us specifically – there was a comment about – and this was looking at proposing to limit participation and reduce the overcapitalization problem by implementing an endorsement program. There was concern

about Alternative 3, that there would be logistic and socio-economic issues with the implementation of that alternative.

Another concern is people that do meet not criteria – and I’m sorry this is out context because I don’t have the ability to scroll it – but the people that do not meet the criteria of 2F but do meet the criteria of 3 are less vested in the fishery by the standard of the actions and are hence more likely to sell the endorsement to somebody potentially out of state.

Concentrating the fishery into the hands of fewer fishermen also increases their exposure to changes in the ACL due to biological or management actions as the harvest would be caught by fishermen who were most dependent on the species. Many fishermen in the region have stated they prefer to keep a large portfolio of stocks for potential harvest due to wide seasonal fluctuations in the southeast. I mean, that kind of again gets back at those issues of the numbers; because if you’re not technically targeting that species, you wouldn’t be considered a highliner and as such, you know, the more diverse you are the more chance you have of being knocked out of that fishery.

MR. PHILLIPS: And I guess I’m worried about future assessments and how it’s going to shake out when you move the players around on the field. That’s kind of what I’m worried about, and I didn’t see where it was addressed in here. You weren’t asked to address that, but I’m worried about what is coming and how you’re going to be able to do your work further down the road once the players get moved around and they’re here and they’re here and there are big areas where there is nobody.

DR. BELCHER: I think as we were discussing last night with black sea bass, it is a regional management. We don’t look at it at the state-specific level when we’re actually doing the assessment. Everything is put in as a unit stock. It’s not sub-stock by states. Technically I don’t think that would affect it because it’s all going back into the big melting pot of the stock and not necessarily state-specific individual area components of that stock.

MR. CURRIN: Anything else; questions for Carolyn on the SSC’s review of 18A? Tom.

MR. BURGESS: Carolyn, I did read the report, and on the action of increasing the size limit on black sea bass commercially, were there any numbers associated with, say, an increase in discard mortality or anything of that nature? I know the discards will go up if the council does choose to increase the size limit. I know that the discard mortality at this time is extremely low, and I just was wondering if there were any numbers associated with that.

DR. BELCHER: We didn’t have any numbers specifically, per se, but we did note that in our discussion was that increasing the size limit increases discards because the current mesh size only lets out fish less than ten inches. Unless you increase your minimum mesh size, you’re going to end up with the discard issue because you’ll have to discard everything that is above that ten inches to whatever that minimum size is. As far as numerically, no, we didn’t have those numbers available to us.

MR. CURRIN: Anything else on 18A? While we've got Carolyn here, the SSC also reviewed SEDAR 25 and provided comments on that. If the committee is interested and Carolyn is willing, we can ask her to run through their assessment of SEDAR 25. Would that be of interest to the committee? I'm seeing heads nod in the affirmative. Are you okay doing that?

DR. BELCHER: Those are relatively close together and I can get that a lot quicker. The black sea bass assessment, we were satisfied with the data that was used; also satisfied that the assessment team sufficiently explored the uncertainties in the data. The group did endorse the use of the assessment as representing best scientific information.

We endorsed the ABC based on the projections of the rebuilding strategy so we're still proposing to stay with the original rebuild trajectory, which is the 50 percent probability of rebuilding by 2016. We didn't apply the P-star approach in this essence because we're still under the rebuild. We endorsed basing the OFL on projections of yield while fishing at Fmsy and only supported using ABC and OFL recommendations for 2012 and 2013 with the expectation there would be some sort of update of the available information.

This is obviously based on the presence of these fish coming through the fishery. It gets more uncertain the farther out we cast it. Two years was about as comfortable as the group felt with saying these numbers are good, but let's not build it on an eight or ten-year projection trajectory. We recommended using the base run as well as the recommendations of the review panel.

The SSC also recommended using the rebuild projections that reflect the actual 2011 catch since the values are highly influential in the uncertainty with the ABC. If we don't have the actual catch, we recommended using 150 percent of the 2011 landings run based on the current estimates in the projected overages.

There was some discussion about looking into the stock structure using microchemistry tagging studies, but the main thing was that we did recommend only projecting forward for a couple of years and having an update done in a couple of years to continue to carry it forward. The actual ABC value will come from future projections.

MR. HARTIG: Carolyn, you only wanted to go to two years because you actually wanted to see what the landings would be during the rebuilding time to plug those into the next analysis to be looked at; is that the way that goes or not?

DR. BELCHER: It's the recruitment into the fishery, I believe, and so it has to do with the long-standing projections based on future recruitment and the uncertainty in those numbers.

DR. CRABTREE: Well, to get at recruitment issues, though, that would require at minimum an update of the assessment, right?

DR. BELCHER: Yes, I think the expectation of the SSC was that there would be an update done.

DR. CRABTREE: Because we had some discussion yesterday about our ability to schedule in an update of sea bass in 2013, and I guess there was some discussion about whether there is something shy of an update that we might be able to do. For example, we could update the landings, maybe update the age compositions but not necessarily all of the indices. I guess if we did something like that, John, we could get recruitment estimates out of it?

MR. CARMICHAEL: I think so.

DR. CRABTREE: All right, so that's the only problem. I agree; I'd love to see do an updated sea bass assessment in 2013, but it looks like we're going to do a red snapper benchmark, and it kind of depends on what else we have to give up in order to work that into the schedule.

MR. CARMICHAEL: Yes, John promised that you guys could do it without an update. I don't know whether you were here during that discussion or not. Monica.

MS. SMIT-BRUNELLO: Carolyn, you said the SSC didn't use the P-star approach because – I missed the end of your sentence.

DR. BELCHER: We're still under the rebuild.

DR. CRABTREE: Could you expand on that as to why we couldn't do a P-star in rebuilding plan? For example, if we defined overfishing as exceeding F-rebuild, then you could do a P-star and look at what would give us the probability we want of not exceeding that; couldn't you?

DR. BELCHER: I'm going to ask John to help me with this, but I do believe this was because we were no longer overfished but still dealing with the overfishing. I'm trying to remember.

MR. CARMICHAEL: I think mainly it goes back to the fact that this isn't the first time they've looked at sea bass. They looked at previous assessments and it has had a rebuilding plan in place for a while. They looked at sea bass when they were developing the ABC Control Rule. The SSC has just maintained the norm with the rebuilding plan that the council put forth, which was going back originally based on the 50 percent probability of success.

We talked about it at the meeting and put it to the SSC did they wish to consider applying a P-star and perhaps recommending a different probability of success to the council, and the committee didn't take that up. I think there were some that would have been happy to run through the exercise and others recognized that you have rebuilding plan that is fairly well underway.

Since the council hadn't asked for a fundamental change like that to the rebuilding plan, the SSC didn't have a majority interest in going through that exercise and coming up and recommending something as an alternative to you. Now, I think I would point out that, though, this is also tied up into this whole issue of risk and who sets the ultimate risk level and the role of the SSC and the council in actually specifying the risk that you're comfortable with.

I think by the SSC leaving it 50 percent, the door is wide open for the council if you think that this stock should be managed with a more precautionary approach and a higher probability of success, if you're uncomfortable with the risk that you won't achieve your rebuilding strategy when it's based on your rebuilding target and when it's based on this 50 percent level, then you have that ability without another recommendation from the SSC.

You can take something more precautionary or you could ask the SSC to look at this and give you another number to chew up or you look at what they did when they first developed the control rule and did examples for the stocks that have been assessed, and I think black sea bass came out like a 60 percent chance of – I think the P-star was 62.5 so you have to go on, too.

DR. CRABTREE: Right, and I think we're going to get into a discussion about those things when we come to the rebuilding strategy in 18A.

MR. CURRIN: Other questions for Carolyn on SEDAR 25?

DR. BELCHER: Well, I guess the other question obviously is whether or not you want to hear about golden tilefish now or wait until later.

MR. CURRIN: Well, it's up to the committee; do what you want to do. I don't know that we're going to get into – are we going to get in 18B some time? Yes, it's last on the list. Carolyn will not be here then when we get into 18B, so if you want to hear the SSC's assessment of 18B or of golden tile in SEDAR 25, then we'd better get it now.

DR. BELCHER: Well, the good news was golden tilefish was rosy compared – golden tilefish, the SSC was again satisfied with the data used in the assessment. It was satisfied that the assessment team sufficiently explored the uncertainties in the data and again endorsed the use of the assessment as representing the best scientific information available.

We recommended that an OFL be set equal to the yield at F of MSY. This assessment is a valid basis for the P-star approach, so it did actually set on our top step of our ABC Control Rule. The P-star probability that would be assigned for golden tilefish was 35 percent or 0.35. We could not give you an ABC value, and the only reason is the projections had not been run yet.

We accepted the base run and the recommendations of the review panel. The SSC recommends using the values from the review report. Projections of yield for the P-star level were not available; however, Dr. Williams reported they would be provided to the council. We had a discussion about steepness, which obviously you guys have heard that discussion over and over during the past few years about the steepness within the recruit curves, but this uncertainty was taken into account during the Monte Bootstrap Analysis, so the folks that normally have a little bit of reservation felt that was properly looked at.

If this is a species that has a dominant year class every ten to twenty years, council may want to take caution in nursing that year class through. This was just because of a spike that had shown up in the time series. By harvesting the dominant class too strongly, it could affect the next dominant year class and depress biomass for a long period of time.

The SSC could think of no plausible ecological explanation for one or two years of extremely high recruitment and cautioned that it might be an artifact of the model as well. The final determination of stock status seemed reasonable but cautioned that you should be wary about actual recruitment, biomass and F patterns. Again, that was just because there were a couple of exceptional spikes that showed up within the data. Another one that recommended otolith microchemistry to look at the stock structure.

MR. CURRIN: Questions or comments for Carolyn on SEDAR 25 golden tilefish? All right, thank you very much. Roy.

DR. CRABTREE: Before we move on, Carolyn, my understanding of tilefish is you couldn't estimate the steepness so based on what you knew about the biology of the animal you picked some steepness values and then did sensitivity on them. Now, in black sea bass there was an estimate of sea bass and that has been a source of some of the concerns I've heard out of folks, because as I recall the estimated steepness was 0.49, I think, but it was a very lower value than you would have guessed.

I expect had you followed the process you used for tilefish, based on what you know about the biology of the animal you would have probably assumed a higher steepness, but I wonder if you could comment on the steepness for sea bass because that does seem surprisingly low for animal like black sea bass.

DR. BELCHER: I can't personally comment. I know in the past a lot of times when the steepness has come up in the debate is when it tends to hit that ceiling and keeps hitting and peaking out a 0.99, and that is where a lot of debates have come around is that when there really doesn't appear to be any type of relationship within the data and we keep hitting that upper bound, whether or not that's a useable relationship at that point, so in this situation I'm assuming – again, my recall unfortunately is not strong for that, but I'm assuming that was part of where that information was relative to golden tile where it may not have been for black sea bass.

MR. CURRIN: Anything else, Roy? All right, thanks very much, appreciate it. All right, Brian, we'll get you up here and let you give us some summaries of the public hearing comments that we received before last night and an overview of some changes in 18A, and then we'll need to go through this document and pick preferreds where we do not have any, change any that you want to based on public comment and approve this as well as the codified text. All right, before we get into the document, Andy has got another presentation on sea bass that might help inform our decision-making on 18A.

MR. STRELCHECK: This is work that has been produced between the last council meeting and this council meeting. We have met with the science center and discussed the methods and results and they gave clearance for this to move forward at this meeting. It really has a twofold purpose.

One is to evaluate if the actions you're taking in Amendment 18A are going to have any effect leading into right whale season, but then also the outcomes and results I think will be telling for you in making decisions about 18A and some of the management measures that you choose to select for the pot trap fishery.

As you're aware, black sea bass is undergoing overfishing slightly, the stock is not overfished. Amendment 18A will be ending overfishing and rebuilding the stock. Currently your preferred alternatives for the pot fishery are a 3,500 pound qualifier for a pot endorsement; a pot limit of 35 traps; and 1,250 pound gutted weight trip limit.

As you well aware, the last five seasons you've seen the fishing year shrink from a year-round fishing season to as short as 45 days, and so Amendment 18A is looking at obviously measures to hopefully extend the season from something beyond 45 days. What does this mean for right whales?

Well, just to give you a little background, they're highly endangered. The population is less than 400. They're potentially vulnerable to entanglement in pot gear both here in the southeast as well as in the northeast through the lobster trap fishery. They experience multiple migrations from North Carolina to Northeast Florida between November and April during calving season.

Because it's a highly endangered species, the implication is just one or two females lost to the population could have significant affects. Protected Resources is obviously concerned about what effects, if any, Amendment 18A might have on increasing interactions with right whales associated with traps and gear in the water during that migration season.

So just some I guess basic questions kind of leading into our analysis; obviously, the black sea bass stock is rebuilding, so that means that the ACL is going to increase. Management measures being proposed are intended to reduce effort and therefore could extend the length of the commercial fishing season and by how much is one of the questions we were asking, and to what extent then does that extension in the commercial fishing season result in re-entering the right whale season.

Nick Farmer originally had put this presentation together and wanted to give you an overview of all the detailed statistical methods he had worked on, so I've spared you from that and I think boiled it down to hopefully one and a half slides here. The bottom line is we have used lots of methods to evaluate how to project the season length.

We arrived at a seasonal auto-aggressive, integrated moving average model which provided the best fit and ultimately had low retrospective bias, which essentially means when we remove data from it, it still is a very good predictor of the data that we know exists when we're projecting out into the future. What the model does is it essentially takes historical black sea bass landings data on a monthly basis. We convert that to a catch per day during each particular month and fit that historical data, accounting for seasonal trends.

Then we also project forward based on exploitable abundance; so information coming from the stock assessment in terms of increase in abundance was then used to project forward what catch would look like out into the future based on what we know is happening with the rebuilding plan. This just shows the exploitable abundance specifically related to pot gear.

This is directly from the SEDAR assessment and is used ultimately as an indicator of projecting forward in time how quickly the new ACLs will be met based on the modeling approach that we took. Projections for this analysis that we looked at, excluding permit holders that were not



meeting the endorsement qualifier – and we focused on the 3,500 pounds, but we also provide results for numerous other qualifying levels.

We also constrained historical harvest to the trip limits, so if the trip limit was exceeded those trips were then adjusted downward to meet the new trip limit and whatever level it was specified at. Then because of the quota closures, we had to account for missing landings. It doesn't mean that we added additional landings. It just means that we ensured that when we were projecting, that we weren't projecting using time periods when data didn't exist.

Then, lastly, the model itself focuses on pot landings. We had to come up with a way of projecting, well, what would the landings be for other gear types, and so that was based entirely on percentages of landings for pot gear relative to landings of all other gear types to expand out our projection estimates.

This is a very busy graph, but essentially the red data points are the observed values, and you can see that the blue line follows those red data points throughout the entire time series extremely well. And then as we are getting into the rebuilding plan and the catch rates are starting to increase, you see that variability starting to move up in terms of the catch per day and out in time so that it's increasing at a consistent rate with the exploitable abundance of black sea bass.

As I mentioned earlier, when we removed those data points for 2011 and we refit the information without that information, we were within 5 percent of estimating the actual landings during June and July of this past year, so it was giving us at least a reliable prediction of what happened during this fishing year and the big question is, well, what is going to happen in future fishing years.

You can see that there is a considerable amount of variability around the estimates, but out in time what it's telling us is that catch per day is essentially going to continue to go up during these months as the stock rebuilds. Obviously, depending on the limitations you place on the fishery relative to effort reduction through trip limits and trap limits as well as endorsement qualification, that is going to either increase or decrease the trajectory based on what restrictions you place on the fishery.

For the current preferred alternatives, the projected time when the ACL is expected to be met for next fishing year is right now late August. So at a 3,500 pound qualifier, the 1,250 trip limit, 35 traps, we're essentially estimating that the season would approximately double in length from this past season.

However, the upper confidence limit indicates that it would potentially close as early as late July. The lower confidence limit would extend it all the way to November. Very similar results for 2013 and 2014; the annual catch limit is going up over that time period, presumably, but as the catch limit goes up the catch per day is also going up during those months when the fishery is open, and you're going to meet the ACL approximately about the same timeframe as we estimate for the prior fishing year.

You're extending the season by a moderate amount relative to what this past fishing season is but not a substantial amount. The take-home for right whales is the good thing is the 95 percent confidence intervals indicate that you're unlikely to extend the season into right whale season based on your current preferred alternative, so there are no expected impacts on potential for interactions with right whales because you haven't entered the November through April right whale season.

This is based on different qualification levels, so we've run it still with the trip limit in place, but instead of the 3,500 pound qualifier we looked at the 500 pound to 10,000 pound ranges of qualifiers. You can see for the most part the qualifying levels between 500 and 3,000 pounds result in about a net change of one month in terms of the season length.

The only one that gets you a substantially longer season length is if you go to a 10,000 pound qualifier, and then we projected it will take you to approximately November before the ACL is met. This is just a summary table of the same information and it gives you an idea of when we would expect the fishing season to close based on the mean estimate as well as the upper confidence limit.

You can see for 500 to 3,000 pounds it's August; and then 3,500 pounds to 10,000 pounds it extends from August/September all the way to December. The other thing we looked at is because we had 2011 landings data for June and July, we wanted to look at how much was being landed per trip.

Historically, this was a distribution that was shifted largely to the left where most trips landed small amounts of pounds of black sea bass; and then as the quantities of black sea bass increased, the proportion of trips decreased. In this instance you can see during the past fishing season that there was a large fraction of trips that were landing above your proposed trip limit, so those would obviously be scaled back to the trip limit in the coming fishing season and therefore reduce harvest levels relative to what they were catching previously.

When you take the trip limits and you combine that with your preferred 3,500 pound endorsement, you get a broader range of how long the season could remain open. With no trip limit, you're closing as early as July/August. With a 1,250 pound trip limit, it could extend as late as September; 500 pounds would get you potentially as far as November.

Obviously, the lower the trip limit the longer the season is potentially extended. One of the things that we're unable to account for is how much would effort shift to make the additional trips to make up for the lower trip limit that is imposed, and we did not add in additional trips based on imposing lower and lower trip limits and fishermen making up for those lower trip limits by inputting additional effort into the fishery.

With the modeling itself, the sources of uncertainty are numerous, and a lot of these are behavioral changes that take place that obviously can't be fully accounted for. From the standpoint of having a longer season, if the derby fishery mentality dissipates then you could have a seasonal shift in landings. Historically landings were highest during the winter months and lowest during summer and spring.

If there was a seasonal shift, obviously that could result in the lengthening of the season. Also, we're not expecting a significant reduction in catch rate related to imposing the limit on the total number of pots; so to the extent that would reduce catch rates, then obviously the season would be longer.

But then you have a whole multitude of factors that could also shorten the season relative to our estimates with most of those related to compensation of effort and derby fishing that would be even higher than what we've seen in just the historical time period or recent years. The bottom line is what is the conclusion?

Forecasts indicate that we're likely to close in last August based on the preferred alternatives in 18A come next fishing year, although there is a confidence bound of July through November. The current suite of alternatives does not pose a risk to right whales at least through the 2013 and 2014 fishing season. With that, I'll take questions. Also, there are some additional slides for lower and higher endorsements and trip limits that I've put at the back of the presentation for your information.

MR. CURRIN: Thank you, Andy, very much. It's very helpful information. Questions for Andy or comments? John.

MR. JOLLEY: You didn't mention anything about the potential for splitting the season, and I think the council has looked at that. I talked to some fishermen yesterday and that was a comment that was made and it made sense to me.

MR. STRELCHECK: The splitting of the season certainly creates added challenges to the quota monitoring because you have a smaller quota to monitor, and you're going to meet it obviously in a shorter period time.

Right now we're looking at a 45-day season; so even if you split the season, you're looking at short periods of time in which we would have to monitor and manage the fishery to ensure the ACL is not met. An advantage to that is if you had an overrun in the early season or an underage in the early season, then that carries over to the later season to be accounted for when setting that later season or second season.

MR. JOLLEY: And maybe that would have to be considered with a trip limit reduction, too.

MR. STRELCHECK: It could.

MR. CURRIN: Currently no measure is in 18A, John, to consider that. It was considered by the council in 17B, I believe, is that correct?

MS. BROUWER: Regulatory Amendment 9.

MR. CURRIN: Regulatory Amendment 9; I can't keep them all straight. Tom Burgess.

MR. BURGESS: Andy, in the qualifying poundage you have gutted weight up there. Has that been changed to whole weight; or is it 3,500 pound qualifying, are we using whole weight now?

MR. STRELCHECK: In the amendment it lists the alternatives in whole weight. All of the analyses have been done in gutted weight, including this analysis, so the results of this would change slightly based on using whole weight versus gutted weight.

MR. BURGESS: Now, as far as going from – I know you had it up there, but if you could just give me some numbers to work with as far as changing the trip limit from 1,250 pounds gutted weight down to a thousand pounds gutted weight; can you give me a little bit of a feel how that would extend the season possibly.

MR. STRELCHECK: If you look at the graph and I could get you kind of a better estimate of when we expect the ACL to be met, but here is the no trip limit, here is the 1,250 pound trip limit, and here is the thousand pound trip limit, so you're looking at probably in the ballpark of ten days. Right now there would be an extension of the season based on a lower trip limit.

MR. BURGESS: Just one last followup; I, along with David are on the Atlantic Large Whale Take Reduction Team, and there is a lot of discussion in your presentation and in everyone else's – and this isn't directed towards you in any way, Andy – about interaction with right whales in the South Atlantic.

At the last meeting the National Marine Fisheries Service stated for the record that they felt that the southeast is an extremely low threat to whales due to the co-occurrence of whales, which is a measure of gear in the water, vertical lines as we're discussing here, and sightings of whales. It seems to be coming up quite often that going to the whale migration season and all, and it seems like it might be driving management to some degree and maybe the future possibility of having more of a later season when we traditionally fished as comments were made last night on that issue.

They have a co-occurrence model that the National Marine Fisheries Service is putting a lot of effort into and resources. They're spending hundreds of thousands of dollars on it and it's carrying a lot of weight in this management of reasonable measures to further try to protect right whales. There are some things that are coming out of the last meeting and will be finalized at the next meeting.

In New England there is half a million end lines; and when we're looking at this, you know, we're talking about a little over a thousand possibly. There still is a threat to whales in the South Atlantic because you could measure just one trap in the ocean and look at it as sort of a threat to whales because maybe it's going to hit it, but the threat is very low.

It's a little disturbing when you spend a lot of time on this large whale take reduction team and you take time off from work and trying to move forward and work with everyone, and then maybe have our seasons cut short due to possible whale interactions when they're extremely low. It's kind of tough to keep hearing about it constantly. I don't know; I think we're still a very low threat to whales and that we'll continue to be a low threat to whales.

DR. CRABTREE: Well, those are all good points, Tom. I think the way you have to look at it is right now we don't see much threat out of the black sea bass fishery because the fishery is closed by the time the whales come down, and so the pots are out of the water. It has been that way for at least last year and a good chunk of the previous season.

I think what we'd have to look at is if the council did, for example, change the opening date of the season or do something that was going to move the fishery back into the right whale calving season, then that certainly would constitute an increased risk to right whales from where we are now where there are no black sea bass pots in it.

We'd have to go through a biological opinion that evaluates the risk posed by those pots and come to a conclusion as to whether it would pose jeopardy or not. Until we had a specific proposal for that and went through the whole process, I don't think anyone could say for sure how that would come out.

I think that's the concern is if we take an action that is going to shift those pots back into the right whale calving season, then that certainly is an increased risk from what we have right now when there are no pots out there during the right whale calving season. We just have to go through the process and figure out the outcome and how that would work out, but at least at this point we haven't had any proposals that would do that. I think the key thing with Andy's proposal is even with these endorsements and limits we're putting place, it still doesn't look like any of that would get us into right whale season.

MR. CURRIN: Roy, out of curiosity, has there been a biological opinion on the lobster fishery in New England? I assume there is a co-occurrence of right whales in the operation of that lobster fishery up there.

DR. CRABTREE: Mac, I don't know for sure, but I'm assuming the answer to that is yes, that the federal part of that fishery is subject to biological opinions, but I haven't looked at it.

MR. CURRIN: It would seem like based on Tom's numbers – and I have no reason to doubt them with –

DR. CRABTREE: And while you bring this up, let me introduce Sam Rauch, the Deputy Assistant Administrator for Fisheries, who is sitting behind you. To those of you who don't know him, Sam is with us the next day or two, and I imagine Sam is much more familiar with the New England Biological Opinion than I am.

MR. CURRIN: Sam's answer was, yes, there has been a biological opinion. Welcome and thank you very much. Michelle.

DR. DUVAL: I'm just curious how many confirmed interactions have there been with North Atlantic right whales with black sea bass pots when they were fishing at that traditional time of year, November through February. Have there been any?

MR. STRELCHECK: There has been one suspected interaction that has been documented. What I have been told is that interactions are often not documented or ever observed, but from the black sea bass pot fishery there is at least one suspected interaction.

DR. DUVAL: I guess I have to agree with Tom that it's a little bit disturbing because it seems like there is – and I realize we're talking about two different programs within NOAA, but there is a little bit of a disconnect between protected resources staff and some of the work that the fishery staff is trying to do. We are trying to extend this season and it seems like the pushback from the protected resources staff is to leave the derby fishery the way it is. I agree with Tom; I find that very disturbing.

MR. CUPKA: I wanted to ask Andy if it would be a fair statement to say that these projected closing dates under these various scenarios represent a best-case situation. I think all of these are modeled on the way the fishery has been prosecuted the last couple of years. If it's one thing we know more than anything is that fishermen are able to adapt to the situation; and so if they do make changes, then it could well and probably would end up being less of an extension of the open date that what is projected here. Is that a fair statement to say that this does represent kind of the best-case scenario and assuming that no changes would be made in the way the fishery is prosecuted?

MR. STRELCHECK: That was really the reason why we provided the upper confidence limits mean and lower confidence limits. A lot of these graphs just show the mean estimate, but based on your preferred you could see that there is a high probability that it could close in a considerably shorter timeframe than what we're projecting at the mean level.

Certainly, using historical data to predict future behavior is difficult and really needs to be tested. The retrospective analysis that we did was at least positive in the sense that we were able to predict the 2011 catch rates based on historical data prior to that time, but what 2012 and 2013 will look like we will only be able to tell you once we get that data in and compare it once again to the work that has been done here.

When you start overlaying a lot of different regulatory changes that affect effort and how fishermen might operate, then it becomes that much more difficult to really determine exactly how that behavior will change in effect when the ACL is met.

MS. SMIT-BRUNELLO: Andy, did this analysis get run by the Southeast Fisheries Science Center at all?

MR. STRELCHECK: Yes, the Science Center was consulted on it. They reviewed it and provided us verbal input and comments that were addressed. They had no concerns with the analysis. It was not considered by the SSC largely because it was not available for the SSC because we were waiting on 2011 landings data, which came in around the time of the SSC meeting.

DR. CRABTREE: And just to come back to Michelle's comments, there is no question I agree with you that often we find what we would like to do as fishery managers is in conflict with what

we're required to do under the Endangered Species Act to protect whales or sea turtles. I think any of us can think of many fisheries where we've had to change things and put regulations and closures in place to protect sea turtles and other listed species.

Now, the way the fishery is operating right now, it's considered to pose little or no risk to right whales, and I think we will do an informal consultation that will conclude not likely to affect on this. My point is if we did take an action to move this fishery into right whale season, then we would have to go through a formal consultation with a biological opinion on it. How that would come out, it might be fine. We are taking steps to get traps out of the water.

There is no question there is a conflict often between ESA requirements and what we'd like to do in fisheries. The trick is we have to find some balance between the two of them that meets all of our obligations as best we can. I'm not sure how to get out of that box. I think it's just something we have to deal with.

DR. BRAINERD: I would just like to add to Andy's response to Monica's question that the Center didn't do the analysis, but we did review the draft and also provided comments that were incorporated into this report.

MR. CURRIN: I'm going to give you one more word on it if you've got to have it. If this is regarding the right whale thing, go ahead.

MR. BURGESS: Just briefly to your point, Roy, there seems to be a change and the reason is because in New England they half a million end lines, 24 hours a day, 7 days a week. They have done a biological opinion and they still have a fishery whereas here we're considering doing a biological opinion with 1,200, so it just seems different in our area as compared to theirs.

DR. CRABTREE: Where there are concerns there could be a take, you have to do a biological opinion. I'm not prejudging how it's going to come out. It's just we would have to do one and go through that process.

MR. CURRIN: And that was clear, Roy, from your earlier statements, I think. There is a risk there associated with having the biological opinion done. I would agree with you that the likelihood of having a negative impact on the fishery is fairly low. Bobby, you had a question for Andy?

MR. CARDIN: Andy, I was wondering if your projections here account for 100 percent of the commercial ACL? We were talking about splitting the ACL between a hook and line and a pot fishery.

MR. STRELCHECK: Yes, the projections are based on the stock assessment projections assuming the 150 percent landings estimate for this past fishing year, and they do account for not only pot landings but also landings from other gear types.

MR. CARDIN: One more question; are you assuming that when the endorsement comes through that there will only be 21 people bass fishing or are some of these potters going to start hook-and-line bandit fishing?

MR. STRELCHECK: We used a variety of different endorsement levels; but based on the preferred, yes, it would assume 21 pot fishermen. And then to the extent that they're shifting over, that's really unaccounted for, but it would get back to David's point which is this potentially could be a shorter season because fishing behavior would change and they would shift those harvesting practices from one gear type to another gear type.

MR. CURRIN: I think it would be pretty logical to guess with everything we're hearing about the numbers of sea bass and how easy it is to catch them that we probably expect an increase in the hook-and-line landings. Charlie, question for Andy?

MR. PHILLIPS: Actually it was for Bobby and the AP. I hate to even bring it up, but I'm going to. We're down to 21 people in a fishery. We're worried about whale interactions or possible whale interactions, leaving traps in the water, bringing traps back, all kinds of stuff. Did the AP even discuss what would happen if we just made it an all hook-and-line fishery and then it would last for a long time; the value of the fish would probably be more. I mean, did we have that discussion anywhere?

MR. CARDIN: No, we didn't, Charlie, but we did have a discussion and a motion that if you're going to do this endorsement and if you're going to have rather high criteria, which a lot of people think 3,500 pounds isn't a highliner, but on the other hand there are 70-some species in the grouper snapper fishery, and a lot of people portfolio fish.

With a lot of people, a few thousand pounds of sea bass a year is great. You know, they fish them a certain time of year and get high dollar for them. What we thought is when you knock all these small-timers out of the fishery, they're still going to try to catch their sea bass. When they catch them, there is going to be interaction with sea bass regardless.

So we decided if you're going to make them be bandit fishermen, let their history go into the bandit fishery. Now, historically, probably close to 50 percent of the landings of this history – of this 90/10 split in this fishery was recorded by the 3,500 pound and less fishermen, so, yes, you need to take about 50 percent of the quota and push it into a bandit fishery.

Then you would see a pot fishery with their ACL and a bandit fishery with theirs. Now, in the bandit fishery we could put a two or three or 400 pound limit on the bandit fishermen, and, yes, you might catch bass almost all year in some of the fisheries. I would like you all to consider supporting the AP's motion of moving the history into the hook-and-line fishery with the disqualified fishermen.

MR. CURRIN: And we'll get to that when we discuss this action, so thank you, and make sure you bring that up again. Anything else for Andy at this point? All right, let's take a ten-minute break.



MR. CURRIN: Let's get everybody back to the table. David reminded me – and I think he is trying to retrieve them – Andy High made some comments last night and provided the council with some pictures of his boat I think with 180 pots on or it or something, and he maintained he had room to work.

It looks like one of those Baring Sea crab boats when they leave Dutch Harbor, but he has got them on there. Anyway, he provided those to the council and we're going to pass them around as soon as we can locate them. Okay, Brian, if you're ready, we will jump into Amendment 18A and start with the comments that we have received over the last series of public hearings.

DR. CHEUVRONT: I'm going to start with summarizing some of the public hearing comments. As you're probably aware, some of the last oral comments were given last evening, and there was a whole week of public hearings that were held earlier in November. A lot of people spoke and wrote in about black sea bass.

The largest concern of folks who commented had to do with the language of the double jeopardy with the ACL, that the landings not being stopped in time and then the overages being taken off the next year and then the possibility of not getting the increase in the ACL the following year for having gone over, and pretty much folks were against that and would like the council to clarify and fix that issue if it truly is an issue.

A lot of the other things had to do with accountability for the landings in terms of whether an ACT needs to be set or ACL, but all the comments that we received in which people spoke about accountability would like there to be greater accountability and spoke in favor of increasing electronic reporting for all sectors where that's possible.

And then there were a number of comments that were made about spawning season closures and things that if the council decides to go ahead and do that, that most folks really felt that the best way to do it would be to do it regionally since the spawning season occurs at slightly different times in different areas in the South Atlantic, depending on which state you're fishing off of.

As far as establishing commercial trip limits, some folks were supportive of it. A thousand pound gutted weight trip limit, some folks thought was fine. Some folks liked the idea if it would be at all possible to have a lower commercial trip limit; and then once a percentage of the total commercial ACL was reached, that the commercial pot fishery would end and the remaining ACL would then be available for the hook-and-line fishery.

We heard a lot of comments about things that were considered in Regulatory Amendment 9. It was kind of hard to keep all the comments focused into what we had in 18A. By and large, that was the bulk of the types of comments that we received, and we'll be going through few more specific things once we get into the individual actions, but that's where it was.

MR. CURRIN: Okay, comments or questions for Brian on public comments that we received on 18A? Ben.

MR. HARTIG: Just one thing; I was struck by the preponderance of economic considerations we had from congress people and city councilmen and things like that. It's community impacts that were put on the record during those hearings in a variety of places and not just one in particular. That is one thing that was the take-home message for me was the economic disruptions that are occurring because of our actions.

DR. DUVAL: And just to add to what Ben said, the two public hearings that I attended I also did hear quite a bit of input about wanting the traditional winter fishery back. I know we just had a prolonged discussion about the impacts of that, but there were a lot of comments in that regard.

MR. CURRIN: Ben, you're exactly right, we did hear comments about the economic impacts. We also heard them on the economic impacts of the 45-day season as well. With the ACL we've got, it's not an easy thing. Other comments or questions about the public hearing comments?

DR. CHEUVRONT: The document that I'm going to be using to work from is one that was sent to you last Thursday by Kim Iverson. There was the public hearing document that was in the briefing book, but the one you need to be working from is the decision document that was sent last Thursday. The name of that file is SG\_underscore Attach 2E 18A, Decision Doc.

I just want to be sure everybody is working from the same playbook here. And also if you want to look at the full amendment as we go along as it's being developed, I can give you the PDF page and the printed document page as well if that would be helpful for you.

MR. HARRIS: Just for everybody's information, that document was sent out in an e-mail that had about ten attachments; so if you're looking for it, just look for one that has a bunch of attachments.

DR. CHEUVRONT: Okay, we've got some actions and things that we need to really consider at this point. Hopefully, the council will be able to get through this document and be able to approve it for secretarial review at this meeting. If that's the case, according to our current timeline, then the staff has to get this thing ready to be sent to the SERO office before the holidays, so we've got basically two weeks to work on this.

What I'm going to try to do is work with Mac and make sure that we can get as much information into a motion as opposed to council intent so that there are no questions that we have to go back and research and figure out what did the council really mean when they asked us to do something. That's the timeline that we're on right now.

We need to do this if at all possible so that we can get whatever actions that you all decide on – try to get them in place before the start of the 2012/2013 fishing season. We also have a few actions in here where we actually do not currently have a preferred alternative chosen, and we have no choice but at this time we have to do something with those specific actions.

MR. BOYLES: Roy, how realistic is getting this thing in before June; if we wrap things up here and staff and the team get things to your office by the holidays?

DR. CRABTREE: It's extremely tight. We can't miss a beat on anything and then we just barely make it. If I were laying odds, I would tell you that the odds are that we won't make it. We will try as hard as we can. The real issue is the endorsements. Those have to be done ahead of time so you can issue them.

Now, if we miss that and couldn't get the endorsements in place, some of these other things like numbers of traps may be able to happen, but the real kicker with it is the endorsements because I think that would mean we'd have to have the effective date of the rule 30 days before the fishery opened to give us time to issue the endorsements, and that I'm not all confident. It's possible and I have timelines that make it, but my past experience has been usually things don't happen exactly right.

DR. CHEUVRONT: The first action that we have to consider is Action 1A, modify the rebuilding strategy and set ABC for black sea bass. That's PDF Page 142 and document page 91. The current preferred subalternative is 3B, so that's define a rebuilding strategy for black sea bass that maintains a constant fishing mortality rate throughout the remaining years of the rebuilding timeframe. The preferred Subalternative 3B is to set F equal to F-rebuild by 2016. If you look at the table towards the bottom of the page, that will give you the weights. The column is Preferred Subalternative 3B and it shows you for each of the next five fishing seasons what the ACL would be. Right now you need to decide if this is where you want to remain and move on to the next action or not.

MS. SMIT-BRUNELLO: There is a slight disconnect from the no action alternative that you've got in front of you, which says currently there is no ABC for black sea bass. Then in the DEIS document there is an ABC for black sea bass and that is correct. The ABC for black sea bass is 847,000 pounds whole weight or 717,797 pounds gutted weight. That was corrected in the DEIS and we just didn't make it into this decision document, so there is an ABC in place.

DR. CHEUVRONT: That is correct and we will fix that.

MR. CURRIN: And I note also in Alternative 1 in this first action we've still got gutted weights in here. Is the intent, Brian, that all of these weights in the final document be expressed in whole weights and proper conversions be made?

DR. CHEUVRONT: That would be great to do it. Gregg, can you help field this question about our ability to be able to make all those conversions back in time?

MR. WAUGH: Well, I think it's up to the council to determine how they want the quotas tracked. For black sea bass they're landed whole, so it seems to make sense to specify the quotas and track them in whole weight. That eliminates potential confusion. I think as far as adjusting the analyses, that's pretty straightforward, but I think we just need a clear statement of how you all want to track the quotas on the commercial side. The same thing applies to the recreational side. If you want to switch that to numbers of fish make that clear in the form of a motion.

MR. CURRIN: That certainly makes sense to me. Monica.

MS. SMIT-BRUNELLO: I misspoke; I was off by three pounds. The ABC in gutted weight for black sea bass is 718,000 pounds.

DR. DUVAL: The numbers in the tables – so the numbers in the table right there in the decision document are different than those in the DEIS for the same table. In the DEIS I'm looking at PDF Page 54.

MR. CURRIN: We're looking into why that might be. Duane.

MR. HARRIS: Mr. Chairman, based on the discussion we have had, I would like to offer a motion that this plan express the intent of the council, that we track commercial landings in whole weight and recreational landings in numbers of fish.

MR. CURRIN: Motion by Duane; second by Ben Hartig. Discussion on that motion? Roy.

DR. CRABTREE: So you're saying you want to change all of the ACLs in the recreational fishery into numbers of fish?

MR. HARRIS: Yes, just for black sea bass.

DR. CRABTREE: I'm asking Monica where does that leave us, because that wasn't done in –

MS. SMIT-BRUNELLO: Well, let's have some discussion. What I'm assuming is you don't want to change the ACL – well, you may want to at some point, but right now your idea is the current ACL that's on the books would be converted in some fashion to reflect numbers of fish?

MR. HARRIS: Correct.

MS. SMIT-BRUNELLO: Poundage stays the same. In essence, that doesn't change but it goes to number of fish?

MR. HARRIS: Simply recalculated to be tracked in numbers of fish based on the existing ACL.

MS. SMIT-BRUNELLO: So I would ask I guess Jack, maybe, if that's possible to do without a lot of –

MR. HARRIS: My sense is it's just a conversion.

MS. SMIT-BRUNELLO: And that's what I want to get on the record.

MR. CURRIN: Duane, would you say that again, your last comment.

MR. HARRIS: My sense is it's simply a conversion from weight to numbers of fish.

MR. CURRIN: Yes, but those measures were put in place – the recreational ACL was put in place in a different amendment so we don't have measures in this amendment doing it, so I don't

know whether that causes problems that we're in this amendment modifying something that was put in place in another. Even though it is a simple conversion, it is not changing anything; I don't know.

MR. HARRIS: No, it's simply for the purpose of tracking landings and expressing landings in numbers of fish as opposed to by weight. Mr. Chairman, the landings are recorded in numbers of fish now for the recreational fishery, and then they are then converted to weights.

MR. CURRIN: Okay, thank you. All right, discussion? Roy.

DR. CRABTREE: So if I understand it, we're doing this to avoid converting numbers to weights because we're concerned about there may be a problem with that, so we're going to convert weights into numbers. It seems to me no matter how you slice this we're making the conversion one way or another.

MR. HARRIS: The conversion was made to get to weight prior to it getting to this point, anyway, because they're recorded when the data are taken in numbers of fish and not by weight.

MS. SMIT-BRUNELLO: So just a question; right now I'm looking at the black sea bass recreational ACL, and that's on the books right now, is 409,000 pounds gutted weight, so you would like that converted into numbers of fish? Right, okay, so I don't see that as a change really. We're not changing the amount that the recreational sector can harvest. You're just expressing it in a different way.

MR. HAYMANS: So in the allocation breakout, right, you've got to have them all at one level, right, either gutted or all numbers of fish in order to apply the allocation percentages, yes?

MR. CURRIN: Yes, the percentages have to be done with the same units or something is going to be screwy.

MR. HAYMANS: Right, so I'm guessing that they're all converted to pounds, gutted, whole or something in order to break it out and then we're going to go back to numbers.

MR. CURRIN: Yes, that's the intent of the motion is to track the landings in numbers because that's the way the data are gathered in numbers.

MR. HAYMANS: But even though they're gathered in numbers, we still convert them to weight to break out the allocation.

MR. CURRIN: That's because we express our ACLs in weight; sometimes in whole weight, sometimes in gutted weight and sometimes we mix them up. It would be real nice if we could all get it to the same units and not change it, and that's also part of the intent of this motion. Roy.

DR. CRABTREE: Well, I don't inherently have any problem with what you're wanting to do, and I understand where you're coming from, but what does concern me is here we are at the meeting we're going to take final action and we're coming up with something new. That worries

me that we're going to mess it up, and we're going get back from this meeting and discover that somehow we've messed things up. Plus, I don't really think the weight conversion for sea bass at least has been a problem for us because I think we have lots of weights and things with sea bass. My tendency is to oppose this just because I'm not sure if there are unforeseen problems here that I haven't thought about.

DR. LANEY: Mr. Chairman, I'm not on your committee, but it seems to me it's just a simple mathematical calculation because you have the conversion factors from whole weight to gutted weight; and from either of those you should be able to go to numbers of fish and vice-versa, I would think.

MR. CURRIN: And, Wilson, I don't think Roy nor I would disagree with you, but I do share some of Roy's concerns because the simplest conversions or re-conversions oftentimes can result in errors that – and we've had some of those recently. Robert.

MR. BOYLES: Mr. Chairman, with the Comp ACL Amendment we had a math issue as well, and we found ourselves having to go back and redo some work. I understand the spirit and the intent with which this is offered, but I'm concerned about the timeframe that we're working under. I would speak against the motion.

MR. CURRIN: I think I would personally feel very comfortable with dealing with the commercial weights and certainly expressing all those in the same units at this point. I guess we still run the same risk of some conversion problems there, but it has been confusing to the public already and we need to get on the same page and standardize the way we express things. Duane.

MR. HARRIS: Based on the discussion, Mr. Chairman, I would modify my motion to delete the reference to the recreational landings being reflected in numbers of fish and simply track the commercial landings in whole weight. That will reduce the amount of workload to the staff and the IPT, and I don't see why that's any big deal at all. I think that's just the way we need to go.

MR. CURRIN: Is that okay with the seconder? Ben is okay with that. Further discussion on that motion? Roy, does that give you some increased level of comfort or not?

DR. CRABTREE: I don't have any problem with that; and if you want to ask staff to look into are there any unforeseen pitfalls and what would it take to switch over to numbers and then come back in and make that change in a framework or something down the road, I think we can figure something out. I worry about doing it without thinking it through.

MR. HARRIS: As direction to staff, is that okay?

MR. CURRIN: Brian, I think in this case you'd be comfortable with taking that as direction to staff since it's not directly a part 18A?

DR. CHEUVRONT: Right, it's not a part of this Amendment 18A.

MR. CURRIN: If you want a motion, we'll give it to you.

DR. CHEUVRONT: No, I think in this case, since it's not going in this amendment, I think that would be all right. I think part of the issue that came up is somebody who led a lot of the discussions on the public hearings on 18A, especially when we went south, there was a lot of confusion on the part of the fishermen constituents as to what were we really talking about.

The recreational fishermen really wanted to know numbers of fish. A lot of the commercial fishermen had difficulty, saying we land these fish in whole weight, why are we getting the numbers in gutted weight. That doesn't fit what we're doing, so they were having to make conversions and there was confusion on their part.

This probably is not the place to fix that problem for exactly the reasons that Roy is saying, but guess is that the council might want to consider at some point coming up with some kind of guidelines on how they want landings reported for different sectors of fisheries and things like that, just taking into account our audiences who have to read these documents.

MR. CURRIN: Yes, that's good advice I think. Wilson.

DR. LANEY: To that point, Mr. Chairman, maybe it would help if the Center is able to just provide the conversion formulas and you put those on the page with all the acronyms or something like that, put them somewhere in the document where the public could easily see how those conversions are made.

MR. CURRIN: Okay, further discussion on the motion? The motion is to track commercial landings in whole weight based on existing ACLs for black sea bass in Amendment 18A. I think the effect is going to be on 18A, anyway, at this point. I'll get Brian to add that at the end in 18A. Yes, Roy.

DR. CRABTREE: Well, do you want to have – the recreational quota then is going to be in gutted weight and the commercial in whole weight. I think everybody is landing whole weight. If we're going to do one, it seems to me they ought to both be whole weight unless I'm missing something.

MR. CURRIN: No, I think you're right. And if you're comfortable, you and Robert were speaking against Duane's original motion which would have done exactly that, I believe.

DR. CRABTREE: Well, I guess it depends on what we're doing. Are we talking about going through this whole document and converting all the weights over or are we just talking about in the rule we're going to convert the gutted weights to whole weights for the two ACLs, but we're not going to change everything in the document. I'd defer to Brian and Company as to how much trouble it's going to be if we have to go through the whole document and change all this.

DR. CHEUVRONT: If we had to go through and change every single number in there, yes, I think we're setting ourselves up for a potential train wreck. Not necessarily that it is going to happen, but one that it could be done is in the document we could put in a conversion table saying that if you're going to convert from gutted weight to whole weight, this is how you would do it and give examples.

You could even do the same thing even to numbers of fish if you wanted to do it that way and just create a table so that if somebody wanted to, they could do their own conversions, and we could leave the numbers as they are, but that would be the key that would be used whether it's in the final rule or however you want to do it to publish in whole weight.

At least everybody would know where the numbers came from because that key would be provided in the document, and that would be a lot less cumbersome than having to go through every single weight in the entire document and make sure that it was calculated properly and doing conversions as we go.

DR. CRABTREE: So if that's what we do, then there is some tweak to the document, but mostly we are in the rule converting the two – if you decide to add the recreationals to this, we would just convert those two. I assume what we're doing now is we are monitoring the quotas all in whole weight and we're just converting it and comparing it to the gutted weight. This is just a bookkeeping exercise that I don't think really changes anything.

MR. CURRIN: That's my understanding, yes. John.

MR. JOLLEY: I agree with Brian, that's the standard operating procedure in scientific manuals.

MS. SMIT-BRUNELLO: And I'll just not for the council that the proposed rule for the Comprehensive ACL Amendment expresses the poundage in round weight, which I guess means whole weight, so I think there is a move to switch all that over.

MR. CURRIN: Okay, I like Brian's suggestion of including a table in here for the public's benefit so that those who are confused can convert those things; and with Roy's suggestion of making those conversions and expressions in the final rule, that lessens our chance of mistakes.

MR. HARRIS: Do we need to reflect that these changes will be made in the final rule in this document so it's clear that is the intent?

MR. CURRIN: I think so; we can probably modify that. If you want to withdraw your motion and then let's craft another one that includes – if that's your desire to include both the commercial and recreational fishery and it will be expressed that way in the rule for Amendment 18A.

MR. HARRIS: Ten-four.

DR. CHEUVRONT: And, Mac, also if you could make sure that you put in a comment about in the document you would like to see a conversion table put in the document just to make sure the intent is perfectly clear that this is the way you want us to do it.

DR. CRABTREE: But what my folks are telling me is that we as a council some time in the past made a decision to try and standardize all of these quotas into one set of units and went to gutted weights and that we're now walking away from that and going to end up with a mishmash of gutted weight and whole weight quotas.



MR. CURRIN: And, Roy, that may be the case and maybe times have changed or people's opinions have changed, but it certainly makes the most intuitive sense to me to express those values in our documents in whatever units they're landed and recorded in so that –

DR. CRABTREE: I think that's fine.

MR. CURRIN: – you don't have conversions, and that's kind of where we're headed with this, I believe. I'm comfortable with it and maybe in two years the council wants to come back and put them all in gutted weight. Didn't you offer a motion to withdraw it?

MR. HARRIS: Yes, I did.

MR. CURRIN: Okay, that motion has been withdrawn and now we'll need to craft something close to your original motion but have it specific to the rules for Amendment 18.

MR. HARRIS: I'll be glad to try, Mr. Chairman. I make a motion that we track the landings of black sea bass for the commercial fishery and the recreational fishery and reflect those as whole weight and that the numbers that are in the plan right now not be changed but the final rule reflect those numbers in whole weights and that there be a table added to the document that expresses the conversion factors for the public to see, something like that. Help me out if I'm wrong.

MR. CURRIN: We'll give you first chance after we get it up there to look at it. As long as it's clear that recreational values are to be tracked as numbers, I think that's appropriate, or is that the intent to express those as whole weight, too?

MR. HARRIS: The intent is to express those as whole weight right now, but the conversion factor also needs the conversion factor from numbers to whole weight so we can show the public what that conversion factor is as well.

MR. CURRIN: It may actually need to include numbers to gutted weight as well. I'm not sure how they're expressed. Yes, I think all those conversions ought to be in there. Roy.

DR. CRABTREE: Well, I guess I'd ask you to explain to me what do mean by "conversion factor for numbers of fish"? I'm not sure I know what that means. Do you mean this quota equals this many numbers of fish because that's going to be a change. As the stock recovers, the average fish that's landed is going to get larger; so depending on where you are in what point of time, the number of fish that correspond to so many pounds is going to change. That's a dynamic thing and not a static kind of number that there would be an easy conversion for it.

MR. CURRIN: But not in this document. It's not going to change once this document is produced and that is the intent here is that we just have conversion table in here so that someone interested in converting a value they find in here expressed in gutted weight or whole weight to numbers in the case of –

DR. CRABTREE: But I don't think you can do that; because if you go back in this document and pull out a number from 1980-something of this many pounds of fish and you say what are the numbers that correspond for that, that is going to be a different very answer than if you pull out so many pounds of fish from 2007 and say how many fish is that because the average size of the fish in the population is changing, so it's straightforward.

MR. CURRIN: I see what you're saying.

MR. HARRIS: I'll withdraw that aspect of the motion. We still don't have a second, anyway.

MR. CARMICHAEL: It seems like a lot of the confusion – and I understand the issue with numbers – a lot of the confusion is the whole weight and gutted weight, and certainly it would be helpful to have that, and my understanding is that doesn't change. That's a fairly standard conversion that has been in use for many, many years so we should probably at least include that one.

MR. CURRIN: And that's the way it's expressed right now. Duane, does that capture your intent?

MR. HARRIS: As far as I know.

MR. CURRIN: Second by Ben Hartig. Discussion on the motion? Okay, I'm going to read it for the record and then we're going to vote. **The motion is to track the landings of black sea bass for commercial and recreational sectors and reflect as whole weight; do not change the numbers in Amendment 18A document but reflect in the final rule; also include a table in the document that expresses the conversion factors for whole weight and gutted weight. Any further discussion? Any objection? I see none and that motion is approved.**

All right, now we're ready to get into Amendment 18A and perhaps move on to the first action that we might be able to complete before the day is over. Okay, that's where we were before we got off on this track 30 or 45 minutes ago. That's all right; I think it's a good move. Brian.

DR. CHEUVRONT: Mr. Chairman, your current preferred is Subalternative 3B for Action 1A. There were no recommendations from anybody to change that, but we just need to confirm that this is where the council wants to remain or do they want to discuss this further or do you want to move on to the next action.

DR. CRABTREE: Well, the past times we've talked about this we didn't have the projections of the numbers, so this is really the first time we've had that. I have a lot of concerns about where we are now. I looked back at Amendment 15A, which is where we put the rebuilding strategy we have right now for sea bass in place, and this was the constant catch rebuilding strategy.

This all came out of Amendment 13C and then there was the lawsuit and all sorts of things in Amendment 15A. When we as the council went through this, there was a great deal of discussion about the fact that what we did with this strategy is we put all the pain at the end of the rebuilding period to avoid up-front cuts early on, and now we're at the end of the rebuilding

period and the pain is starting to hit, but we're now seeing signs of recovery in the stock, which we really didn't see much of.

Now, when we put the strategy that we have now in place – and I'm reading to you from Amendment 15A – it says, "As allowable catches would not increase over time, it's possible that the stock would be rebuilt two years ahead of schedule." So we put in place a rebuilding schedule, which is the status quo which had us recover before the end of the ten years.

I don't have a probability of rebuilding from 15A, and as best I could tell there wasn't one in there, but it clearly was a probability greater than 50 percent. Well, now we have updated projections that have been done, and I'm looking at the projections that incorporate 150 percent landings in 2011 and then holding the current quotas in place, and that gives us a 66 percent of rebuilding this stock within the ten years, which I'm comfortable with.

The difficulty I have with our status quo strategy is that only gives you exactly a 50 percent probability of recovering, and so what we would be doing is essentially we would be shifting strategies in a way from one that has 66 percent probability of recovering to one that only has a 50 percent probability of recovering.

That causes me concern because I'm not sure how that is consistent with the statute's requirement to rebuild these stocks as quickly as possible. We would seem to be changing in the last few years the rebuilding strategy to one that is going to in fact take longer to rebuild. The other thing that bothers me is the F-rebuild strategy has no margin of error; so that if we have one single overrun that occurs, we aren't going to recover on time and we're going to miss rebuilding the stock.

I don't think there is anything in our record that would give anybody looking at it much indication that we're going to not have any problems along the way or no overruns. I think the F-rebuild strategy has a lot of problems with it. I think it would be very difficult to get that through the system and approved.

I think we need to find a more conservative strategy that has a better probability of recovery than 50 percent. Right now what we have in the document is really Alternative 1, which is to hold the status quo TAC, and we have I think it's Alternative 4 that holds status quo TAC for the next two years and then has it switch over to some constant F type strategy then.

Those two seem at least for our purposes right now effectively the same since we only have ABCs out for the next two years, and so we wouldn't really know what is going to happen after that. I guess we could come into the F-rebuild strategy and apply some buffer into that, so, for example, look at the yields that correspond to the F-rebuild strategy and reduce them by 20 percent or something like that to try and put some buffer in or some margin of error in here, and that might be another way to get at that.

I do think we need to spend some time on this and rethink our rebuilding strategy to one that is a little defensible than where we wind up now. I don't think we knew any of this when we went

through this and chose this as a preferred because we didn't have these projections to show what all this was going to mean.

MR. CURRIN: Yes, Roy, thank you for that, and, of course, everyone is aware we've received some comments that track the issues Roy brought up pretty well. Monica.

MS. SMIT-BRUNELLO: And just to illustrate a little bit, too, the decision document, I think the tables in that aren't as expansive as the ones in the DEIS. If you go to the DEIS, which is Attachment 2D – I think that's in the folder of e-mailed documents – you'll see that, for example, Table 4-1A, which assumes a hundred percent of the ACL and then there are subsequent tables which assume 150 percent of the ACL and 200 percent of the ACL.

Anyway, my point is for each one of the alternatives assuming a certain amount of ACL, at the bottom it gives you a percentage of the probability of rebuilding by the end of this rebuilding period. I think that's helpful to look at, too.

MR. CURRIN: What page is that on, Monica, if you've it in PDF?

MS. SMIT-BRUNELLO: It's PDF Page 126; hard copy, Page 79, and that's in Attachment 2D. That was in the folder e-mail documents.

DR. CRABTREE: And if I could, Mac, what you'll see when you look at that is only status quo, Alternative 1, has the probability of recovery of greater than 50 percent, and that is because the other ones are really by definition laid out to only give you a 50 percent probability. I think we need to either just stay where we are, status quo, or we need to put another alternative in that works off of the F-rebuild but reduces those quotas down to provide some margin of error.

I think if you do that with F-rebuild, you're looking at cutting the TAC next year below status quo and then having it start coming up some, so we're a little back in the same boat we were in at the beginning of this. I don't know where you guys want to go with this, but I think that's the way you need to think about it.

MR. CURRIN: You brought one point up, Roy, about perhaps backing using the F-rebuild strategy and backing off of that some percentage. If somebody has got a calculator and just calculate the percentage represented by 718 over 746 – I'm trying to calculate that percentage. If we took, for example, the preferred with the 746 ACL and backed it off to 718, what percentage reduction would that represent? Four percent, not much then, okay, thank you. What is your pleasure, folks, after that discussion? Alternative 4, as Roy suggested, is one where we would come back in and look at it in two years, anyway, and at that point might be able, if things were going well, to implement the –

DR. CRABTREE: I think with some modification to the language, I think having it – see, the way Alternative 4 is structured now it has you go back to F-rebuild two years from now. Well, if you go back to F-rebuild you're only going to have a 50 percent probability again, but you could have it, say, switch to a constant F fishing mortality rate two years from now after you get some updated material and then choose what constant F is consistent with the current success

probability, which is approximately 66 percent or so. Now, I don't know what that would mean two years from now in terms of what the quotas need to be. Hopefully, it would mean they go up some, but I really don't know.

MR. CARMICHAEL: One way of handling this since we talked about the need to have some updated projections at a minimum for black sea bass and perhaps an update at that time is if the council were to specify the probability of success that they're comfortable with, perhaps the 66 percent, then you could have the projections done at that time that show you what is the F-rebuild that gets you a 66 percent chance of success at the end of the rebuilding time, so you don't have to infer or apply some just random reduction from that. You can just specify the probability of success and I think that would be much more in keeping with the approach that you've applied toward rebuilding stocks.

MR. CURRIN: Gregg, you had a point as well to make?

MR. WAUGH: Well, I think what Roy is getting at is there is really no difference between Alternative 4 and Alternative 1. The SSC has told you that they are only comfortable with projections out two years before they get more information. The Alternative 4 that we were looking at is holding it where we are now, so the council would have to take some action, I would presume, based on the SSC getting new information and providing us a new ABC at that time. It seems to me we're right at no action.

DR. CRABTREE: Yes, because I think the trouble with Alternative 4 in terms of its practical affects for now I agree with Gregg, but in terms of if we had to defend this, Alternative 4 only has a 50 percent probability to recover the way it's written, and that poses a big challenge I suppose to Alternative 1. If we stayed with status quo, we'd have to hold the current quota for the next two years. Then whether we schedule an update or whatever we do, then we come in and figure out what we're going to do now.

MR. CURRIN: So, as written Alternative 4 gives you 50 percent, but if we changed the verbiage in there that stated – third line that 2013/14 and then changes to constant F fishing mortality rate unspecified –

DR. CRABTREE: Yes.

MR. CURRIN: – it would be safe to assume that could be higher than 50 percent.

DR. CRABTREE: It would be but now I'm going to ask John I think in theory it's impossible to switch from a constant catch to a constant F in midstream and maintain the same probability of success without cutting the TAC when you make the switch. I think it can't be done and I think the math can't add up.

Now, we could have good recruitment and be lucky two years from now and maybe pull it off because we're ahead of schedule, but I don't think you can just – if your idea when you switch to constant F is you're going to raise the TAC, then you're not going to have the same probability of recovery unless you reduce it in at least one year to offset them.

MR. CARMICHAEL: I don't think it works out that way because I think the scenario that looks at that modified F – and is that 4 that looks at maintaining the fixed landings and then you switch over – it shows that at some point the landings that you get from the F as you move out into the rebuilding time are going to be higher because the stock is growing, so at some point those two lines intersect and you always get higher landings out of that fixed F as you approach the end of your rebuilding because your stock is so much bigger versus as you do the fixed landings over time your F has to get progressively smaller.

My understanding is that's the core problem we're dealing with here. You guys are faced with a scenario of trying to hold the exploitation rate to an increasingly smaller value each year as this stock grows. That's virtually impossible to do in the face of an increasing biomass, and that's the problem that you have now.

The stock is getting better; and as you try to tell the fishermen you're going to hold them down to this low level as the fishing is getting better, it gets exponentially harder because your exploitation rate is getting exponentially lower each year. I think that the math would work out that there is a point where those lines cross and you can switch gears midstream as that alternative shows and still go to the higher TAC at that point.

Now, you're probably at a little bit lower TAC in the early years, which is also what this scenario shows because that alternative has lower TACs the first two years than the straight-up fixed F-rebuild though they're all in these scenarios doing a 50 percent probability, which is another point that everybody should be clear on.

You can specify any probability and the projections can be given to you, any one you choose. You're not stuck with that 50 percent. We can have anything. One fear I have I guess if we get it with a status quo; does that mean we're still bound by this fixed landings rebuilding type strategy and would we be better served by at least changing the strategy at this point to make it clearer that regardless of what you might have to do in the next two years, you do have the intention of moving to that F-based strategy with some rebuilding probability that you're comfortable with in the next couple of years, because I would hate to be here in another two years having to do another amendment because you have an action that says your rebuilding was tied to fixed landings.

DR. CRABTREE: And I don't have a problem with that. If we specify in here we're going to hold the TAC for two years and then we're going to switch to an F-based strategy that maintains a defensible probability of recovering, I'm fine with that. I'll talk about this with you over a drink but I think you're wrong about the math.

I think where that will put you is unless we have good recruitment and we're recovering faster, I'm worried that we're going to get there and find out in order to raise – because we only have two years left in the recovery, and so in order to raise it and maintain the same probability of recovery, I think you would have to cut it in one year. There is not much point in hashing that all out. I think that's an option that we could do.

I think an option we could do would be go into the F-rebuild strategy and say reduce that yield stream, reduce the catches 25 percent across them, and say that's where we're going to go. We wouldn't really know what the probability of recovery is from that right now, but it would be greater than 50 percent and it would provide some buffer in there. I think the simplest way to go would be to modify the language in Alternative 4 to just say we're going to shift to a constant F rebuilding plan and that's our intent and hold the quota for the next two years.

MR. CURRIN: What is your pleasure? It seems like we're stuck at least with the ACL not increasing over at least the next two years. Personally I would like to get away from this constant catch strategy, because as John pointed out I think it comes with a lot of problems. But by the same token if Roy is correct, I don't want to be sitting here in two years with holding the catch steady for two more years and then having to say, well, you know, in order to make this strategy switch, we've got to drop the ACL for everybody again. Ben.

MR. HARTIG: Well, am I wrong that the SSC, when they looked at this, they said they were comfortable with the 50 percent rebuilding or they didn't change it. They didn't have any impetus to increase it?

MR. CARMICHAEL: They didn't change it. They've looked at it a couple of times because we've looked at this a couple times and they haven't changed it.

MR. CURRIN: And my understanding of the reason they didn't and shouldn't is that is the council's call as to how much risk we're willing to take. We can take 50 percent and that has been upheld in court. Roy's point is that whether it would stand another challenge under these circumstances.

Because of the issues Roy brings up, we've got a stock that has not been rebuilt and we've been trying to rebuild it for a long, long time. In our last amendment we had a higher probability of success than we're implementing in this amendment or might put in place in this amendment, and that could be conceived as being more risky. John.

MR. CARMICHAEL: The SSC, in setting ABCs, in most all circumstances their charge is to set an ABC that prevents overfishing in that year, and that's really what they're driven by. What they have suggested to you for a rebuilding fishery is this approach of setting the overall probability of success, and that's why that is really a choice that I think you guys should make. well, what is that probability of success, and they give you a value.

They've suggested values in the past that you've chosen; and in the case of red grouper you took a higher probability of success than what they recommended, and you can do that. You know, the chance of overfishing occurring, when you look at the Fmsy and you look at the Fs that are projected in these scenarios, there is quite a bit of separation there. There is a lot of separation so the chance of overfishing occurring in any year does seem to be rather slight.

Now, where we get in the end really does depend – if you go over, then, yes, you may not quite get there if you're at 50 percent. If you get another hundred fish born than what is projected, then you have got some cushion, so there is a lot of uncertainty and that is where – as Mac said,

that is the uncertainty you guys should pick on, and that's the one that you should really select and give them guidance back and then we can estimate anything you want.

MR. CURRIN: And I think it's important to recognize or realize that we're kind of where we are because we have been allowing these overages every year. At least that's contributing to it. Roy.

DR. CRABTREE: Well, we in part are where we are because we as the council five or six years ago passed a motion that put us in this boat, because I can guarantee you if you go back and look at the minutes you'll find lots of discussion about how difficult this will be. I know David was there and I was there and a few others might have been.

Ben, I think we could potentially – the guidelines say you have to have at least a 50 percent probability. I think we could defend that if we could argue that what we're doing takes into account uncertainties and potential overruns and things and had enough buffer to account for that. The problem is what we have now doesn't account for any of that, so I think if you honestly looked at the probability of success, it's less than 50 percent because there inevitably will be overruns and things, and that's the crux of the problem.

MR. HARTIG: To followup, we've got projections from the SSC based on 150 percent overages. They've got a quota set for those – they've got a rebuilding that we can put into the plan at 150 percent overage. We've got a number right now that we can use for two years.

DR. CRABTREE: That's the overage that occurred this past season. It's assuming there won't be anymore overages and nothing else will go wrong from here forward, and that's the problem.

**MR. BOYLES: Mr. Chairman, I make a motion that we would select Alternative 4 as our preferred.**

**MR. CURRIN: Motion by Robert to select Alternative 4. Is that with or without modification?**

**MR. BOYLES: With modification.**

DR. CRABTREE: Second.

MR. CURRIN: Motion by Robert; seconded by Roy to select Alternative 4 as our preferred. How would that be modified? I think we've talked about switching – instead of to F-rebuild after two years switch to a constant F strategy.

MR. BOYLES: Yes.

MR. CURRIN: And I guess if we wanted to, we could select the amount of risk we wanted to take at this point, specify 65 percent, or we could look at it and specify that in two years, I guess. Brian.



DR. CHEUVRONT: What we've got here is the Alternative 4 as it exists now. Let's make sure that we get this language the way that you all want it to appear. This one keeps the constant fishing mortality for the first two years and then changes to – and I believe is where you all want to make the change, and let's make sure we get the language the way you want it to be.

MR. CURRIN: That's correct. Robert.

MR. BOYLES: My intention here, Mr. Chairman, is exactly as you said, get ourselves out of where we are and switch strategies after two years.

MR. CURRIN: Maybe, Roy, you could jump in so that I don't screw up and get the verbiage right in the modification of Alternative 4.

DR. CRABTREE: I think you could just say "and then changes to a constant fishing mortality strategy", and then delete the word "rate" and replace it with "strategy", "constant fishing mortality". I'm okay with this, but understand that with what we're doing, under the current strategy we would be rebuilt by 2015; so potentially by the time we get out there, we're actually looking at we're there, but I guess we won't know until we get there.

MR. CURRIN: Again, that's assuming that we don't have overages and everything is normal or average as far as recruitment and the like. Gregg.

MR. WAUGH: And so what we would do then is have some additional analyses presented to the SSC such that we would then do a framework action to change our ACL for the 2014 and 2015 season and beyond?

DR. CRABTREE: I think that's right, and, Robert, I think we ought to add something in there, "a constant fishing mortality strategy that maintains the 66 percent probability of recovery."

MR. BOYLES: Yes, I agree.

MR. CURRIN: Are we sure in fact that it is 66 percent in 15A; is it 65; what is it?

DR. CRABTREE: Well, I'm looking at Table 3.20 in the projection scenarios that incorporates 150 percent of the quota caught in 2011, and that shows a 66 percent probability. I would ask John to confirm that and make sure that's what – I think that's what the SSC was working on, wasn't it.

MR. CARMICHAEL: Yes, that is what they had. I looked at that just a second ago and that's what it says, 66 percent.

MR. CURRIN: Something to that point, David.

MR. CUPKA: Well, it's to this whole motion here. I think it adds even more emphasis to the fact that we do need some kind of black sea bass assessment update in 2013, so we need to keep that in mind, too.

MR. CURRIN: Gregg, to that point.

MR. WAUGH: And then with this specification of the probability right now, isn't that just a formula such that then all that the SSC has to do is review that value and the council would then review that value, and then that would be a notice published in the Federal Register. If we're laying out in detail how that value is going to be calculated, that's a formula approach, and we wouldn't need to necessarily do a framework.

MS. SMIT-BRUNELLO: I'll look into that but I think the framework procedures that you've set out now don't contemplate that exactly by notice. It is discussed in a framework type of regulatory document, which you would have a proposed and final rule. I'll be glad to look at this with you and by full council come back definitively, but I'm pretty certain that we would need to do a proposed and final rule. One other point is the projections Roy was talking about for the record are from SEDAR 25.

DR. CRABTREE: Correct.

DR. DUVAL: So this whole thing is about probability of success and uncertainty and even changing to Alternative 4 with this, that 66 percent probability of success still depends on the ability to track the quotas and not go over; am I not correct? We have no less certainty that we're not going to go over quotas if we go with this than if we stay with our preferred. John can clarify that.

DR. CRABTREE: But the key is we a higher level of certainty that the stock will rebuild on time, and that's what we have to be able to defend. By choosing 66 percent and staying with these lower quotas, even if we have overruns, the probability of recovering is higher than if we raised the TACs and still have overruns.

Even without overruns, we're only at 50 percent. If we have overruns, that puts us below 50 percent, and we can't defend below 50 percent. We have to defend 50 percent or above; so by having 66 percent where we're heading, even if we have some overruns, we can still argue that we're better than 50 percent.

Now, there are other ways you could get at this. I guess you could go with F-rebuild and say we're going to 50 percent, but we're going to set the ACLs at 60 percent of the ABC, and so we're going to build in a buffer there, and that gives us the comfort with the probability. Like I said, I think there are different ways you can skin that cat, but what we've got to be able to argue is about the probability of the stock rebuilding.

DR. DUVAL: To that point, this gets back to some of the recommendations from the SSC that if we had done something like set an ACT and give ourselves a little bit of that buffer, then we would have maybe more certainty in our preferred rebuilding strategy. I understand it would still be just a 50 percent likelihood of rebuilding by X amount of time, but I think this really all comes down to the ability to monitor the quotas in a timely fashion so that we don't have those kinds of overruns. It seems like we're getting to a spot where we're simply accepting or planning to overrun our quotas by 50 percent and that bothers me.

MR. HARTIG: It was pertinent to Michelle's statement there; as the stock rebuilds how in the world when we keep the catch constant are you going to be able to monitor a quota as the stock continues to rebuild. My gosh, we're over now. What is going to happen when the stock is in so much better shape? I don't know how much better it can get, to be honest with you, based on the anecdotal information I've heard from everybody up and down the coast and my own experience.

Somewhere in this system we have to use a little bit of the anecdotal information that comes to us, and every bit of it has been that this stock is better than it has been in 40 years now. To continue going and hammering fishermen because we can't monitor the damned quotas on a real-time basis, to be able to do that and keep hammering down on fishermen is to me ludicrous. I'm sick and tired of hearing that we have to do more, we have to do more, we have to do more.

As we rebuilt fisheries in the past with this council, we did it with anecdotal information and we went ahead and rebuilt stocks that were in much worse shape than any of these stocks that we we're dealing with now. I just can't understand the continued we have got to do more, do more, do more when we have the information from the public that says the stock is better than it has been in 40 years. That's all I'm going to say.

MR. HARRIS: Mr. Chairman, we do have an ACT for the recreational fishery. We didn't set one for the commercial fishery simply because we felt like the landings could be tracked real closely on the commercial fishery. We didn't feel as comfortable with the recreational fishery, but we do have an ACT for the recreational.

MR. CURRIN: Yes, and it looks like, from what we're hearing, that very soon we're going to actually have some foundation for our belief that we can track those quotas a little more closely; perhaps by March of 2012, hopefully. Gregg.

MR. WAUGH: Coming back to this 66 percent probability, that comes about from the assumption that the catches for this current year are 50 percent above the ACL. I doubt we'll hit that number exactly; so when we get in the future when we find out what it is, if it's higher or lower, that could change the percentage; or, are we saying here just as a policy call based on that calculation that what your intent is in the future is we want a 66 percent probability of recovery. It seems that might be the cleaner way of doing it than having to come back and revisit what probability you want in the future.

DR. CRABTREE: Well, I think if this motion passes we've agreed to a 66 percent. In fact, I think even if the motion fails we have agreed to a 66 percent or thereabouts because that's basically the status quo. The trouble I think – I forget who said it now, but someone brought up that we have an ACT for the recreational fishery, but I think the way we've set that ACT up is just a performance measure. The fishery doesn't close when they hit the ACT.

I understand, Ben, your frustration with it and it's unfortunate that we went down the management path we're on, but this management strategy was chosen to avoid making deep cuts, which we were being pushed hard by fishermen not to do. The council didn't do it and now we've put ourselves in a big mess with trying to rebuild the stock, and it is going to be very

painful and it's going to be very difficult, but that's what happens when you put the pain off and now it's here.

MR. CURRIN: Is everyone comfortable with the motion as it's stated? I won't read the modification that's in there unless you need it. The motion is to select Alternative 4 with modification as our preferred. Any further discussion on that motion? **Is there objection to that motion? I see five in opposition; any abstentions. There is one abstention. Maybe just to get the vote down on this; all in favor of the motion raise your hand. That's six I have in favor. All opposed; that's seven opposed. The chair would vote in the affirmative; the motion would still fail.**

What do you want to do now? We have got a current preferred that implements the rebuilding strategy now of F-rebuild, changes our strategy to a constant F and will allow for increases minus I presume overages in the future with a roughly 50 percent probability of success. That's where we are. John.

MR. CARMICHAEL: It might help to just sort of refresh a little bit about this management system under Magnuson and the differences between the biological uncertainties the SSC is working in, which gets into the 66 or the 50 or whatever the percent is, and then what is actually realized. We have the projections in the assessment that show you what can be taken and maintain the stock biologically on the proper path, and then you have what is actually taken.

It's that difference; it's the management uncertainty is what is intended to be addressed when you go from ABC down to ACL or perhaps ACT. The SSC brought this to light in a number of those amendments where they said pretty clearly that there needs to be a system that accounts for that management uncertainty so you don't have the overages.

There is a clear separation between dealing with the biological uncertainties and dealing with the management uncertainties, and I think the council should do as the SSC and attempt to maintain that separation and don't try to change the biological parameters such as to try and deal with fact that we've continually gone over.

We need to deal with that on the management side and the SSC was pretty clear about maintaining that separation. Many of them, like you, were concerned about the overages and the impact of those overages on the population, but they wanted to make sure that they separated that from what they felt the realistic biological limits were and that they didn't try to account for the overages and their impacts and then give you a lower value on the biological side of the coin.

I think it's important to remember that we have that separation. That's why we have ACLs and ACTs and all of that, why we have OFL and ABC, all these acronyms to separate out those uncertainties. When we set ABC equal to ACL and we know that we've had overages, the SSC pointed out that is a very risky situation. They didn't give you a lot to do there because that's the council's realm to deal with that uncertainty and they're sensitive about not stepping on your toes and crossing over their authority and trying to tell you what to do there.

MR. CURRIN: You're right, John, they reminded us just as you did right now, and we appreciate that. All right, as we are now we have a preferred for Action 1. Any other motions? All right, let's move on then.

DR. CHEUVRONT: Okay, Action 1B, set an ACL for the black sea bass fishery, it's PDF Page 150; the document page is 99. The council's current preferred alternative is Alternative 2, set ACL equal to ABC equal to OY. This results in sector ACLs based on the existing allocations. ACLs will not increase automatically in a subsequent year if the present year's projected catch has exceeded the total ACL. This is part of the double-jeopardy provision that a lot of folks spoke to in their public comment; that is there is going to be paybacks of overages, then they're going to also be denied any potential subsequent increases in the ACL in future years in addition to the paybacks. There were comments about trying to fix that issue.

MR. CURRIN: Okay, what is your pleasure here, folks? Remember the SSC had some issues with setting ABC equal to OY because of the way they were calculated. I'm not sure exactly how to get out of that box, whether John or Roy or somebody with more scientific expertise wants to comment on that or make a suggestion or whether it's a philosophical box or a real box.

DR. CRABTREE: Alternative 1, no action, what is the existing ACL?

DR. CHEUVRONT: Well, I think that is determined by what you have chosen in the first – yes, currently it's 718,000 pounds.

DR. CRABTREE: All right, I'd move that we make Alternative 1 the preferred alternative, to have the ACL remain at 718,000 pounds. Is that correct, Brian?

DR. CHEUVRONT: That's the way I interpret it.

DR. CRABTREE: That's gutted weight, I think.

DR. CHEUVRONT: That is correct; that is gutted weight.

DR. CRABTREE: I think the motion just needs to say "select Alternative 1 as preferred".

DR. CHEUVRONT: Yes.

MR. CURRIN: Motion by Roy to select Alternative 1 as the preferred; is there a second? No second? Ben.

MR. HARTIG: Well, I just had a question. That ACL is what came out of the assessment projections for this coming fishing year?

MR. CURRIN: That's my understanding or not; I don't know. Roy.

DR. CRABTREE: No, my understanding that ACL is what the ACL is the regulations right now, so it's the current quotas, correct?

DR. CHEUVRONT: Well, based on what they have selected in the previous Action 1A, it is still Subalternative 3B, F equals F-rebuild, and under that subalternative your ACL goes to 746,000 pounds gutted weight.

DR. CRABTREE: Well, I withdraw my motion.

MR. CURRIN: All right, motion withdrawn. All right, what is your pleasure; are you okay with where we are, understanding all of the previous discussion of the risk associated with setting ABC equal to ACL and the like? Roy.

DR. CRABTREE: Well, I'm not sure where we're going. I think where we're going is towards a mess. I will try to move Alternative 4, which would set the ACL at 80 percent of the ABC, to provide some sort of a buffer.

**MR. CURRIN: Motion by Roy to select Alternative 4 as the preferred that establishes a buffer of 20 percent on the ACL. Second by Robert.** Discussion on the motion? Tom, you had your hand up before that other motion was made.

MR. SWATZEL: I was going to make motion, but obviously I'll wait until this one is disposed of.

MR. BOYLES: If there is an overage, is the following fishing year's level held constant?

MR. CURRIN: It reflects on that double-jeopardy thing where under our current selected rebuilding strategy we were to receive increases. We have I think as our current preferred now that there will be no increases if there is an overage. There is a lot of concern about that, that if we're only over a couple of pounds why are we not taking at least some portion of that increase and paying back against the increase. That's another issue we've got to deal with. Roy.

DR. CRABTREE: Yes, but I think that mischaracterized what it says. It doesn't say there won't be an increase. It says it will not automatically increase, which means you're going to have to review it, consult with the SSC and then take an action to reset the TAC. I don't see any way we can build in automatic quota increases given the chances of overruns and just do that.

It's indefensible, and so we can either go to we're going to do year specifications – every year we're going to do a framework and reset these things or we have to build in some contingencies for that. Obviously, if you went over by one pound, I don't see there would be any problem with raising the quotas there, but I just don't think you can have them automatically go up.

MR. CURRIN: And the way I understand it, Roy, it's not anybody's intent or desire to have it go up the entire amount as specified in the previous alternative, but I think the concern is, as I tried to express and perhaps not as well, is that if the overage is not severe – and I don't know where that point is – that we are not preventing the ACL from increasing based upon our strategy. Do we need to specify a level at which we need to go back to the SSC?

DR. CRABTREE: No, I think if there is any overage we have to go back and review it and take a look at it. The problem is that if we don't put this in there, then the quotas are going to be hardwired in the regulations; and even if we go over by a hundred percent, then we're going to have to take an action to prevent the quota from going up, which is going to put us in a position of having to scramble doing emergency or interim rules, and then we're going to have to go back to the SSC and then come back and do yet another rulemaking to adjust the quotas. That's what I'm trying to avoid.

MR. CURRIN: I think that provides some clarity. Further discussion on this motion? Doug.

MR. HAYMANS: Roy, on the previous action, if Alternative 4 had been successful, would you be asking for a 20 percent reduction in the ACL now?

DR. CRABTREE: Probably not and I would be less concerned about it.

MR. PHILLIPS: I just want to be clear; so if we do Alternative 4 and take 20 percent off, the ACL is 140,000 pounds less, I guess, but if we don't do something to stop the recreational overages and the commercial can follow their TAC and their landings, the odds of us getting our increases are going to be not good. We're in a bad box.

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

DR. DUVAL: I'm just wondering, Roy, would there be more comfort if we had set a commercial ACT that allowed for some buffer and had a consequence of reaching the ACT, you know, a potential closure the same and reflect that also on the recreational side. I mean I understand right now we have an ACT for the recreational fishery as our preferred, but as you indicated earlier that's really a performance measure. It does not close the fishery when you reach that ACT. If there were ACTs on each side, would you have more comfort, would you be – again the same question that Doug just asked; would you be moving Alternative 4 if there were ACTs?

DR. CRABTREE: Well, I think if we had ACTs that had buffers on the order of 20 or 25 percent and that triggered closures when they're hit, yes, I'd have a lot more comfort with it. My whole thing is we've got to somehow account for the uncertainties in it. We can do it by the rebuilding strategy, we can do it by reducing the ACL. I think we could build that in by adjusting ACTs if we adjusted the AMs, so there are different ways to get there, but, yes, that might another avenue that would get us to a good place.

MR. CURRIN: Further discussion on the motion? **All in favor of the motion raise your hand, 4 in favor; all opposed, 8 opposed. The motion fails.** I think everybody is aware of what is trying to be accomplished here. Just from my perspective, and I may be misinterpreting it, the least painful approach that we might take – this is my opinion only – would be to go back to the first action and reconsider the motion that we had before, which would hold the ACL at a constant level.

We are still assuming a lot of risk here, folks, because we haven't established the ACTs for the ones we have. Anyway, we need to keep that in mind in order for this to succeed. What is your pleasure? We have got preferreds already, but I think I see the way this is going unless we step back. Charlie.

**MR. PHILLIPS: I guess considering the discussion, being on the prevailing side I would move to reconsider, whichever that previous –**

**MR. CURRIN: Okay, Action 1, motion by Charlie to reconsider; second by Roy. Discussion on the motion? Duane.**

MR. HARRIS: Just a question; if this passes are we going to be revisiting these same issues on these next items again or are we going to be comfortable with where we are at the present time?

MR. CURRIN: I can only answer for myself; I'll be a whole lot more comfortable. Dr. Crabtree will have to speak for himself as well.

DR. CRABTREE: Well, if this passes I'm a whole lot more comfortable, too.

**MR. CURRIN: Further discussion on this motion? All in favor of the motion raise your hand; any opposed. I see two opposed; the motion is approved.** Okay, that brings the previous motion back on the table. Is there discussion of that motion? Everybody understand what it is? **Okay, the motion is to select Alternative 4 with modification as our preferred. All in favor of the motion raise your hand; all opposed. The motion is approved with two in opposition.**

All right, thank you; back to Action 1B. Are we okay with the current preferred there now? It sets ACL equal to ABC equal to OY. I never did get any response from anyone regarding the issue the SSC raised with setting OY equal to ACL and ABC. Is there some way out of that box; is it a philosophical problem or a real problem that we need to deal with. Roy.

DR. CRABTREE: Well, Carolyn, correct if I'm wrong, but I think they were looking at OY as kind of an equilibrium long-term average. We have approached in two senses. One, it could be an equilibrium long-term average, but we've defined it typically based on fishing mortality rates. We've typically defined OY as the yield fishing at 75 percent of Fmsy, so in that sense you can think of it as either long term or as something more instantaneous that is based on the biomass and a fishing mortality rate.

The problem with that, of course, is in these rebuilding plans you're not fishing at that fishing mortality rate, so you're not really achieving OY during it. I could see either side of that argument. This is kind of the path we've gone on. I don't see right now that it's a big deal that we have to deal with.

I would point out to Brian that these alternatives aren't consistent. Our Preferred Alternative 2 has the ACL equals ABC equals OY and 3 and 4 don't have that. They should all be the same, I would think, regardless of how we're doing it. Unless Monica advises me this creates heartburn



for her, I'm not that troubled by it right now. I think given all the problems we've got right now, this is something we could revisit down the road. Are you in agreement?

MS. SMIT-BRUNELLO: Yes, I agree with that; I think we can revisit it down the road.

MR. CURRIN: Carolyn, to this point.

DR. BELCHER: The problem you're going to run into with this is that if you go to your tables right now where OY is actually defined there is a numerical number for OY. ABC is being derived from a different area and there is no guarantee those numbers are going to match. Numerically they're coming from two different areas and they're unrelated to one another.

By setting OY equal to an ABC, which is coming from a different calculation, and OY is already provided with three measures, if you look at the management outline that we've given as far as all of those parameters that we give you forward relative to management thresholds, the OY values do not equal what your ABC will equal coming out of the projections.

DR. CRABTREE: Right, and that's part of the problem we're trying to address here is the OY doesn't equal the target level of catch we're shooting for whereas OY is supposed to be the level of catch we're trying to achieve, so we're changing OY so it will then match because we're setting it.

DR. BELCHER: Then there are going to be problems with the tables because in the tables OY is defined by three different levels of Fmsy.

DR. CRABTREE: I'm not sure which tables you're talking about.

DR. BELCHER: What do they call them, John, the tables that we provide that come out of the SEDAR report?

MR. CARMICHAEL: Status tables.

DR. BELCHER: The status tables. OY is defined at 65 percent of Fmsy; 75 percent of Fmsy and 85 percent of Fmsy.

DR. CRABTREE: I see what you're saying. Why don't we come back to this particular issue at full council and forge ahead with the decisions, but, Gregg, in the Comprehensive ACL Amendment we set up the control rules in a way that specified ABC and OY simultaneously.

MS. SMIT-BRUNELLO: Yes, we did.

DR. CRABTREE: So all those tables are going away and changing, anyway.

MR. CURRIN: Yes, I'm fine with pondering that and coming back at full council and dealing with it. Bobby, did the AP have a preferred alternative on this Action 1B?

MR. CARDIN: Yes, we went with Alternative 2. We felt that you could make the ABC equal to the OY, that you could adjust it with your uncertainties.

MR. CURRIN: All right, so everybody is okay then with where we are on 1B? No desire to change the preferred? All right, Ben.

MR. HARTIG: Is there any utility, Mac, instead of ACLs will not increase automatically; ACLs will be reviewed each year if the present year's projected catch has exceeded total ACL or are you comfortable with the not increase automatically?

MR. CURRIN: Well, after hearing Roy's explanation, I'm certainly not nearly as threatened as I think most people were and then don't consider it quite the double jeopardy that it was. There is still a lot of uncertainty as to exactly what is going to happen, but I guess as Roy pointed out until we get some advice from the SSC and determine what that specific overage has actually done perhaps to the rebuilding plan timeframe, then we really won't know exactly how to act. It's probably the most prudent way to go about it. Roy.

DR. CRABTREE: And right now, Ben, with the strategy we have, the ACL stays constant for the next two years and then we're going to have to respecify at that point, anyway. In theory by the time we do that, we should be rebuilt.

MR. CURRIN: That's the plan. Do you want to move on then to Action 1C, Page 8 in the decision document? This is the one on setting an ACT for the commercial industry. We received some comment on this from a number of people. It is somewhat risky depending upon our ability to accurately monitor and track the quotas. The current preferred is no action; do not set an ACT for the commercial black sea bass fishery. Is that where we want to stay? Bobby.

MR. CARDIN: The AP felt with the electronic monitoring coming on board that there is no reason for an ACT. They could be tracked.

MR. CURRIN: Thank you, Bobby, and I think all of us in the past have felt in theory that's the case and the reality is hopefully very, very close. Are we comfortable? All right, let's move on.

DR. CHEUVRONT: Then Action 1D is to set the ACT for the recreational black sea bass fishery, PDF Page 160; document page 109. The current preferred is Alternative 4; the ACT equals the recreational ACL times one minus PSE or the recreational ACL times 0.5, whichever is greater.

MR. CURRIN: Everybody okay with setting the ACT using the PSE? All right, move on.

DR. CHEUVRONT: Action 2 is to limit participation in the black sea bass pot fishery through an endorsement program, PDF Page 164; document page 113. The current preferred is Alternative 2, Subalternative 2F; limit endorsement and tag distribution to entities with a valid or renewable unlimited snapper grouper permit on the effective date of the final rule whose average annual black sea bass landings using black sea bass pot gear between January 1, 1999, and December 31, 2010, were at least 3,500 pounds whole weight. Exclude those with no reported

commercial landings of black sea bass using black sea bass pot gear between January 1, 2008, and December 31, 2010.

MR. CURRIN: Okay, we've got a preferred. Bobby, from the AP.

MR. CARDIN: Well, first off, from the AP there was really no support for the endorsement. We voted it down. However, if you do go with an endorsement program, they felt that it shouldn't eliminate it; it should be limited access and eliminating access. A lot of people with less than 3,500 pounds rely on this income.

It's an intricate part of their fishery, and there are a lot of people that might make more money per pound on their fish with a couple thousand pounds than some of the big boats are making with lots of fish. The AP felt if you do go with an endorsement program, it shouldn't be so much an eliminating program. It should just be identifying the universe of the fishery and go with a lower qualification like 500 pounds.

MS. McCAWLEY: **I would like to make a motion to make the preferred Subalternative 2A.**

MR. CURRIN: Motion by Jessica to make the preferred alternative Subalternative 2A; is there a second? Second by John Jolley. Discussion? Brian.

DR. CHEUVRONT: Mac, I wanted to point out one thing here is that the action, as it is stated here, is actually to be done in whole weight but the calculations were done using gutted weight. Your current preferred of 3,500 pounds was actually done with gutted weight, and there have been some other calculations that have been done using whole weight and these same landings.

I believe for the current preferred of 3,500 pounds, that would include 24 vessels from the 21 that are currently there. I'm not sure what that would be if the current motion on the table passes or not, but I believe there were 52 or 54 vessels that participated in the fishery this past year, and that would basically get nearly all of those fishermen. There were 51 fishermen that fished in 2010; and using gutted weight, 50 of those fishermen would have qualified. I don't know if that additional fishermen would have gotten in if this had been calculated to whole weight or not.

MR. CURRIN: So at least 50.

DR. CHEUVRONT: It looks like Kari MacLauchlin has done some of the calculation, but I'm not sure if she had done it for that one or not.

DR. MacLAUHLIN: Okay, there would be 50 that was in the table originally, but with whole weight it would be 52, and it would add another one in North Carolina and another one in South Carolina.

MR. CARDIN: Once again, the AP looked at the endorsement program as a way to identify participants and not to eliminate participants; so with a motion with 500 pounds, that would include the participants in the fishery.

MR. CURRIN: It sounds like it included about everybody. Discussion on the motion? Robert.

MR. BOYLES: Mr. Chairman, I can support the motion, but I recall having a lot of discussion over the last several meetings about the intention here is the capitalization of this fishery, and it really doesn't do anything. I wonder why we're going down this road to limit participation in the fishery with such a low level of qualifiers.

I've had a couple of phone calls from fishermen who believe that a way potentially to address this issue of capitalization and effort and managing this may be some kind of voluntary catch program for those who are interested in it. I've also heard a lot of folks who objected to the 3,500 pound threshold. I just ask the committee what are we doing? If we're not here to limit effort, then why are we going down this road?

MR. CURRIN: From the purpose and need of this document and from the initiation to begin work on this document some time ago, the stated purpose was to limit the participation in the black sea bass fishery, and that was well before we had the last season that lasted 45 days. It was I guess somewhat insightful that we began it whenever we did. The threat was real, is real, and with the approval of this motion will remain as it is. I'm not in favor of the motion. Further discussion of the motion? Tom.

MR. SWATZEL: Just to point out that the presentation that we had earlier shows that basically there is no difference between having endorsements at 3,500 pounds and 500 pounds concerning when the fishery would close if you applied a 1,200 pound trip limit to the fishery, so I'm not sure the point of the endorsements, anyway.

DR. CRABTREE: I think what the presentation showed – and, Andy, correct me if I'm wrong – is the difference 500 and 3,500 pounds was three to four weeks in terms of the length of the season, and that's not that much until you think about the season is only about six weeks long, anyway. There is a difference. It doesn't get you back to fishing well into the wintertime and all that, and I don't think any of them do that, but I wouldn't say there is no difference.

MR. CARDIN: We've got a fishery that is being rebuilt. The core participants paid a price. The seasons are shut early. That's why you want an endorsement program. Once the fisheries are built, everyone is seeing all the increasing sea bass, you're going to see an increase in fishermen. We just want the current participants identified and protected through an endorsement program. We don't want to see the fishery participants grow anymore.

MR. CURRIN: And that's clear from the AP. Duane.

**MR. HARRIS: Mr. Chairman, I'd offer a substitute motion that Subalternative 2G, 2,500 pounds whole weight, be the preferred alternative.**

**MR. HARTIG: Second.**

**MR. CURRIN: Motion by Duane and second by Ben to select Subalternative 2G. Discussion on that motion? All in favor of that motion raise your hand, 9 in favor; opposed, 3 opposed. The motion is approved. Brian.**

DR. CHEUVRONT: Kari, can you tell us in whole weight how many fishermen that would be? In gutted weight it was 28 I believe in the table, but I believe in whole weight it's going to be a larger number.

DR. MacLAUHLIN: It's 31 total and so 18 in North Carolina, 7 in South Carolina, and 6 in Florida, and that is based on home port of the vessel that's associated with the permit.

MR. CURRIN: Further discussion? Make it quick; we've got to finish this one and then give Roy a little bit of time to get started.

MR. HAYMANS: Mr. Chairman, I can appreciate that, but my point is we've heard Robert just reiterated that we've heard the voluntary catch share, and I'm interested to see how many of those folks who were willing to go voluntary are pot fishermen? And deciding now that we're going to cut that in half without hearing that, I would just as soon let's hold that discussion until tomorrow when we have more time rather than when we're pressed right now and let's bring that into the discussion.

MR. CURRIN: I'm not sure how many pot fishermen we've got here that could tell you or express their interest in a voluntary catch share. I'm not even sure yet what a voluntary catch share is.

MR. HAYMANS: Right, and then we've got several folks who have talked to – I've heard the number 28 – but who have talked to those fishermen, and I've got a feeling they have a sense of how many of those folks are pot fishermen or at least participate out of these 51 that are here.

MR. CURRIN: And we could talk to them, Doug, and some of those, you're right, and Kate Quigley may well know of the people she has talked to – I believe she said 38 fishermen – how many were pot fishermen. That could be done and if it becomes an issue, then we can deal with it at full council. Bobby, I'm not going to recognize you at this point while we're discussing this motion. Roy.

DR. CRABTREE: One point I would make, if you did go forward with some sort of a catch share program in this fishery, you could allow people credit for their landings even though they didn't qualify for the endorsement, so I don't think this precludes from changing it if you did something like that.

**MR. CURRIN: Okay, the substitute motion has been approved; it is now the main motion and we are voting on the main motion to select Subalternative 2G as the preferred. All in favor raise your hand, please, 9 in favor; opposed, 4 opposed. The motion is approved. All right, we will recess until tomorrow morning at 8:30.**

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Roosevelt Ballroom of the Holiday Inn Brownstone Hotel, Thursday morning, December 8, 2011, and was called to order at 8:30 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: Let's reconvene the Snapper Grouper Committee. I believe we should be on 18A decision document, Page 15, Action 3.

DR. CHEUVRONT: That's correct, Mac, but I think if you don't mind we'd like to back up for a second to Action 1A and make a suggestion that might help us in moving along with this document. That's on document page 4 of the decision document. Currently right now I believe what we have as our preferred is a hybrid of Alternative 4.

What would make it really much easier I think for us would be to go ahead and create a new Alternative 5 and just put in the first two years that we have from Alternative 4 and put in, though, there is going to be additional analysis in the future on the stock, but then the analysis that we need for the document we can take from the no action alternative and put it in there and so we don't have to create and redo analysis for Alternative 4. That would administratively save us a considerable amount of time. Gregg, can you walk us through how we can set this up from our discussion that we had.

MR. WAUGH: All it does is your modified Alternative 4 is basically keeping the ACL where it is now, and that will stay in place for two years and then we get an update or a new stock assessment, the SSC acts, and then we would specify a change to ACL. The gist of your preferred alternative now is the same as no action in that it keeps the ACL the same.

If we were to create a new Alternative 5, then we could just cut and paste the analysis of the impacts from the no action alternative into the new Alternative 5 with some description about what is going to happen, that we're getting a new stock assessment and then the council would use a framework to respecify the new ACL. It would just save us in terms of work changing this Alternative 4, because the way Alternative 4 was structured before is a valid alternative and we shouldn't lose that.

MR. CURRIN: And, Gregg, I think that's a good suggestion. I would caution that in the document in your description and analysis I'd be cautious using or referring to the fact that a new assessment or update will be done because it may be that we have to do something a little less than that so I'd hate to stake ourselves out as promising that at this point, so hedge a little bit on that. Certainly, if we can do it, we'd love to have an update, but it may be that we have to use some lesser form of analysis from the SSC as opposed to an update.

MR. WAUGH: Right, and also I think we need to make clear that under your new preferred alternative that ACL will remain in place until changed by some action on the council's part.

MR. CURRIN: And I'm sure someone on the committee is more than happy to make that motion. Duane.

MR. HARRIS: So move, Mr. Chairman, that we create a new Alternative 5 and do what Gregg suggested we do. I will have to have somebody put it up there on the – I'll make the motion to help you out, but I can't do it. Yes, sir, and make that our preferred.

**MR. CURRIN: Okay, motion by Duane to create a new Alternative 5 instead of modifying Alternative 4 and make Alternative 5 the preferred alternative. Second by Charlie. Discussion? Brian and Gregg, is that sufficient direction with that motion; you guys are clear?**

**DR. CHEUVRONT: Yes, I think we're fine with that.**

**MR. CURRIN: Any opposition to the motion? I see none and that motion is approved. Anything else, Brian, from overnight?**

DR. CHEUVRONT: No, I think that's it. Thank you; I think you've saved us a number of hours of work there because as you know we're under deadline once this is all over. We're now on the same document. If you're following along in the decision document, it's page 15, Action 3, which is if you're following along in the full amendment that was in the briefing book, that is PDF Page 177, document page 126.

This is the establishment of an appeals process for fishermen excluded from the black sea bass pot endorsement program. Currently your preferred alternative is Alternative 2; a period of 90 days will be set aside to accept appeals of the black sea bass endorsement program starting on the effective date of the final rule. The Regional administrator will review, evaluate and render the final decisions on appeals. Hardship arguments will not be considered. The RA will determine the outcome of appeals based on NMFS logbooks.

If NMFS logbooks are not available, the RA may use state landings records. Appellants must submit NMFS logbooks or state landing records to support their appeal. This is the alternative that was supported by the Snapper Grouper AP and there were no other recommendations, what you need to do is just decide whether you want to keep this as your preferred or something else or move on, whatever you'd like.

MR. CURRIN: Bobby, anything you wanted to add?

MR. CARDIN: No, sir, the AP supported it; that was it.

MR. CURRIN: Any desire by the committee to change the preferred? I see none; let's move on.

DR. CHEUVRONT: Okay, Action 4, PDF Page 179, document page 128 – Action 4 is to allow transferability of black sea bass endorsements. Currently you do not have a preferred and you need to select a preferred. Right now Alternative 1 is no action, that you would not be allowed to transfer them.

Alternative 2 is they can be transferred between any two individuals or entities that hold a valid or renewable unlimited snapper grouper permit, and the endorsement and associated landings

history of black sea bass can be transferred regardless of whether or not the unlimited snapper grouper is transferred. Then the subalternatives have to do with the length of period that you must wait before you can transfer that permit, either starting upon implementation, after two years, three years or five years.

Alternative 3 is that the endorsements can be transferred between any two individuals or entities that hold a valid or renewable snapper grouper permit. The endorsement and associated landings of black sea bass history will be transferred only if the snapper grouper permit is transferred, with the same transferability time limits on there.

The distinguishing factors between these two have to do with whether or not how the history can be transferred. One, either you require the transfer of the snapper grouper permit and then the history can be transferred or you do not require the history of the snapper grouper permit to be transferred and to allow the history to go with the endorsement.

**MR. HARTIG: I just move Alternative 2, Subalternative 2A.**

**MR. CURRIN: Motion by Ben to select Alternative 2, Subalternative 2A as the preferred; second by Tom Burgess. Discussion? Bobby.**

MR. CARDIN: The AP on this, there was some talk like biologically if the catches are caught in a certain area and it transfers to, say, a Florida boat or something, that would have some social and economic impacts let's say if a Florida boat bought up a bunch and moved it to Florida. Other than that, I believe that was the only thing that can recall.

MR. CURRIN: Did you guys select a preferred here: I don't recall that you did; just some discussion of it, yes.

MR. CARDIN: We selected no action, leave it the way it is, the program the way it is.

MR. CURRIN: All right, further discussion the motion? Monica.

MS. SMIT-BRUNELLO: Why don't you go ahead with this motion and then I'll bring it up.

**MR. CURRIN: Any further discussion on the motion? Is there any objection to the motion? I see none and that motion is approved.**

MS. SMIT-BRUNELLO: In discussing this with people back at the regional office who deal with permits – I think you met Carolyn Sramek; she heads up that office – she was talking about whether the council wanted to allow the transfer of an endorsement that perhaps had expired. Her suggestion was a valid – in the beginning of Alternative 2, for example, you would say, “A valid or expired black sea bass pot endorsement can be transferred to any individual or entity that holds or simultaneously obtains a valid unlimited snapper grouper permit.”

Her thought was based on I think the rock shrimp and some other situations where someone would fail to renew their endorsement or would renew their endorsement and not renew their



permit. You know, we got into that whole situation where people didn't understand perhaps and didn't renew both the endorsement and the permit.

Her theory was if the council wanted to go this route, that if you allowed an expired permit – I guess you would allow the renewability of an endorsement at any time. So, if Duane had an endorsement and it had expired, he would still be able to transfer it to Tom because that endorsement could still be renewed. Her suggestion was a valid or renewable black sea bass endorsement.

DR. CRABTREE: I think the gist of it is if you want to buy someone's endorsement, you've got to renew your snapper grouper permit before we're going to give it to you.

MR. CURRIN: Well, what's your pleasure here, folks?

DR. CRABTREE: Well, I think that these are good comments and we ought to modify the language. Do we need a motion to modify the language in Alternative 2 or 3?

MR. CURRIN: I think the staff would probably appreciate that and probably could include the same language in 2 and 3.

DR. CRABTREE: Right. All right, I'll move that we modify the language in Alternatives 2 and 3 to read as follows: "A valid or expired black sea bass pot endorsement can be transferred to any individual or entities that hold or simultaneously obtain a valid or renewable unlimited snapper grouper permit. The endorsement and associated landings history of black sea bass can be transferred regardless of whether or not the unlimited snapper grouper permit is transferred."

MR. CURRIN: A motion by Roy and a second by Tom Burgess. David.

MR. CUPKA: If I can ask Roy a question while they're getting that together; we didn't say valid or renewable permit because I guess the permits office considers a permit that is still able to be renewed as a valid permit; is that correct?

DR. CRABTREE: Yes, but what we're saying is we're not going to transfer the endorsement to you unless you renewed – you have to renew your snapper permit before we're going to make the endorsement transfer to you. I guess if the motion passes maybe a little discussion about the landings history business, because the way I'm reading this, Monica, the landings history goes with the endorsement for sea bass. Well, it has got that language "the endorsement and associated landing history can be transferred."

MS. SMIT-BRUNELLO: That's the way I read it, too.

DR. CRABTREE: So I'm reading that that the landings, should we ever come to a catch share program with sea bass, the landings histories would be associated with that endorsement; so if you transfer your endorsement, your landings histories on sea bass go with it.

MR. CURRIN: I think that's everyone's understanding; is that correct. Brian?

DR. CHEUVRONT: Yes, in regards to this motion that we have up there, we really only need to change the language of the first sentence of 2 and 3; because if you change the second sentence in Alternatives 2 and 3, it makes them identical and we don't want to do that. We want to keep that distinction there, so really all the changes are in that first sentence.

DR. CRABTREE: So just to further complicate all of this, so the way I'm reading it the landings history goes with the endorsement, but the endorsement doesn't exist until when all this goes in place. Once the endorsement is created, whatever landings history occurs under that endorsement goes with it, but I guess the landings history prior to the existence of that endorsement is with the snapper grouper permit; so that if I buy your endorsement, I'm getting your landings history just from the creation of the endorsement forward, but you still have your landings history on your snapper grouper permit. Do you follow what I'm saying?

MR. CURRIN: Is that the intent of the committee? Well, you could leave it with the permit as the way it is now or I guess we could specify that upon establishment of the endorsements, that the prior landing history from that permit would be attached to the endorsement, if that's what you wanted to do. Jessica.

MS. McCAWLEY: Prior landings history just specific to black sea bass?

MR. CURRIN: Yes.

DR. CRABTREE: And maybe it's what you just said, Mac, but I guess you could do this and say when we create these endorsements and those endorsements all are going to go on a snapper permit, then all the landings history for black sea bass is now attached to that endorsement; and if you trade your endorsement all of your landings history for sea bass for all time since we've had snapper grouper permits goes with that endorsement, so that it's not split apart. I'm not quite sure what the pros and cons of that all are, to be honest with you, but I think splitting it up between the endorsement that's got recent landings history and the snapper permit has the old history might get – I could see how that might get confusing at least.

MR. CURRIN: As could I. Doug.

MR. HAYMANS: And the next tier to that is hook and line versus pot-caught black sea bass, right? I mean the endorsement is for pots, right?

MR. CURRIN: That's correct.

MR. HAYMANS: So his hook-and-line history is going to go over, too?

MR. CURRIN: It depends on how you structure it, but the simplest way, if that's the way you want to do it, would be all black sea bass landings associated with the permit would then be attached to the endorsement if that's the way you want to go. Otherwise, they remain separate; and I don't know, we'd have to ask Roy and the permits office as to how difficult that would be to track. As it is right now, based on our alternatives and preferreds, I believe it's going to be split. Roy.

DR. CRABTREE: Well, it seems to me that the cleanest way to do this is when we issue these endorsements, I mean they're based on their past landings history, and so is to say that, all right, now the landings history for black sea bass caught with pots are now attached to that endorsement; and if you sell that endorsement you're selling, all your pot fishing history is going with it. The hook and line is different; that stays with the snapper grouper.

That seems like the cleanest thing, but I am going to ask Jack McGovern if he would sometime before we come back to this in full council talk to Carolyn Sramek in our permits office, Jack, and see if we're making some unforeseen mistake with this and made sure that made sense. I just think if we let these landings histories get split among two different permits, it's going to create problems down the road.

MR. HARTIG: Roy, how did we handle the endorsement situation with red snapper in the Gulf; did we tie the catches to the endorsement if you transferred the endorsement?

DR. CRABTREE: There was 2,000 pound trip limited – I think it was a license called, wasn't it, in the Gulf and then there were the 225, and I think all of the qualifiers and all were based on those licenses; is that – they were licenses. Now don't ask me what is the difference between a license or an endorsement.

MS. SMIT-BRUNELLO: It's the same thing.

DR. CRABTREE: But I think all the landings histories were associated with those licenses. I think when we did grouper, that was just a reef fish permit, so the landings history was all associated with that reef fish permit. And then the other thing to think about with snapper grouper because of the two for one, we're going to have permits out there that used to be two permits. When the two for one occurred, I guess whoever owns that snapper grouper permit now gets credit for the landings history of both of the permits that used to exist? That's something else we need to think about.

MR. CURRIN: All right, we got a motion before us now to modify the language. The discussion we've just most recently had would require another motion to clarify our intent here, but let's deal with this motion that we have regarding valid or expired endorsements. **The motion is to modify Alternatives 2 and 3, the first sentence of each of those alternatives to read, "A valid or expired black sea bass pot endorsement can be transferred between any two individuals or entities that hold or simultaneously obtain a valid snapper grouper permit." Any further discussion? Any objection to that motion? I see none and that motion is approved.**

Okay what is your pleasure on dealing with this last issue about history and how that should be transferred? Roy's suggestion the cleanest way to handle it would be to specify that all prior black sea bass pot landings would be associated with the newly established endorsement. Bobby.

MR. CARDIN: Talking about the cleanest way, I don't understand why you wouldn't just let the history go with the permit the way it has been in the South Atlantic since '98. If someone

wanted to buy your endorsement, they just buy you out, buy your permit and your endorsement, and it would be cleanest to leave the history with the permit. The question is what is an expired endorsement? Is there going to be a timeframe like a year like a grouper permit or can it be expired for eight years? When does the expired endorsement just disappear?

MR. CURRIN: I can't answer that last question. I was under the impression endorsements would not be expired. I don't know whether they'll they have to be renewed every year or not. That's a question for the SERO office and it may just be some language problems there. But as to your first point, Bobby, I think we have had some discussions of that and there was some desire expressed for the fishermen to be able to retain his snapper grouper permit yet transfer his endorsement – sell and transfer his endorsement, but still retain it, so it would have to be associated with another snapper grouper permit but not necessarily the one that was initiated upon.

MR. CARDIN: Well, to that point, with the two for one and if you're transferring and the history goes with the endorsement, you could really stack up your landings and create a monopoly with the endorsement. It seems like if you left the history with the permits, it would be a lot more controllable as far as tracking the history of that permit.

DR. CRABTREE: So you're saying, Bobby, when I get my endorsement, then my sea bass landings are now attached to that endorsement; and I transfer my endorsement to someone else who has a snapper grouper permit, now all the landings history of that snapper grouper permit becomes attached to the endorsement; and if it got passed around a few times, it would get all those – yes, I think that's a problem.

MR. CURRIN: Well, I guess you could interpret it that way, Roy. I interpret it as kind of a one-time thing. We're setting up these endorsements, the prior history goes with those endorsements, and I don't see any mechanism for adding more history.

DR. CRABTREE: Okay, but if I have a snapper grouper permit that has some landings history of sea bass on it but it's not enough to meet the 2,500 pounds so I don't get an endorsement, so I buy an endorsement from another fishermen and now I've got his endorsement with all his landings history, yet I still own – and I put it on my snapper grouper permit, now I've got that landings history but I've also got landings history on my snapper grouper permit.

Now we come to a catch share, I get credit for all of that; and if I then transfer it someone else in the same boat, I could see how you would stack up landings histories that way. I'm not sure that's what we want to do. I guess an alternative way to do it is say we're going to issue these endorsements and they just allow you to fish, but the landings history is still with the snapper grouper permit; and so if you buy an endorsement you're just getting the endorsement that allows you to fish, but you don't get the landings history. I'm not sure what all the pros and cons of this are because I don't think we've really spent much time getting into the details of this.

MR. HAYMANS: So after a catch share program may be put in place; isn't that what you're doing when you're buying additional shares from somebody, you're just adding to your shares? That's just doing it before a catch share comes in place, right?

MR. CURRIN: Yes, I think you're right. Bobby, you have a comment?

MR. CARDIN: Well, that's the point. Some people are working their way buying permits and doing this kind of thing ahead of time and not telling – you know, fishermen, they don't know what is going on, and that is that people are stacking the deck and then come and say let's go catch share, let's go catch share.

A lot of us fishermen don't realize that is what some of these permit brokers are doing. In the Gulf, when the Red Snapper IFQ went into place, all of sudden those guys that bought permits that didn't even have any history with them because it was stuck with an endorsement – and, you know, just to have a fair and equitable level playing field we as fishermen know that the history goes with the permit and it just seems fair to the fishermen if it stayed that way, and it seems a lot simpler to understand the history is attached to the permit and not the endorsement.

MR. HARRIS: Just a question, Mr. Chairman, but there is nothing that prevents someone from buying a number of unlimited snapper grouper permits and stacking them that way right now, is there?

MR. CURRIN: Not to my knowledge. Roy.

DR. CRABTREE: You can't put but one snapper grouper permit on a vessel; so if you buy three snapper grouper permits you're going to put them on three different vessels, and then those permits still have those landings histories but you can't stack them on one vessel.

MR. CARDIN: Yes, sir, Duane, I can buy two for one and then go buy another two for one and two for one; I'm stacking it but now I'm doing what the two-for-one program was designed to do, to reduce permits.

MR. HARRIS: As Roy said, you've got to put them on different vessels so you're not reducing the number of vessels that are actually fishing. Well, the two-for-one, yes, but you've got to put a permit on a vessel, one permit per vessel, right? Okay, never mind.

DR. CRABTREE: I think this is the way Andy did this analysis, so you got a snapper grouper permit that used to be two snapper grouper permits, and what they did was take all the landings for both of those snapper grouper permits and sum it up, and so that then becomes the landing history for the new permit, and that's what was used to determine these qualifiers, right, Andy?

So I guess it's possible that two snapper grouper permits are bought and become one, then somebody buys that snapper grouper permit and another one, and they become one; I mean, you could in theory have multiple snapper grouper permits get united over time and pile up a pretty serious landings history, but I suspect that there aren't that many two-for-one transfers, and so I suspect that would be a seldom-encountered problem.

MR. CURRIN: Bobby, last comment.

MR. CARDIN: One last thing. But that's fine, that was the intent of the two for one to reduce the permits. So I have a Bobby Cardin permit; I can go buy your permit, put it right back on the same boat, put Bobby D. Cardin, and then I can go buy another one, put it on the boat and put Robert Cardin – you know, I can stack them that way, but I'm doing what council wanted was a reduction in the capability of the fleet, so I don't see no problem in doing that because that's what council intended.

MR. CURRIN: All right, what is your pleasure on this whole issue; how are we going to deal with the landings history and how they're going to pass forward, what are they going to be associated with? Roy.

DR. CRABTREE: Well, based on what I know right now I think the most straightforward thing to do is have the landings history remain associated with the snapper grouper permit and the endorsement just allows you to fish, but it doesn't give you the landings history. Now, I would like to ask Andy and Jack to really think this through and talk to Carolyn Sramek and we come back to this at full council. But based on my understanding right now I think that avoids the most problems.

DR. DUVAL: Just looking at the second sentence right now, which reads, "The endorsement and associated landings history of black sea bass can be transferred regardless of whether or not the unlimited snapper grouper permit is transferred," that doesn't require it. "Can" is not "shall".

MR. CURRIN: All right, I think Roy has got a good suggestion and let's let the staff dig into this a little bit more and think more about the implications and we will just revisit this at full council and make sure it's the way we intended. Roy.

DR. CRABTREE: I think if that's the way we go, we're going to have to modify that language, because that language seems to me to imply that the landings go with the endorsement.

MR. CURRIN: Yes, we will have to modify it, so let's think about it and get some advice and deal with this action at full council again. While we're moving to Action 5, I remind you we're scheduled to end this committee meeting at noon today. We'll be very lucky to do that, but please keep that in mind and let's try to move as quickly as we can without screwing something up. All right, Action 5, Page 18.

DR. CHEUVRONT: Correct, Action 5, Page 18, PDF Page 186, document page 135. Action 5 is to limit effort in the black sea bass pot fishery each permit year. Currently your preferred alternative is Alternative 5, require that each black sea bass pot in the water or at sea on a vessel in the South Atlantic EEZ have an attached valid identification tag issued by NOAA Fisheries Service. Limit the black sea bass pot tags to 35 per vessel each permit year. NOAA Fisheries Service will issue new identification tags each fishing year that will replace the tags from the previous year.

MR. CURRIN: Everyone okay with this preferred? No desire to change it; we'll move on.

DR. CHEUVRONT: One thing that we would just like to make sure is that we need to make sure there is clarification that we are referring to permit year throughout this and not just fishing year. There were in some of the other alternatives, besides Alternative 5, there were references to fishing year, but we really believe you mean permit year. The IPT would like to be able to make those changes in the alternatives.

MR. CURRIN: Everyone okay with that clarification?

DR. CHEUVRONT: Could we have a quick motion on that?

MR. CURRIN: How about a motion to use the verbiage for permit year in all the alternatives?

MR. HARRIS: So move, Mr. Chairman.

**MR. CURRIN: Motion by Duane to adopt the IPT's recommendation on Action 5; second by David. Monica.**

MS. SMIT-BRUNELLO: Brian, just so I understand this, the fishing year starts on June 1; so if your birthday is in October, although maybe the season doesn't extend to October so this isn't an issue, but if your birthday is in October, so you might have to change your pot tags partway through the year if we go with permit year, right?

DR. CHEUVRONT: I believe that these are all supposed to be issued at the beginning of the fishing year date and the permit year were all supposed to be the same, so everybody gets them starting June 1; but you should change – whenever the fishing is going to occur, then the permit issuance would also change at the same time. That was my understanding.

MS. SMIT-BRUNELLO: Well, the permits are issued on an individual's birth date month, so they're not all issued at the same time, so they're staggered throughout the year. What I will do by full council is I'll talk with folks back in the Southeast Region and make sure I have a good understanding; and then if it's any different than what you just said, we'll talk about it at full council.

DR. CHEUVRONT: That would be good because this suggestion came out of the SERO office, and I forgot who made the suggestion and so we need to –

MS. SMIT-BRUNELLO: Well, it's probably our permits person, Carolyn Sramek, but permit year to me is kind of a new thing we're throwing out here when we have been used to fishing year, so I want to make sure I understand it.

MR. CURRIN: Is it possible that recommendation was actually based on when the – well, no, the endorsement is going to be issued one time so it doesn't have to be renewed. Well, do you want to withdraw this motion then and we'll reconsider it at full council or do you want to pass it and then reconsider it? Let's table it.

DR. CRABTREE: I move we table until full council.

**MR. CURRIN: Motion by Roy to table the motion until full council; second by Charlie. Any objection to that motion? I see none; the motion is approved. Monica.**

MS. SMIT-BRUNELLO: Just real quick to something you just spoke about that I think I didn't address a little bit earlier; I think that the endorsements will be required to be renewed, but they won't have the time limitation attached to their renewability like the snapper grouper permit. For example, the snapper grouper permit, you have to renew it within a year or you lose it; and the endorsement will expire, but you will be able to renew it even in 18 months after it has expired; so just for the record.

MR. PHILLIPS: Is there a time limit on how long they have to renew an endorsement? I'm thinking of somebody – I don't want stuff lost in space. I'd like to know that there is time limit. If they don't renew it in some amount of time, that maybe it goes to a new entrant or something.

MS. SMIT-BRUNELLO: That won't happen unless you decide that's what you want. The idea behind that earlier suggestion of valid or expired is because the thought was if someone failed to renew their endorsement – let's say you had a year to review just like the snapper grouper permit – they failed to renew that endorsement within that year, then that endorsement is lost forever, so that's why the idea was hatched about having the ability the renew the endorsement even two years down the road. If you want some other kind of time limitation on it, then you'll have to put that on there.

MR. CURRIN: Currently there is not one. If that's the way you want it, we're fine. Charlie.

MR. PHILLIPS: I'm not sure what the normal renewal period is, but I would strongly like to see them need to be renewed. Is it like a year; is that normal like for rock shrimp or something?

MS. SMIT-BRUNELLO: For most of the South Atlantic permits, except for golden crab is six months, the rest of them I believe are a year to renew.

**MR. PHILLIPS: Mr. Chairman, I'd like to make a motion that the endorsements need to be renewed within a year.**

MR. CURRIN: Motion by Charlie that the endorsements should be renewed within the year; second by Doug. Discussion? Ben.

MR. HARTIG: It just seems to me that this whole thing would be easier that you renew your endorsement when you renew your permit. If you had that language, then there wouldn't be any question about how long the endorsement can be out there. It would be on the same timeframe to renew your permit – as your permit is; your endorsement as your permit. It seems to me that the easiest way to go.

MR. CURRIN: Is that a substitute motion?

MR. HARTIG: Yes.



MR. CURRIN: Substitute motion by Ben that endorsements should be renewed in the same timeframe as the permit. Go ahead, David.

MR. CUPKA: Shouldn't it be at the same time and not within the same timeframe because the permit is a year; so if you're talking about a timeframe, it could be a year, but I think Ben's intent was that it be renewed at the same time the permit is renewed.

MR. CURRIN: And I think that is what motion says.

DR. CHEUVRONT: And let's clarify that to be snapper grouper permit.

MR. CURRIN: Yes, you can do that if that suits the motioner. All right, Ben, does that capture your intent?

MR. HARTIG: Yes.

MR. CURRIN: Second by John Jolley. Roy.

DR. CRABTREE: So what you want is – so you have a snapper grouper permit that has an endorsement – when they renew their snapper grouper permit, the endorsement is automatically renewed along with it. If they wait more than one year and lose the snapper grouper permit, then they lose the endorsement, too.

MR. CURRIN: That's way this motion is intended and I think that deals with Charlie's concern that endorsements aren't hanging out there unexpired after some period of time – this time period is 12 months. Wilson.

DR. LANEY: I'm one of the few who is not on your committee, Mr. Chairman, but as a fly on the wall here, so if someone sells – and let's say they just renewed their endorsement, then they sell it to someone else who has a different snapper grouper permit, does that put the permits office in the position of then having to go ahead and renew that endorsement again? How is that going to work?

DR. CRABTREE: Well, I think the way we set it up is for you to transfer me your endorsement I have to already have renewed my snapper grouper permit. Once you transfer it to me, it is a valid endorsement that is now attached to my snapper grouper permit; and when I come in on my birthday, whether that's a week later or a year later, and renew my snapper grouper permit, the endorsement is automatically renewed with it. But if I don't pay attention and I let a year go by, which people do every year, and don't renew my snapper grouper permit on time and it has the endorsement on it, then it's lost and the endorsement is lost, too.

MR. CURRIN: Okay, everybody clear? Monica.

MS. SMIT-BRUNELLO: Well, I know we're supposed to end by noon, so I'll just say that by full council I think that we'll try to have ironed out, if this passes, what this means then to the

previous action, which stated a valid or expired black sea bass pot endorsement. We'll try to tie all that together and by full council have an idea of whether that needs to be changed as well.

MR. CURRIN: Yes, thank you, and I think if this passes it will have to be changed, and we'll need to bounce that off the permits office and make sure we're not creating a big plate of spaghetti here. Any further discussion on the motion?

**The substitute motion reads that endorsements should be renewed at the same time the snapper grouper permit is renewed. Is there any objection to that motion? I see none and that motion is approved and it's now the main motion. Any discussion on the motion? Is there any objection to that motion? I see none and that motion is approved.**

DR. CHEUVRONT: Okay, Action Number 6, implement measures to reduce black sea bass bycatch, PDF Page 194, document page 143. Currently your preferred alternative is black sea bass pots must be brought back to shore at the conclusion of each trip. The IPT would like for the council to give a little bit more definition as to what they mean by back to shore. Does that mean that the pots literally have to be on physical ground; can they be on a vessel tied up to a dock, but somehow we need a little more clarification as to what you mean by back to shore, if you choose to keep this as your preferred alternative.

MR. CURRIN: Well, my understanding of it would be that if they were on the vessel they would be fine. If they want to take them off and put them on the shore, that's fine.

DR. CHEUVRONT: But that would mean though that the vessel would have to be tied up if they were on the vessel, correct?

MR. CURRIN: Well, I guess somebody could live on the vessel but –

DR. CHEUVRONT: Or just out of the water; I mean what does it mean?

MR. BURGESS: You could be inside the boundary line, which is, say, the inlet or what would be considered inshore waters. When you return from the ocean and you are not in the ocean, you should have your pots with you. That's one way to look at that as crossing the boundary line, as they call that.

MR. CURRIN: The COLREG Line? Tom.

MR. BURGESS: But, of course, then again that would also be – you know, most people are going to the dock anyway so as soon as you get inside, that should be it, you've got your traps with you. If the Coast Guard is at the inlet and you come inside and you ain't got them, that's not good.

MR. CURRIN: So just for clarity, I'm under the impression that the COLREG Line is a line that is drawn essentially across the mouth of the inlet on the seaward side; is that correct?

MR. CUPKA: It varies.

MR. CURRIN: Does it vary enough that it can extend for as much as a mile offshore?

MR. WAUGH: Yes.

MR. CURRIN: It does; okay. Well, what do you want to do then? Roy.

DR. CRABTREE: Well, landing is defined in the Gulf regulations – this is under the red snapper thing, and landing is defined as landing means to arrive at a dock, berth, beach, seawall or ramp. I think what we mean is that at the time of landing all traps have to be either on board the vessel or ashore, but they can't be out in the water anymore.

MR. CURRIN: Yes, I think that's the intent; that's pretty good language.

DR. CRABTREE: And then the regulations also define the word "trip" as trip means a fishing trip regardless of number of days' duration that begins with departure from a dock, berth, beach, seawall or ramp and that terminates with return to a dock, berth, beach, seawall or ramp. I assume that's what we mean by "trip". I think if we word it that way and use those two – you know, at time of landing and then that definition of trip, it seems like we're covered.

MR. HARRIS: Okay, so let me understand this; a trip then concludes with a landing at one of those documented areas. However, if they don't conclude the trip but come back inshore, does that mean they can leave those traps out but just come back inshore for the night, but they don't land; they just anchor up? If that's the case, that's not what we want.

DR. CRABTREE: I think if they were to anchor at the inlet or just run inside the inlet and anchor up the boat and then go back out tomorrow, that would still be considered the same trip because landing did not occur.

MR. HARRIS: Mr. Chairman, that's not what we want because they're leaving those traps out and they're no longer tending them. They're coming back inside and those traps are still in the water. That's not the intent of this.

DR. CRABTREE: What is the difference if I go out there and I'm fishing and instead of coming inshore, so I anchor up offshore somewhere and sleep a while and then I go back to fishing my traps? Do you see what I mean?

I don't really know what the difference is in terms of where they – I mean, we're going to have to think about how to write it specifically to do that, but I don't know we're going to get around if they want to just anchor up and sleep some, and if they want to stay out two weeks before they come back in. Now, with the trip limit we have, I don't know what – assuming we go through with the trip limit, I don't see what incentive there is for anybody to do that, they're just going to lose money.

MR. HARRIS: Mr. Chairman, I just see a loophole if this is the way we leave this. There is a loophole in here about bringing the traps back to shore at night or bringing the traps back to shore at the conclusion of a trip. That definition that is in the code right now is a loophole to me.

MR. BURGESS: Roy brought up a good point because of the trip limits; and when you're unloading your fish I guess you're supposed to have your pots with you. So with the trip limits that we do have, running back and forth with the fuel like it is an everything and if it does become a problem, I'm sure we could – it seems like we could possibly address it in the future rather get bogged down on this at this time. I know I wouldn't do it.

MR. CURRIN: Yes, you would think assuming that we go through with trip limits, that there is not going to be a whole lot of incentive for somebody to run X number of miles back to shore and leave them out over night to catch a thousand, 1,500 pounds or whatever, but it could happen, I'm sure. All right, what is your pleasure here; we need to clarify this somehow?

MR. HARTIG: Just an example from the golden tilefish fishery, once we changed the fishery to how it operates now under the \$4,000 pound trip limit, once those fishermen can go and catch 2,000 or 2,500 pounds, anything over what a two-day trip would be, they're back into the dock because they don't want to give up the next possibility of catching 4,000 pounds that next day.

If you're sea bass fishing and you only catch 800 pounds for the day, you're going to come back to the dock and unload that 800 because you're not going to stay for the extra 450 pounds or whatever it is on that trip limit because the incentive is not there. You're going to be trying to maximize each trip that you can make in that fishery.

MR. CURRIN: Yes, that's what I would think as well. Roy.

DR. CRABTREE: Well, here is what the rule that we have says; it says, "A sea bass pot must be removed from the water in the South Atlantic EEZ and returned to a dock, berth, beach, seawall or ramp at the conclusion of each trip." Now, it doesn't specify how long the trip is, and I assume we're using the definition of trip that I read you.

I also think we ought to clarify that the traps, if they're on board the vessel when it comes into the dock, berth of whatever, that is okay. I don't think we want these guys to have to take their traps off the board. I don't know how to get around the issue you raised, Duane. I think with the trip limit, assuming that's the path we go, it's not going to really be a problem.

MR. HARRIS: Mr. Chairman, I would agree with that. I think if we impose a trip limit, it's unlikely that anybody is going to be able to violate the intent of this rule.

MR. JOLLEY: At the conclusion I think you could say black sea bass pots must be removed from the water at the conclusion of each trip. I think that's all you've got to say because you've got the other part that defines other things. Does that sound reasonable?

MR. CURRIN: Well, actually not because the definition of a trip is that it doesn't end until they're back at the dock or seawall or bulkhead of whatever according to Roy. Isn't that correct, Roy?

DR. CRABTREE: Yes, but I just don't see that as a problem because I don't think anybody is going to – with the trip limit, I don't see people abusing that very much. If people go out and

fish their traps for a while and they're tired and they sleep a little bit and then they go back and finish their trip, I don't if that's a problem so much, but I can't see anybody staying out there for an extended period of time, assuming we go forward with a trip limit. I don't know how to fix all of these things right now.

MR. CURRIN: Kenny just suggested maybe that the pots have to be on the boat when the fish are landed.

DR. CRABTREE: Well, I think that's effectively what it says right now because landing is defined as arriving at the dock, berth, beach, seawall or ramp, and we're saying that the traps have to be out of the water when you return to the dock, berth, beach, seawall or ramp, which is landing.

DR. CHEUVRONT: But that's not what the alternative that you have as your preferred right now says.

DR. CRABTREE: Right, I'm reading from the codified text in the rule.

DR. CHEUVRONT: Correct, so should we not then change the preferred alternative here to then match what the codified text would say or something very similar?

MS. SMIT-BRUNELLO: Or instead of changing the preferred alternative you can just define what "brought back to shore" means, and it can mean what Roy just read from the codified text.

MR. CURRIN: So perhaps a motion then to clarify the language in the preferred alternative to match with the language in the rule would be sufficient. Bobby, did you have something?

MR. CARDIN: Yes, sir, the AP supported council's preferred alternative, and we see a trip ends when you land, when you're tied to the dock, so, of course, when you're offloading you need to have your traps with you or just the conclusion of the trip.

MR. CURRIN: And I think that's where we're headed or trying to get there, anyway.

DR. CHEUVRONT: How is this for suggested language for the motion for somebody to make; clarify that brought back to shore matches what is in the codified text?

MR. CURRIN: I think that is everyone's intent; is that correct?

DR. CHEUVRONT: Since I'm not on the council, I can't make the motion.

MR. CURRIN: Who would like to make this motion?

MR. HARRIS: So move, Mr. Chairman.

**MR. CURRIN:** Motion by Duane to clarify that brought back to shore matches the definition in the codified text; second by Ben Hartig. Discussion? Any objection? I see none and that motion is approved. Roy.

DR. CRABTREE: Now Monica has brought up an issue with the definition of trip limit that I think we need to deal with. Monica, could you –

MS. SMIT-BRUNELLO: Sure, right now in the codified regulations that are in place and not just the proposed text that you have for this amendment – and that's 50 CFR Section 622.44, commercial trip limits. I'll read you the paragraph and pay attention to the first sentence, "Commercial trip limits are limits on the amount of the applicable species that may be possessed on board or landed, purchased or sold from a vessel per day.

"A person who fishes in the EEZ may not combine a trip limit specified in this section with any trip or possession limit applicable to state waters. A species subject to a trip limit specified in this section taken in the EEZ may not be transferred at sea regardless of where such transfer takes place and such species may not be transferred in the EEZ."

MR. CURRIN: I see no problem with that. In fact, I like it; I'm glad to know that because I was going to bring up an issue as we discuss trip limits in this fishery and all others that it has been reported that there were some people back in June that were running back-to-back trips and making multiple landings within a day. I like the fact that it's defined as a per-day limit as well.

DR. CRABTREE: Monica, if I go out on a two-day trip, I get one trip limit, but I'm still okay to have gone out on a two-day trip and bring that in? I mean, it's not saying I have to land within 24 hours. It's just saying that I go out on a three-day trip, I don't get three trip limits; I still have to abide by that one-day trip limit?

MS. SMIT-BRUNELLO: And I believe that's correct. I'll read through these regulations to make sure that there is no other exception somewhere.

DR. CRABTREE: I think it's okay.

MR. CURRIN: Yes, I hope that's the intent. If it's not, then we've got a real problem, carryovers and the like. Okay, so we're good; we passed that motion to clarify that language; everything good here, Brian?

DR. CHEUVRONT: I believe so, Mr. Chairman. The next action is Action 7, PDF Page 198; document page 147, to modify accountability measures for black sea bass. Currently the council has no preferred alternative. Alternative 1, no action, is that if the commercial ACL is met or projected to be met, all subsequent purchase and sale is prohibited and harvest and/or possession is limited to the bag limit for the species covered by that ACL.

Recreational is if black sea bass is overfished and the sector ACL is projected to be met, prohibit the harvest and retention of the species, compare the recreational ACL with recreation ACL with recreational landings over a range of years. For 2010 use only 2010 landings; for 2011 use

average landings for 2010 and 2011; for 2012 and beyond use the most recent three-year running average.

If the ACL is exceeded, independent of stock status the Regional Administrator shall publish a notice to reduce the sector ACL the following season by the amount of the overage. Alternative 2 is remove the three-year running average provision used to determine the recreational ACL overages.

The recreational accountability measure would be if black sea bass is overfished and the sector ACL is projected to be met, prohibit the harvest and retention of the species. If the sector ACL is exceeded, independent of stock status the Regional Administrator shall publish a notice to reduce the sector ACL in the following season by the amount of the overage.

Now, there are a couple of things that are here that are not necessarily consistent with the Comprehensive ACL Amendment. For example, under Alternative 1, no action, under the recreational accountability measure, there is a sentence that says, "If the ACL is exceeded, independent of stock status the Regional Administrator shall publish a notice to reduce the sector ACL in the following season."

I believe in the Comprehensive ACL Amendment that the next season's sector ACL would be reduced only if the stock was overfished. You might want to consider whether you want to make that language parallel to what you have in the ACL Amendment, plus there are several other issues here that you might want to deal with.

DR. CRABTREE: Well, I think the one that concerns me the most is it says if black sea bass is overfished and the sector ACL is projected to be met, prohibit the harvest and retention of the species. Now, black sea bass now is no longer overfished, so I don't believe we have any in-season closure authority for recreational black sea bass anymore, but we do have a payback in place.

That means if we hit the ACL next year, we're going to let them keep on fishing the whole rest of the year and then we're going to make them pay it back the next year, which is not anything we want to have happen. I think what we have is in the – we saw this coming before we sent the DEIS off and we added a third alternative to fix some of these things.

I think what we need is we need to retain in-season closure authority for black sea bass regardless of status. I would advise you we need to retain the paybacks for now at least regardless of status. Then the other problem we have is we don't have a payback in the commercial fishery yet.

As we saw with vermilion snapper the other day, there is the potential we could have an overrun and I think we probably ought to add a payback from that. Brian, do we have the language from that third alternative somewhere that we could put up on the board?

DR. CHEUVRONT: We do have the DEIS somewhere, but it is going to take us a minute to pull it up.

MR. CURRIN: Yes, that was good catch, Roy, and it concerned me when I found out about it and realized that with the status change that we were not going to be implementing in-season closures. I think it scared everybody, Roy. Monica.

MS. SMIT-BRUNELLO: Brian, it's on PDF Page 186 in the DEIS.

MR. CURRIN: I appreciate the catch by you or your office or whoever found it and having the foresight to include it in the DEIS. We'll get this language up and let everybody look at it; and if that covers at least on the recreational AMs our intent, then we'd need a motion to add that.

MS. SMIT-BRUNELLO: And just for clarification, this alternative wasn't in the public hearing document of the council; and since NEPA is a federal statute, the Fisheries Service has authority I believe to put this in the DEIS, so the public has the ability to comment on this particular alternative. It's in the DEIS.

It would be up to the council to decide whether you want to put that alternative from the DEIS into your council documents, just it's clear. And the DEIS, I don't know that we talked about this, but it's out for a 45-day public comment period. It has been published and it's available to the public; so if you choose to add this alternative in there, it has got public comment period available to it right now.

MR. CURRIN: Everybody take a look at this; and if it meets with your approval, then a motion from the committee to add Alternative 3 would be appropriate. Michelle.

DR. DUVAL: I would so move. I'm very supportive of this. I do think that we need paybacks regardless of stock status. There is no reason to not have some in-season closures when we know that the ACL is going to be met. Again, the fishing community will be paying for that if we don't have this in there.

MR. CURRIN: Motion by Michelle and a second by Roy. Further discussion?

DR. CHEUVRONT: Would you like to make that your preferred as well?

**DR. DUVAL: I move that Alternative 3 be added and be the committee's preferred alternative.**

**MR. CURRIN: And second by Roy. Further discussion on the motion? Any objection to that motion? I see none; that motion is approved.** Roy also raised the issue of no paybacks in the commercial fishery. It's in there as well; okay. All right, ready to move on then.

DR. CHEUVRONT: Action 8, which is on PDF Page 203, document page 152, is to establish a spawning season closure for black sea bass. Currently you do not have a preferred. The different alternatives that you have up there; Alternative 1 is no action, no spawning season closure. Alternatives 2 through 5 are different combinations of months between March 1 and May 31<sup>st</sup>. The Snapper Grouper AP made a motion that the council should consider spawning



season closures by region until the stock is rebuilt, but that was the basic advice that the council has been given.

MR. CURRIN: Anything you want to add, Bobby?

MR. CARDIN: There are AP members that feel spawning season closures could be very helpful. There is the idea that maybe in different areas they just spawn at different times. I myself wasn't aware of the fact that is no – according to what we heard yesterday no biological benefit or no proof of any benefit with a spawning season closure in the sea bass. I'll just say the AP supported some type of spawning season closure, but I don't think we had that information at that time.

MR. CURRIN: And that's true, that was kind of news to me as well when that came up. I think someone from the SSC said I guess based on some analysis of some research that there is no indication that black sea bass aggregate to spawn, so there might not be that much bang for your buck by having a spawning season closure. But, the AP has been pretty persistent in promoting spawning season closures as management measures that have benefit for the stock, potential benefit. Charlie.

MR. PHILLIPS: Well, to move us along, because of what the SSC said that we really don't get much bang for our buck; two, they spawn at different places in different times; and, three, there is not really spawning aggregations, and we're going to have short seasons no matter what we do, I think probably the quickest, cleanest and easiest thing to do would be move for Alternative 1 to be our preferred and just go on. If we need to add a spawning closure later, then do it at that time.

**MR. CURRIN: That's a motion by Charlie to select Alternative 1, no action, on Action 8, the spawning season closure for black sea bass; second by John Jolley. Discussion? Michelle.**

DR. DUVAL: I was interested in the concept of having regional spawning closures. I was going to ask if there was perhaps some additional information that we might be able to get with regard to what might be appropriate for regional spawning season closures at a future time, but was also a little surprised to hear what the SSC said about the spawning season closure. Again, it doesn't really seem like we're going to get much out of it at this point.

MR. CURRIN: Yes, and I think we had some of this discussion before. If we thought we were going to get something out of it such as the season might last that long and into that season, it certainly would be a good idea, but I don't think it's something that we need to implement today necessarily.

As far as your comment, from what we heard in putting this amendment together, I believe off of Florida – somebody correct me if I'm wrong – that there evidence of spawning of black sea bass into February. It begins around February or peaks in February, I don't recall, and then progressively, as you move up the coast, it comes a little bit later and later with lots of overlap. Potentially if we move in this direction, then we could do as the AP suggested and set those

seasons differently up the coast. Any further discussion on the motion? **Objection to the motion? I see none and that motion is approved.**

DR. CHEUVRONT: Moving right along, Action 9, establish a commercial trip limit for black sea bass, PDF Page 215, document page 164. Your current preferred is to establish a 1,250 pound gutted weight or 1,475 pounds whole weight trip limit. The Snapper Grouper AP preferred Alternative 5, to set it at 1,250 pounds. There were some comments about setting it perhaps even a little bit lower and then trying to cut off the pot season once 75 or 90 percent of the quota was met, but that I believe was discussed in Regulatory Amendment 9, and the council chose not to do that sort approach.

One of the other things I think I need to bring up here is that the SEP – the social and economic folks from the SSC did not support a commercial trip limit at all. They said that it was economically not advantageous because of the increased trip costs; that if somebody was fishing and they could catch more fish, that it was actually going to end up costing them more money if they had to come back in and go back on a separate trip. They said economically they couldn't see any reason to do this; but if there were biological reasons or social reasons and the council wanted to consider it, then that's what they should do.

MR. CURRIN: Okay, everybody got to see Andy's analysis yesterday and some idea of what various trip limit levels would do as far as – projected to do as far as extending the season. I think it was, what, the difference between a thousand pounds, Alternative 4 and Alternative 5 was two or three weeks, best I recall. Anybody remember differently. Andy is nodding yes.

DR. CHEUVRONT: I think it was ten days or something like that.

MR. CURRIN: Yes, ten days to two weeks, something like that. What is the desire of the committee? We currently have a preferred of Alternative 5, which is 1,475 wet weight. Tom.

MR. BURGESS: Due to the fact that we've changed our preferred on the number of boats that will be in the fishery, that it seems appropriate at this time to select Alternative as the preferred.

MR. CURRIN: Is that a motion by you, Tom, to change our preferred?

MR. BURGESS: Yes, it is.

**MR. CURRIN: Okay, is there a second for that motion? Second by Ben Hartig. Discussion on that motion? Is there any objection to that motion? I see none; that motion is approved, Alternative 4, which would establish 1,000 pound gutted weight; 1,180 wet weight trip limit.**

DR. CHEUVRONT: You have Action 10, which is to modify commercial and/or recreational black sea bass size limits, PDF Page 225, document page 174. You have three alternatives. One is no action, do not change the current size limits, which is currently 12 inches total length for the recreational sector and 10 inches total length for the commercial sector.

Alternative 2 is to modify the recreational size limit, and that is to increase the size limit from 12 to 13 inches. Alternative 3 is to modify the commercial size limit. Subalternative 3A is to increase it from 10 to 11 inches; 3B is 10 to 12 inches; 3C is from 10 to 11 inches in Year One and then to 12 inches in Year Two onwards. The council does not currently have a preferred.

I wanted to put out there that there may be some market issues that may be associated with increasing the commercial size limit based on where some of the fishermen can sell some of those fish based on the different sizes; so changing the commercial size limit may have an impact on salability of the fish.

MR. CURRIN: All right, what is your pleasure here, folks? We did hear from some of the recreational folks that they thought increasing the size limit would certainly be acceptable. It looks like it gives us an estimated reduction in harvest going to 13 inches at 7 percent release mortality of 20 or 21 percent, so that is going to extend the season somewhat. Tom Swatzel.

MR. SWATZEL: A couple of things; I think it's going to be difficult to get a buy-in on the recreational side to get 13 inches unless you also increased the commercial by one inch. I guess my concern about recreational is where will we end up this coming year concerning the closure? And is it possible to do an analysis to find out if you went to find out if you went to 13 inches, based on this year and when the fishery should have closed, when would it close next year? I think that would be useful information to know in terms of the benefits you gain by increasing that 13-inch size limit.

MS. McCAWLEY: In the SSC report I saw that changing the commercial size limit, that the traps might have to be reconfigured. I was just wondering if we could get some clarification on that.

MR. CURRIN: I think Tom can probably shed some light on that.

MR. BURGESS: Yes, it seems that a full 2-inch trap would do a good job in culling the 11-inch bass or culling the fish to 11 inches. I think the optimum size for a 2-inch trap would be 10-3/4 inch bass with the work that we've done on that, so there would some more culling involved. When you go to 12 inches, we would have to do more work on that to get it to 12 inches.

I think if we went to 12 at this time there would be a tremendous amount of discards and discard mortality would increase quite a bit. I think if we went to 11 we could do a pretty job. Culling would increase, but maybe not too much, and I think the industry might not feel it too bad due to the amount of fish, the time we haven't for so long commercially and possibly phase in the 12 inches over an extended period. I think going to 12 inches the next year would just be a little too much. I don't think we'd have enough time to do the research to accommodate that.

DR. CRABTREE: To Tom's question, yes, we could do an analysis to look at this. Now, you already have a table there that estimates a 20 percent reduction in harvest. To the extent that's actually realized, this should extend the season by 20 percent. The question is, is that real? What I've seen in the Gulf of Mexico with red snapper recovery is the size limit has become

largely irrelevant because nobody is going to bring in small fish because it's so easy to catch really big fish.

I don't know where we are with sea bass, but if every recreational fisherman can easily catch a 14-or 15-inch sea bass, I don't think they're going to worry much about bringing in the little ones because they're going to want to catch the bigger ones. Now, with respect to next year's sea bass season, we're getting close to the point where it's going to become like Gulf red snapper, which means we aren't going to get any catch estimates before when we think the season is going to close.

If the season gets much shorter, we could be in a situation where we announce the closure date before the season even begins because we aren't going to get any catch data before we get there. Part of what got us in trouble this year is we were waiting to get some actual data but then when we got the data we saw that we should have already been closed by now. I don't know if we're going to get to that or not.

Then the last comment on the different size limits in the commercial and recreational fisheries, yes, that's probably a perception issue that you have to deal with. I can tell you in the Gulf with red snapper we have a 16-inch size limit in the recreational fishery and a 13-inch size limit in the commercial fishery.

That was done to try and keep the recreational season open longer, but we didn't raise the size limit in the commercial. We in fact lowered it to deal with discard issues. There was a lot of complaining about that when we first did it. The recreational fishermen were complaining that the commercial guys will clean everything out and they won't be able to catch anything.

None of that came to pass. The fishing got great, everybody is catching big fish. I don't ever hear anyone complain about it anymore. That issue was a big deal when it first happened, but none of the concerns people brought up ever really materialized and it just kind of went away. I don't know if that's going to happen in this fishery or not, but my experience has been as these stocks recover and as big fish become abundant the size limit becomes largely irrelevant because people want to bring in these bigger fish.

MR. CURRIN: Yes, keep in mind Otha's comments yesterday or at least last year I think there were some enforcement actions that found a number of undersized black sea bass in particular. I don't know how common that is though, Roy, and I don't disagree with you. I think it's pretty much human nature. Ben.

MR. HARTIG: I don't think industry is opposed to doing this if you did it with studies that showed what would happen. Right now most of the sea bass are getting released at depth, so we're not having fish pulled to the surface. Most of them, anyway, they're getting out as the trap is coming up or at the bottom so you're not having that release mortality now, which is a really good thing.

Now in sea bass, as they get older there is an ontogenetic shift in the body shape. The head gets bigger and it's going to be harder to get a larger fish through a mesh size. Those things I don't

think you couldn't overcome them, but you would need some time to deal with the different problems that arise and what mesh sizes you would have to use to deal with this issue.

MR. HARRIS: Mr. Chairman, we also heard at the public hearings the inequity that exists between the size limits for commercial and recreational is unfair to the recreational fishermen. I would like to see us go over time to a 12-inch minimum size for the commercial sea bass fishermen, which is Alternative 3, Subalternative 3C. I'm just going to throw that out. I'm not going to move it right now, but that's what I'd like to see us do.

DR. CRABTREE: Well, I want to comment on that fairness issue; but on the other hand if the reason for raising the size limit is to extend the recreational season, it seems unfair to the commercial guys to say and so we're going to raise your size limit, too, we can extend the recreational season because we've got a fairness thing. So, you know, I think it depends on the rationale behind what we're doing.

If we're raising the size limit for biological reasons, then I might agree with you that there is some fairness issues there, but if the main reason for raising the size limit is to have the recreational fishery fish a little bit longer, then it's not clear to me that the commercial guys should be pulled into that.

MR. HARRIS: That was not my thought process at all, Roy. In fact, I'm looking at Table S-15. It suggests that if the commercial minimum size is 12 inches, then it may extend the season for the commercial guys by some 32 percent. That was really the equity issue as well as the extending of the season for commercial guys are my main reasons for throwing that out.

DR. DUVAL: And just to the table that Duane is looking at, it's my understanding – I think those release mortalities would not be applicable because the research that has been done has been done for the 10-inch fish at this point. I'll let Tom Burgess speak to that; but just based on some of the research that Jeff Buckel and Paul Ruderhausen have done, I think that you would not be able to apply the zero and 1 percent discard mortality rates immediately to that 12-inch fish is what I'm saying.

MR. SWATZEL: I would like to offer a motion to adopt Subalternative 2A and Subalternative 3C as our preferreds.

MR. CURRIN: Motion by Tom Swatzel to select Subalternative 2A and Subalternative 3C as our preferred; second by John Jolley. Discussion? Duane.

MR. HARRIS: Mr. Chairman, the only reason I don't like the motion is because of the increase of the recreational size limit from 12 to 13 inches. I don't have any problem with increasing it; it's just the equity thing. Eventually we'll get the commercial guys to 12 inches if this is adopted, and I would think that would be fine. I don't think the recreational fishermen that I've heard from have any problem going to 13 inches. I don't know that that gains us very much. I'm not going to vote against the motion, but I've got those issues with it.

MR. CURRIN: Well, I think it's going to gain us about 20 percent, which is significant. Although I agree with you, Duane, in principle and the folks that spoke the other night, I think it's a philosophical issue as much as anything, the parity thing, and I think it's worth striving for, but I think there are situations that dictate that you vary from that somewhat, and to me this is one of those. Seeing that potential increase in the season for the recreational folks makes me in favor of the 13-inch recreational size limit. Doug.

MR. HAYMANS: Mr. Chairman, I think that I would to speak against the motion basically because of the recreational aspect. We just went to 12 back in '06/'07 and caught a good bit of flack back then about going to 12. I know 13 we say gets us 20 percent; but backing up what Roy said, just a raw look at our data shows that 48 percent of our fishermen bring in 13 inch or better fish, anyway. At least from the Georgia perspective, I don't know that I want to go to 13 just yet, and I'd rather see it be part – and then we talk about bag limit reduction and cutting out, I think I'd rather see us get on down the road another couple of years past '16 and then look at it.

MR. PHILLIPS: Mr. Chairman, I'm concerned about the 12-inch total length on two years; because if I heard Tom right, they don't have the research to know what they have to do to do that. I think we're going to look at this in two years, anyway. We're stuck at our ACL for two years. I'm thinking this would probably be better looked at when we relook at it again and then we'll know where we are and have the research and go there.

DR. CRABTREE: Yes, I have that same worry I think because we set those meshes up to not have discard issues in the trap fishery, and I think 11 inches might not create a problem but 12 might. Tom, what is the pricing differential; how much is a 13-inch or a 12-inch bass worth per pound relative to a 10 inch?

MR. BURGESS: Twelve inches is about half of your mediums and so we'll be gaining, due to the style of the fishery we have now, would be approximately – I think it was about fifty cents a pound or sixty cents a pound, so we would lose half of our mediums if we went to 12 inches, so it would be an increase in price but not substantial; not a black and white increase; not a double or anything near that.

DR. DUVAL: In terms of the parity and sizes, I know in the Mid-Atlantic we have different size limits – and Red can correct me if I'm wrong for black sea bass between the recreational and commercial fisheries – I know in North Carolina the recreational black sea bass size limit is 12-1/2 inches right now and I want to say, okay, yes, it's an 11-inch size limit for the commercial fishery, so I guess the inequity is in existence in multiple places.

MR. HAYMANS: I apologize if I missed this while reading, but if you do a two-year commercial step-up increase and fishermen actually were to go to 11 first; doesn't that require two different traps sizes or mesh sizes? They may self-regulate and go straight to 12.

MR. CURRIN: Yes, I think that's what I heard Tom say, that his full two-inch pot right now, which is not a requirement but some of the guys use anyway, does a fair job of culling 10-inch fish. There are still some that are caught that would have to be discarded, but to go to 12 would

require entire pot configuration with different mesh size is my guess, and I'm not sure anybody has looked at that closely. Red.

MR. MUNDEN: Mr. Chairman, just to follow up on what Michelle said, our commercial size limit for black sea bass north of Hatteras is 11 inches, and that's primarily because a lot of the black sea bass are caught as bycatch in the summer trawl fishery, and that fishery is limited to a mesh size of 5-1/2 inches throughout.

We did increase the black sea bass recreational size limit to 12-1/2 inches for this year because in 2010 North Carolina and a number of the northern states went over their recreational allocation, so we bumped it up and also put a midsummer closure for the black sea bass recreation fishery, but I expect next year it will go back down to probably 12 or even 11 inches for the recreational fishery.

DR. CRABTREE: I guess I would be more comfortable with this motion if we raised the commercial limit to 11 and instead of having it go up to 12 automatically, if we put in there that the council is going to review discards, et cetera, and then consider going to 12 inches, because I'm just worried we're going to end up with discards and unanticipated problems with it. I don't know if that's something you folks would consider or not.

MR. CURRIN: You could offer a substitute motion to select 3A and that would do that and not preclude the council from looking at it in the future. Tom Swatzel.

MR. SWATZEL: I would be willing to modify my motion to reflect that if the seconder is willing.

MR. CURRIN: John, is that okay with you?

MR. JOLLEY: Fine by me.

**MR. CURRIN: Okay, so the motion now is to select Subalternative 2A for the recreational measure and Subalternative 3A as preferreds, and that would move the recreational to 13 inches and the commercial guys to 11 this year with the idea that we'd look at it in a few years. Roy.**

DR. CRABTREE: Yes, and I think we indicate our intent to review – after we have a year at 11 in the commercial fishery to review discard information, et cetera, and consider an additional increase at that time.

MR. CURRIN: We might capture that language, Brian, as the council's intent that we look at boosting that within a year or two is what I heard from folks earlier to look at the feasibility or raising the commercial size limit to 12 inches in the future. Further discussion of this motion?

MR. CUPKA: I just wanted to comment because I remember years ago we went round and round on this before, and one of the things to consider is the fact in the commercial fishery that

the wire that was available then, and I assume it's the same wire that is available now, did a nice job on culling.

That wire is available commercially, but if you start increasing the size the only way you're still going to be able to cull that in the trap is if you get a different wire mesh, which means that the people who produce that mesh are going to have to change the way they produce it, and I'm not sure there is going to be enough demand considering the size of this fishery to have a wire manufacturer change that mesh size on the wire.

That was something that we considered before when we looked at this. And if you don't get that culling, then you're going to increase your mortality I think. If you aren't able to cull these things naturally through the mesh size, then you're going to increase your release mortality somewhat. We've been this route before. I think Tom indicated that you could probably go to 11 without too much trouble, but if you get much beyond that you're going to start running into some problems.

MR. BURGESS: Yes, we have ideas about how to address that, David, and I think we're going to do some research on that ASAP to try to accommodate the 12-inch bass.

MR. CURRIN: Further discussion on the motion? **All in favor of the motion raise your hand, please, 8; all opposed, 3 opposed. The motion is approved then.**

DR. CHEUVRONT: One of the things that the council had done previously and took out of this document was a discussion of changes in bag limits, and there is at the end of this document the previous action that the council had considered on bag limits. At the time that was done, the council didn't know about what the recreational closure and all was going to be.

We don't know if the council would like to consider bringing that back as a possible action into this document. If so, fine, we'd be prepared to do that. The analysis has already been done for this. We'd just like to give the council another chance to decide whether they really want to leave this action out of the document altogether or consider bringing it back.

What Myra has projected here is what had been taken out previously, which is Alternative 1, which was no action, not to modify the current recreational five-fish bag limit for black sea bass. Then Alternative 2 was to reduce the recreational bag limit. Subalternative 2A is five to three fish; 2B is five to two fish; and Subalternative 2C is five to one fish per day – as ways of possibly extending the season. We don't know if the council would like to consider that this point, we thought maybe you might want to have the opportunity to have a quick discussion or longer if you choose.

MR. CURRIN: Thank you, Brian, and Gregg checked with me beforehand since this had been removed, and I said, yes, in view of the circumstances we at least ought to bring it back for consideration. Take a close look at Table 4-27; that gives you on the far right-hand side the total bang for your buck, if you will, for the various reductions.



People I have talked to said, yes, we ought to consider everything we can to extend the season; but as you can see from that table you really don't get a whole heck of a lot. Again, the people I've talked to said, "Yes, I could probably stand going from five to four", but I've seen not much support for going below four.

We've still got a lot of people that aren't real happy about it being as five as we heard throughout the week here. But it is before you; if there is some desire by the committee or the council to consider a bag limit, it will offer us some additional season. I couldn't tell you much, but you can estimate by the percentages there. Tom Swatzel.

MR. SWATZEL: This is one of those issues of which I think there is zero support for from the public. I didn't get any comments from anybody willing to decrease it below five.

MR. CURRIN: Yes, I asked a handful of people that talked to me and the two that I recall said, yes, maybe to four would be okay, but again that doesn't give you much. Roy.

DR. CRABTREE: Well, a couple of things to bear in mind, though; as this stock recovers – and right now I think it's recovering rapidly, so as it recovers and the fishing get better, more people are going to limit out. This could underestimate the effectiveness of the bag limit reduction because it will have more effect as the stock recovers and more people are able to limit out.

It also probably understates the impact of it because of the size limit increase you had, because five fish at a 13-inch size limit will weigh more than at a 12-inch size limit; so reducing that one fish at 13 is going to reduce more pounds than it did at 12. My point is – and I can't tell you by how much, but I suspect this understates the impact of the reduction.

MR. HAYMANS: But we are going to numbers and doing away with whole weight or gutted weight on the ACLs, right?

DR. CRABTREE: I think what we did is kind of tabled that until we figured things out. As you go to numbers, if the fish get bigger, then the number of fish you're allowed to catch is going to go down to stay within the assessment. We've been through this in the Gulf and never have made the jump, but it gets complicated by those things. I don't think at this meeting – we talked about it but remember we took that out of the motion. I think we've asked to look at going to numbers, but we haven't made that decision yet.

MR. WAUGH: In terms of evaluating this, the way we presented it to the public was looking ahead at what is going to happen next year and then, of course, the following year. I think it would be helpful for us to understand how the quota is going to be tracked this coming year and are we going to have to account for the overage?

The projections we had and the ones that were shown and I think that we used for Alternative 4 incorporated a 50 percent overage. The thought was there that you're accounting for the overage during this year in your estimate of what the catch could be next year. What we've done now is we're not changing our ACL; we're keeping the ACL where it was before.

Does that mean we need to calculate the overage this year and apply that to adjust the quota for next year? That's one question. Then the other is are we going to project ahead based on the recreational catches or are we going to wait until we have the catches in hand? Looking at the catches this year and we would expect them to be even higher the next fishing year, some reduction from the size limit but not a lot, and we will have exceeded the existing ACL by the end of August. That's the real impetus is how we presented this issue of looking at a bag limit. We recognize that nobody likes a bag limit, but are you going to be more happy with a low bag limit and a fishery or a higher bag limit but no fishery?

MR. CURRIN: That's well put. Roy.

DR. CRABTREE: Well, I think the issue Gregg raised, number one, with the overage incorporated into the projections and the payback is something we just haven't addressed as the council, and we didn't address it in our AM. I think we need to address it and clarify it in this amendment as to how we want that to happen. It seems to me if you factor the overage into the projections and then you make them pay it back as well, you are in effect doubly penalizing and doubly paying back the overrun.

Now, when you pay it back by taking it off the next year, you're getting done with it all at once. When you factored in the projections, I think you're sort of averaging out or smoothing it out over a number of years; but the fact is the overage is incorporated into the projections we have now and so I think you could clarify in here that when you have new projections done that factor in the overrun, then the payback doesn't apply, and the payback applies when there aren't new projections done that factor it in.

I think you can clarify the intent of your AP in this document and then that's what we would do. Now, as to Gregg's other question, if we think this fishery is likely going to close in late August and then we open June/July, we're probably going to get the recreational catch estimates in mid to late August, Andy, so that's going to make it difficult for us to wait to get any catch estimates before we make a closure decision. We're right on the edge at when you've just got to do the whole thing based on projections.

If we do it based on projections we will, before the fishery opens, look at the catch rates from last year, whatever changes we've made to all these things, and we would just project when we think it's likely to be closed, and we would announce that closure date. I think probably that's what we're going to have to do next year. It might be possible that we could get the landings for June – and that's what we're talking about.

If we wait all we would get would be the June landings and then close. I'm afraid that's going to be problematic with the current turnaround. I think odds are we're going to end up just projecting the closure date and closing the fishery down. But I do think you need to clarify in this document what your intent is with these paybacks. It does seem to me – and we're basing it on 150 percent caught last year, I suspect the overrun is not going to be that severe, Andy. Yes, so I think we have a reasonable case that it already is factored in and we don't need to it for next year.

MR. HAYMANS: Roy, just to clarify, so taking this year as the example, you could right now say we're going to open a season for black sea bass June and July of 2012 and close; wait until September 15<sup>th</sup> for those landings to come in; and then set a second season to reopen to catch the remainder if there is some there, right, basically creating the split season.

DR. CRABTREE: There is a general provision in the regulations that allows us to reopen a fishery if we determine the quota was not caught; so if we some time early next year decide we're just going to have to do the projection, then we could publish a notice in the Federal Register before June 1 saying that the closure date based on our projections will be this. And then when we get the catch estimates later in the year, I guess we could look back and if it looks like they didn't catch it, potentially reopen. The problem is, is by the time we got – say we let them fish June, July and August, then we would be into November when we get the landings estimates through August –

MR. STRELCHECK: In October.

DR. CRABTREE: October, and so we could potentially at that point say we're going to reopen the fishery in December or something like that. Yes, because it's a June 1 fishing year, so we could reopen it later on. I can tell you with the commercial fishery that won't be straightforward because if I said I was going to reopen the commercial fishery and if it's in right whale season, they would probably tell me I have to write a biological opinion to do that.

MR. HAYMANS: But odds they're going to be closed in six weeks, anyway, if they catch the same way they did this year.

DR. CRABTREE: And they shouldn't have a big overrun. The potential for a big overrun is more on the recreational side, so, yes, if we found out that they undershot the quota, then we would reopen the fishery for some period of time. We have done that on at least one occasion with the Gulf red snapper recreational fishery. We have done that on any number of occasions in the commercial fishery.

In fact, remember the year before last we reopened the black sea bass commercial fishery in December and gave them another ten days I think or something like that because they hadn't caught their quota.

MR. CURRIN: And that went over. Duane.

MR. HARRIS: Mr. Chairman, I hear what Gregg says about reducing the bag limit, but I can't support a reduction in the bag limit at this point time. We just went from 15 to 5, and I think we need to leave it at 5 for a while and see what happens, see when we catch these fish and just hope for the best, but I can't vote to reduce the bag limit now.

MR. CURRIN: To me there is a lot of appeal in Roy's suggestion or indication that he may have to announce a closure the same time we open the fishery. It's not appealing to me because of the circumstances or the result, but it's more appealing than letting it run over and the next year surely he is going to have to do that; and not only will he have to do it, but the season is likely to

be much shorter to accommodate the paybacks; so instead of June, July and August it may be June and July. I don't know, none of the circumstances are wonderful, but that kind of makes some sense. Doug.

MR. HAYMANS: So I guess I was thinking more along the lines of some of the discussions that we've had of a set short early opening, June/July, and closing, but we can take that up in March, right? I mean, we can decide to give Roy that direction if we want to in March, yes?

MR. CURRIN: Well, that's his call on how to manage that fishery. We could give him direction, and I don't know that it would have to be done today. Roy can respond.

DR. CRABTREE: We're talking about reopening potentially?

MR. HAYMANS: Well, as much the duration of a first half and not so much in that when the quota is met, as opening June/July and closing, and then you wait and see what those landings come in as June and July and then you open late winter with whatever remains; not closing of the quota.

DR. CRABTREE: Well, I can't just say we're going to close it in July and then wait and see what happens. I have to do a projection that shows that is when the quota is going to be caught. I can do a projection – because that's my authority is to close the fishery when the ACL or quota is caught, so I can do a projection that shows that's the closure date, and then I can share that with you if we have a council meeting that allows me to do that, and then that's what we'll have.

Now, if we then determine the quota wasn't caught and we're going to reopen, if timing allowed me to, I would come back to you and say when do you want to reopen, because we would have some discretion in determining when to do that. The problem is we only have four council meetings a year, and I may or may not be able to do that in which case I would consult with some of you, but we'd just have to make a decision.

If you wanted to give me guidance in advance that if we ended up in a situation where there were fish left over when you think the optimal time to reopen is, and then I know in advance what your preferences might be. Otherwise, I think what I would do is if I discovered there was an underage and we hadn't caught the quota, I would probably reopen as quickly after that as I could and let them go catch the rest of the fish.

MR. HAYMANS: I'm looking at trying to have some sort of recreational fishing season in late winter or early spring, so I would say guidance is if there was quota left, to hold it until later in the fishing year and not just immediately reopen.

DR. DUVAL: I think for the recreational season – again, I'm bringing in the Mid-Atlantic here, but we did have recreational season closure. It was like a split season for black sea bass north of Hatteras this year and just looking at the – and part of that was because we have state-by-state quotas and we're able to do that.

We had to have that season closure in order to meet our necessary reduction I think from the overrun from the previous year. But just looking at the Mid-Atlantic Council regulations, they had split up their season for recreational black sea bass. I'm sorry to put you on the spot, Red, but I don't know if you want to speak more to that or what. I'm just throwing it out there as there is precedent for something like that.

MR. CURRIN: Yes, and I think we're aware of that. I sent that memo around to a number of people on the council, if not everybody. I fear if that's what we want to do, that we're going to cause a real problem with Amendment 18A if we try to go down that road today, but it's certainly something that we can consider in the future. That's my opinion. Red, did you have something quick you wanted to add and then we're going to get back to the consideration of these size limits.

MR. MUNDEN: Just very briefly, Mr. Chairman, part of the reason that we are having to reduce bag limits and shortened seasons in the Mid-Atlantic is that the stock is improving, the fish are larger – the same issues that we're addressing here – and last year I mentioned that North Carolina overharvested its allocation by about 35 percent in addition to three other states up in New England, so we all had to come back and adjust for that this year.

MR. HARTIG: Just a question to Roy; are we still on schedule to release the new recreational program on January 1<sup>st</sup>?

DR. CRABTREE: I'm told now that the new estimates are likely to be made publicly available in February some time. I did want to say, too, it's comforting to know that some of the states are encountering some of the same difficulties we have in predicting when to close these fisheries. Whenever you want to, I have some suggestions about language to address the payback option.

MR. CURRIN: Let's deal with this issue on the bag limits. I'm not hearing a lot of support from people. The implications are dire, but is there no desire among the committee to change the bag limit? John.

MR. JOLLEY: I'm not going to make a motion, but in my travels universally the for-hire fishery said they'd rather be left with something than the whole thing close. I think that was a good comment that Roy made; what do you want? While they struggle with just five fish, it's better to be able to catch a few than none.

MR. CURRIN: All right, is there a motion? Ben.

MR. HARTIG: I'm sorry I missed some of this discussion. Where we are now with the constant catch strategy and we're going to be with so many fish in the water, trying to extend the recreational season, it's very problematic. I'm not going to do it. I've got a motion that I was going to make, but I'm not going to make it.

MR. CURRIN: All right, I'm seeing nobody jumping up and down with their hand up to do anything here. Give it some thought. We can readdress this at full council if it's the desire of

someone on the committee or the council. Roy, you've got a suggestion for some clarifying language on the AMs?

**DR. CRABTREE:** Yes, I'd like to make a motion. My motion is that we clarify the language in the accountability measures to indicate that paybacks are not required when new projections are adopted that incorporate the quota overruns and the ACLs are adjusted in accordance with those projections.

DR. CHEUVRONT: Can you help us out and read that slowly again so that we can get that typed up to see where we are?

DR. CRABTREE: All right, my motion is that we clarify the language in the accountability mechanisms to indicate that paybacks are not required when new projections are adopted that incorporate quota overruns and the ACLs are adjusted in accordance with those projections. That should address the problem of doubly paying back.

MR. CURRIN: Motion by Roy and seconded by Duane. Discussion? Yes, Roy.

DR. CRABTREE: So envision, too, this has relevance to the issue of TAC increases and dealing with those. If we get a new projection done because we an overrun and we adjust all those, then that will indicate to us what the appropriate TAC increase might be in those new projections and help us deal with that issue as well.

MR. CURRIN: Down the road, yes, several years. Michelle.

DR. DUVAL: I'm all for not having people pay twice for an overrun, but I'm just a little concerned – and I guess I haven't had enough time to think about this. Philosophically we have that we're not going to be working towards better monitoring of the quotas; that this kind of just perpetuates where we are because we're going just let an overrun be incorporated into the next projection, so it's always going to be like maybe one step forward and two steps back sort of thing.

I mean, I'll support the motion here because I don't believe that if you have a payback and a projection that incorporates the overage, I do agree that's double jeopardy, but then why set up an ACL and have a measure where you have a payback of that quota overrun? I'll just leave it at that.

DR. CRABTREE: Well, because I don't think we're always going to be able to do new projections and go through that because that takes time and money and expenses. The only reason we have new projections right now is because we did a new stock assessment. In the past when we've had some overruns and paid them back, we just paid them back and didn't do new projections.

DR. DUVAL: To that point, okay, so if we do subtract an overage from the following year's quota, we are just going to operate on the assumption that we've done our job and everything is okay according to the projections that you have?

DR. CRABTREE: I think that's right. I guess the council could say we want to see new projections and go through this, but my feeling is next year if we have an overrun we'll pay it back and probably won't do new projections, but that really would be something the council I guess could request.

MR. PHILLIPS: Well, Roy, are we thinking that we're going to do a new projection every year if there is an overrun every year or were you going to do a new projection every couple of years, so if we overrun and then we've got to pay it back and then we get a new projection so we don't pay it back a year and then they overrun again and then – I'm a little confused.

DR. CRABTREE: No, that's not my preference although that will be kind of up to the council. My view is I don't really anticipate we're going to do new projections for sea bass again for a couple of years until we do an update or do something like we've talked about. My view would be if we have an overrun this year we're going to pay it back and next year if we have an overrun we'll pay it back.

But then if we do an update we're going to factor all that into it and then at that point we wouldn't pay it back because it's factored into it. I think what you'll find from the SSC is if you start updating projections, as you get farther and farther away from the assessment they're going to be less and less comfortable with updating projections, and there is going to be more and more uncertainty in them and they're going to factor that into it. I do not envision that we're going to just automatically start doing new projections every year.

MR. CURRIN: Further discussion on the motion? **Is there any objection to that motion? I see none; that motion is approved.** Do you want to take a five-minute break and then come back here and finish this up? I think we've got two more actions, and then we'll move on into 20A.

MR. CURRIN: All right, Brian, when you're ready we'll move on; two more actions in 18A.

DR. CHEUVRONT: Action 11 is improving commercial data reporting. It's PDF Page 230; document page 179. Currently your preferred alternative is to provide the option for fishermen to submit their logbook entries electronically via an electronic version of the logbook made available online. There were a number of comments that were made at public hearings. The council staff and the Snapper Grouper AP recommended that the council choose Alternative 4 requiring the use of SAFIS Reporting System for all commercial vessels.

MR. CURRIN: And that does not preclude us maintaining Alternative 3 as the preferred. They're somewhat independent. Alternative 3 is just an option for fishermen who desire to submit them electronically to be able to do so.

DR. CHEUVRONT: That is correct.

MR. CURRIN: And we had some of this discussion the other day regarding perhaps a fail safe in this amendment, where we know we're going and hope we get there as quickly as we can.

**MR. HAYMANS: I would move to make Alternative 4 an additional preferred, if that would be okay.**

MR. CURRIN: Motion by Doug; second by David Cupka to select Alternative 4 as a preferred.

MR. HAYMANS: The one thing that does scare me about that, though, is the hundred percent fishermen reporting through SAFIS. Do we have any sort of idea of how many voluntarily do that now?

MR. CAHALL: I'll give you a few details on what you're thinking about signing up for. I can't comment directly to the South Atlantic, but I can comment to our experience in the northeast. Right now SAFIS, which first I want to step back just a bit, SAFIS is actually a suite of tools. It has an online component.

It has an upload component that allows folks to use their own local software to generate data that can be sent in, and it also has an offline component where you basically key data into a local system, you push the button and it transmits it electronically up to the main servers where then it's redistributed into the data bases.

Our typical experience has been initially when you deploy the electronic application, you get a huge amount of pushback; oh, my God, we can't do it; we don't have lines; the service we have is terrible; it will cost a fortune. What happens is that over time more and more of them begin to adopt the system as part of their regular processes.

Typically right now in the northeast about I would say 60 to 70 percent of the participants are reporting electronically. Now, that doesn't address the volume. The largest of the fish houses and the largest of the vessels are using internal software and through the file upload process because they can.

They have a good IT infrastructure and it's much easier to spit out a report and transmit it to us than key it in directly. I would say 60 or 70 percent of the users are keying but probably a commensurate volume is actually coming in through alternative mechanisms because they have the IT infrastructure to do it, and why would you key something in twice?

MR. CURRIN: I think to provide some clarity – and, Bobby, I think this is a suggestion you made many, many years ago – is to provide the opportunity to fishermen to submit logbooks. That's different from 4 where we're talking about landings, so we're not talking about having the fishermen submit at this point directly to SAFIS for their landings. This is logbook data that is captured and utilized by the Fisheries Service. Theo.

DR. BRAINERD: I would just like to point out some issues that may arise using the SAFIS Reporting System. First of all, it would not have flexibility to eliminate duplicate reporting. I think Mike is very much aware of that. Also, in terms of selecting an electronic reporting method for ease of use by fishermen; again, that's another issue that we're still faced with all them to have the same capabilities.



It would also limit our ability to make changes to required variables. Also, it would not allow fishermen with northeast and southeast permits to use the same application to report to both regions. Now, in terms of using eTRIPS it requires entry into the internet and some vessels may be restricted to dial-up connections.

Also, the current system does not have the capacity to accept GPS positions collected from vessel GPS systems. This may be very critical as we move towards special explicit models, we would require this type of information. The current system doesn't allow that. These are some concerns or issues that I think the council needs to consider in terms of using SAFIS.

I would also like to point out that the Center has actually invested considerable time and money in developing the systems that we have now, and we're working with the partners, including ACCSP, so I think it would be wise if we have some flexibility in terms of developing and integrating these systems rather than being forced or pinned to one particular system.

MR. CAHALL: Just to alleviate some concerns, the eTRIPS system is designed to be flexible in the sense that it can collect a wide variety of data elements so long as they fall within the ACCSP standards and the GPS coordinates which are essentially lat/longs. The system is designed to accept – although they're not in an automatic way, which is my understanding on how you do that.

Obviously, each of our program partners has some slightly different requirements and the system is designed to be able to be modified to meet the program's requirements, the individual partner's requirements. The ACCSP standards are pretty broad and so in general we've been able to make modifications to the systems to meet folks – and in fact what they need in the southeast is stuff that we would like to do, anyway.

I mean, I'm not trying to push us really hard. I'm just suggesting that the partnership could work to our benefit as well because the kinds of improvements that they would need from us for eTRIPS are the same kinds of things that we would like to do for some of the other folks.

MR. CURRIN: You know, in all honesty North Carolina, I believe I'm correct – Michelle, you correct me if I'm wrong – has been working through the SAFIS system and through the Science Center regarding data, and there haven't been exact meshes. Everybody hasn't been on the same page, but they've been able to very effectively work out the differences to develop a usable and effective system that everybody has bought into and it has been beneficial. Michelle.

DR. DUVAL: Just to that point, the software that we have allows our dealers to report to us, to the northeast and to the southeast, and it's just a mouse click.

MS. SMIT-BRUNELLO: You say add this as another preferred alternative, but doesn't that conflict with Preferred Alternative 3. Preferred Alternative 3 provides the option for fishermen to submit their logbook entries electronically, but Alternative 4, if you read the note, would require that 100 percent of fishermen report electronically.

MR. CURRIN: I thought they were independent. Monica, I thought the logbooks is what we were talking about in Alternative 3; and that Alternative 4, I was under the impression that the dealers were going to be required. That is who is reporting landings now, is it not, or are we talking about landings through logbooks in both of them? Maybe I'm confused.

MR. CAHALL: Actually, the commercial landings are already coming through SAFIS. I'm going to briefly explain the checkerboard that is electronic reporting for the southeast so that everyone is on the same page. I'll just go from north to south. In North Carolina they're using the software that was recently described. Those data are transmitted electronically to the Northeast Science Center and then merged together in a queryable spot on the SAFIS system.

South Carolina and Georgia are using a specifically designed version of the SAFIS Dealer Reporting System combined again with a different PC-based software that accounts for the changes in the way that they do business there. The online system automatically goes into the SAFIS data base. The PC-based software, those are uploaded and that was the glitch that we had with vermilion snapper yesterday.

The Florida data are also brought into kind of a holding position on the SAFIS system where the Science Center is able to do their quota and compliance monitoring. It is already pretty much being done that way. We consider the Bluefin PC-based Software to be one of the modules of the SAFIS system and so virtually all of the electronic reporting in Florida is done that way, a big chunk of it. All of the electronic reporting in North Carolina is done that way and a chunk of the electronic reporting done in South Carolina is done that way. Your Alternative 4 for the landings is pretty much a fait accompli.

DR. CRABTREE: You talked about North Carolina, South Carolina and Georgia; what about Florida?

MR. CAHALL: Well, Florida was one of the early implementers of the Bluefin Software. Those data were going directly to Florida. Prior Florida would bundle up their stuff periodically and transmit the whole bit to the Science Center. Now those data are being transmitted to us – and I'm not certain if they're still going to the Science Center, but the data that are coming from PC electronics go to the same place on the SAFIS system for the office to be able to query that.

The goal is to get access to that data as quickly as possible for quota and compliance monitoring. It's not intended to be final perfect audited data. It is intended to provide you with the snapshots that you need to manage.

MR. JOLLEY: Just one comment; I've been working with ACCSP for 15 years, and I would remind my colleagues that this is the depository that we expect eventually all of this data to go to and be available for everybody in the nation. That's enough.

MS. SMIT-BRUNELLO: Well, just so I understand and that the record is clear, so this Action 11 covers all snapper grouper fishermen and all snapper grouper dealers and not just black sea bass, correct?

MR. CURRIN: Correct.

MS. SMIT-BRUNELLO: Okay, under Preferred Alternative 3 it says provide the option for fishermen, and I'm assuming you mean snapper grouper fishermen or those with permits. We can work that out. It's the option for them to submit their logbook entries electronically. Then Alternative 4 would require that all snapper grouper permit holders – that would be dealers and fishermen, potentially those with the headboat permit, too, or the charter/headboat vessel permit, they would all be required to report electronically through this standard Atlantic Fisheries Information System, right, in accordance with ACCSP standards?

MR. CURRIN: Yes, that's my understanding.

MS. SMIT-BRUNELLO: Well, we've discussed for many years requiring reporting through ACCSP, and I know we've talked before about whether that system is completely funded. I believe in the past we've said that all the reporting requirements haven't completely funded, so I'm not quite sure where that leaves us because I don't know that you can require the Fisheries Service to do these kinds of measures or collect these kinds of measures when there is not funding for them.

MR. CURRIN: Gregg just informed me that I was incorrect; that in fact there is duplicity between Alternatives 3 and 4, so I was wrong. Roy.

DR. CRABTREE: Well, I guess what concerns me is the Center apparently has some reservations about this and thinks there could some problems created from it. I really think what we ought to do as a council is lay out what our requirements are in terms of we need this type of information delivered along these ways.

It worries me when we start getting so specific about telling people what system to use and how to do it. I don't know what the answer is to it, but I'm concerned that the Center has some concerns about this. I don't fully understand either of these programs and sometimes I think we're getting into a level of specificity that I'm not sure we really understand exactly what we're doing sometimes.

MR. CARDIN: This Preferred Alternative 3, I believe that might have been me getting this in there at point or another. I wanted the option to report to Miami my logbooks, fishermen reporting to Miami. Now, in Alternative 4, which the AP supported, that is my understanding and Miami and Florida or North Carolina report to this system, not the fishermen, that our data be reported for us through the one system.

MR. CURRIN: And that was the basis of my understanding, but apparently I'm wrong. Gregg.

MR. WAUGH: As far as the ACCSP program – and David was involved in this, Bob, Susan in the audience – there are lots of partners, Fish and Wildlife and the National Marine Fisheries Service, all of the partners as organizations have approved this program and the standards, so organizationally the National Marine Fisheries Service has approved the ACCSP program.

Now when you look to how this is being implemented, the ACCSP program that was approved is not exactly what has been implemented thus far, and so I think what the council is looking at doing is saying that in order to meet our needs and prevent these quota overruns we would like to see the ACCSP process and program that has already been approved by all the partners implemented in the southeast.

I think part of the problem with Alternative 3 – and it is incorporated in Alternative 4 because if you look at that box, the second bullet deals with the fishermen reporting, but we still have a situation where when it comes time to renew the permit the fishermen still are being the option to fill in all their logbooks and send those in to get their permit renewed.

Given all of these quotas that are going to come online next year, if we indeed are going to track these quotas and limit catches to these quotas, we simply can't give anybody the option to report. We can't tell people that if they're selected they're going to report. Everybody has to report and you have to report weekly or even daily if we're not going to have overruns of all of these various ACLs. This is simply a cost of doing business in the snapper grouper fishery and indeed across all our fisheries for these ACLs to work.

MR. CAHALL: I just wanted to make a comment towards the funding. ACCSP is funded currently to the level where we can support commercial catch/effort and the limited biological data collection. I think just to clarify, the program, in order to support all of its modules, which include biological sampling, bycatch and protected species interactions and social and economics was estimated to require between a 12 and \$15 million annual budget.

Right now we're at about a \$3.5 million annual budget. Typically when we go to fund our partner projects, they are pretty much cut off at the end of our catch/effort module. That's in part because we're almost entirely supporting that data collection in several of our partner agencies because of the lack of funding, especially in some of the New England states.

I would also comment that right now, with the exception of the state of Florida, the SAFIS is by far and away the largest commercial catch/effort data collection system on the Atlantic Coast. We are collecting data at this point for virtually all of the deal landings from Virginia north and for a significant percentage of the state trips as well.

DR. BRAINERD: I would like to point out that, yes, all of the data eventually end up in SAFIS, but they go through different pathways, that's because there are lots of flexibility and different needs.

That's why it has been designed that way and that's why the ACCSP system has been implemented the way it was originally thought because there are a lot of issues that came up that finally resulted in states being given the opportunity or the option to implement their own electronic reporting systems which eventually feeds into SAFIS.

Again, we have to be mindful here because we want to have that flexibility so that we don't box ourselves into a situation where we create a lot of duplicity; and also when you want to do quota monitoring and observer programs, we have to be scrambling to find data from another source

when we could have devised a system where we would have the data readily available. Also I should note that we're not going to give fishermen the option to report. If they're going to report electronically we would tell them the system they need to use to report that to us as long as it's going to be flexible enough for them to do that.

MR. CARDIN: January 1<sup>st</sup> I'm going to go tilefishing. I'm going to come in at 1:30 in the morning and I'm probably going to offload between 3,200 and 3,700 pounds of fish. Now, as a fisherman if I could report that on my logbook, I could report at 1:30 a.m., it would be January 2<sup>nd</sup>. As a dealer I'm not going to report that until January 16<sup>th</sup>.

Now there is 14 days earlier it would be reported as a fisherman if I could electronically tell Miami, and that's what we're asking for. Now, if you look at Ft. Pierce, if only one guy in Ft. Pierce reports it, well, Ft. Pierce up through Daytona is where all the fish are being caught, so chances are if I went and caught 3,000 pounds these other guys out here in the audience did too. It could be a very valuable tool to help Dr. Crabtree and the Science Center to track these quotas. I'm talking about 14 days quicker if I had the option to report it electronically. Thank you.

MR. CURRIN; Or if there was a requirement that the dealer had to report it more frequently than they currently do as well, and we discussed that to some degree the other day. All right, clear? Certainly, there are some reservations from the Science Center here wanting their flexibility and control in designing the system.

**All right, all in favor of the motion raise your hand, 11 in favor; any opposed; any abstentions, one abstention. The motion is approved.** Again, realizing that there is overlap and duplicity between 3 and 4, do you want to take care of that perhaps by deselecting 3.

**MR. HAYMANS: Mr. Chairman, I would make a motion to deselect Alternative 3.**

**MR. CURRIN: Motion by Doug; second by Ben Hartig. Discussion on the motion? Is there any objection to the motion? I see none and that motion is approved.** Okay, moving on.

DR. CHEUVRONT: Last but not least, Action 12, improvements to the for-hire data reporting, PDF Page 239; document page 188. Your current preferred alternative for this action is Alternative 2; required selected vessels with a federal for-hire permit to report electronically. NOAA Fisheries Service is authorized to require weekly or daily reporting as required. The council staff and the Snapper Grouper AP both recommend that the council choose Alternative 4 requiring the use of SAFIS Reporting System for all for-hire vessels.

MR. CURRIN: I think the same arguments here that we went through in the previous action apply. I'm hearing lots of support at home, anyway, from our for-hire sector with their desire to get their information into the system as quickly as possible. Doug.

**MR. HAYMANS: Mr. Chairman, I would make a motion that we select Alternative 4 as our preferred and to deselect Alternative 2.**

MR. CURRIN: Motion by Doug; second by Duane. Discussion on the motion? Tom Swatzel.

MR. SWATZEL: Just to make sure it's clear when you say for-hire, that's both charterboats and headboats, correct?

MR. CURRIN: Yes, I believe that's correct. Roy.

DR. CRABTREE: I guess I don't really know what this means in terms of what we're requiring. We get our landings and catch/effort data for charter vessels through MRFSS right now and charterboat survey. I'm not really sure – if we go with Alternative 4 I guess I don't really know what we're requiring.

MR. CAHALL: Just for some quick background, the SAFIS eTRIP system is built on the ACCSP trip standard, which for charter and headboats and commercial is virtually identical. There are very minor differences between the data that are collected between the two. The eTRIPS system is deployed in the charter/headboat fishery in two of our partner agency states; in I believe New York and in Maryland at the present time.

My understanding of this in the discussion was that these folks would be required to provide their data through the system. I would comment that in our discussion with vermilion snapper yesterday, almost as soon as we got off the subject of the errors that caused the problems with the overage, folks immediately began to wonder where was the data from the charter/headboat fishery?

The advantage of doing it this way is that you would have nearly instantaneous access to the current state. I'd also comment that MRIP right now is wrapping up a pilot on this particular issue, and the results – I'm not certain I'm at liberty to release the results, but the results are pretty much as you would expect. It is a nuisance to start up something like this, and there are issues with it.

On the other hand, it provides you with nearly real-time estimates of what your landings are going to be. It depends on how close you run your quotas. If you really need that and this is a significant percent of your catch, then it's something that you need to do. If it's a small percentage and you're less time sensitive, then you can go with the estimates but as always the issue with estimates is that it takes a lot longer to get the data.

DR. CRABTREE: What exactly are we requiring the for-hire guys to do? They're going to come back from a trip and then get on the internet and enter what they landed; is that what this about or is it about an electronic logbook on the vessel or what is it?

MR. CAHALL: The current version of the system is internet-based. We are also working on an app-based system so that you can use your phone or your iPad to do the data entry.

DR. CRABTREE: Where you have used this, how close do the catch estimates from this estimate match up with the catch estimates from the charterboat survey and MRFSS?

MR. CAHALL: From this system there is not a direct comparison because of the – I'm not aware of exactly what the differences are in the agency states. I can tell you that the MRIP pilot found very consistent results. To be perfectly honest with you, the data are in my opinion equally valid. The statistical survey does provide accurate data. The issue isn't is the data accurate?

The issue is speed, and I think there is some variability with these because you do have chronic non-compliers, and you do have issues with some folks being late. The tricky bit here is speed versus – it really is speed; and also, honestly, politics. There is an awful lot of pressure. I've heard it many times from folks this is something they can touch, they can hold, they know they've had input into, and it makes them more confident of the data. I don't honestly believe it results in actually better results over time, but it does provide faster results and it does provide trip-level data from each of your participants.

MR. CURRIN: Fast is good; duplicity is not. That would seem to be a problem here for some period of time at least, perhaps. Monica.

MS. SMIT-BRUNELLO: Just to make sure I heard you correctly, initially you said that you're doing for-hire reporting from two states, so you're not set up to – if the council chose this alternative, then you would be collecting it from the South Atlantic states as well?

MR. CAHALL: That's correct for this fishery. The way the system is designed it is very easy to add additional – for lack of better words – additional partner agencies to it, because we already have all of the internal structures in place. It's not like adding anything to it other than additional users and bringing in the additional information that we need for the reference points. By that I mean the vessels and the fishermen, if there are variations in how you want to select your fishing areas, things like that. It's very quick for us to do that.

MS. SMIT-BRUNELLO: And you're currently funded to expand that and bring these additional states on or this additional area?

MR. CAHALL: Yes. It doesn't incur very much overhead. The system is in place and the hardware and software that supports it is built specifically to be – it's overbuilt on purpose because we want to make sure we have good response, we have adequate disk storage, and I don't want to go into the details of how it all works, but we expected, when we specified it, the systems would expand.

MR. HAYMANS: Well, I was just going to say I think it's natural this is going to be some sort of phase-in because we are still running the MRIP side of the for-hire, and I don't know that we can immediately shut that off come whenever this is implemented, so I would think there is naturally a phase-in.

MR. CAHALL: I might comment that is not a bad thing because then you'd be able to compare what you're getting from the trip reports to what you're getting from MRIP. There is a lot of back and forth about what the best way – and best can be defined in different ways, too.

DR. CRABTREE: Mike, what happens to the vessels that fail to report? What are the consequences because I suspect we're going to have a lot of that?

MR. CAHALL: Yes, and that's problem with doing it this way because we'll have chronic non-reporters and what you have to do – again, I think I can comment quickly to the MRIP pilot. The enforcement actions occurred after the pilot was completed, and so there was not a strong incentive for the non-reporters to report.

It was a permit renewal thing rather than a you're not allowed to catch thing, and so that fell so far behind the reporting period that most of them didn't realize they were in trouble until they went to renew their permits after the pilot had concluded. It requires an enforcement action to make folks report. That's the downside of doing something like this; there is no question about it.

DR. CRABTREE: And it's not clear to me what that will mean if people don't report or what we'll do about it. With logbooks, we won't renew their permit until they fill out their logbooks, but it seems in this system we couldn't ask them to go back and do the electronic reporting after the fact. I'm not sure how that pans out with this.

MR. CURRIN: Well, filling out a logbook to get your permit renewed at the end of the season is not a real good option either, so I think we need some teeth. We need some teeth to force compliance somehow. I don't know the best way. Whether it's fine or whatever it is, we need something. We need some teeth, I think.

DR. CRABTREE: Do we have anywhere built into this where it says what the requirement is, that you have to report within this many hours or days or you're in violation –

MR. CARDIN: Seven days.

DR. CRABTREE: Seven days and that's in –

MR. CARDIN: Logbook.

DR. CRABTREE: We're not talking about logbooks here; we're talking about SAFIS. Where is that written down in the regulations so that enforcement could make a case on it?

MS. SMIT-BRUNELLO: Well, we would need to put all that into the reporting regulations. Right now there is a prohibition to fail – falsify or fail to maintain, submit, or provide information or fail to comply with inspection requirements and restrictions specified in Section 5. Section 5 is the reporting requirement, so I think that we would need to be absolutely crystal clear on what is required so the fishermen, dealers, everyone knows what it is they're supposed to do. All that would have to be translated into 50CFR622, Section 5, on reporting.

MR. WAUGH: This issue of compliance there no difference with where we are right now. We don't have reporting; they're not complying with the reporting requirements as they stand now.



This council for years and years has gone on record that the idea of letting an individual fill out their logbooks at the time of renewal is just wrong.

We've indicated that they should not be issued a permit. These details do need to be specified in the regulations, but it's time to start treating people as adults. If you're going to participate in this fishery, a cost of doing business is you report and you report daily or weekly; and if you don't you don't stay in the fishery. It's that simple. I think the council needs to make known that's their intent. Otherwise, we're never going to stay within these annual catch limits.

DR. CRABTREE: Well, except I don't think it is that simple. We haven't amended the plan to reflect that. Right now I believe in our plan with dealer reports, it has to be postmarked within 35 days. That's one of the things we need to change, but that's what on the regulations right now. I'm not aware of when the council has amended the plans in a way to say if you don't submit your logbooks, then I guess you forfeit your permit and you're out of the fishery forever. I don't know if the council would want to do that or not, but we haven't. I don't think it is that simple, and there are a lot of things here that we need to deal with. In part of the dealer reporting amendment that we talked about doing, in that I suggest that we change the timelines for dealer reporting.

Now, if we're going through SAFIS for the dealer reporting, I'm not sure how we do that because I don't know what the SAFIS standards are for reporting. The problem we've got right now is if we're going to have these timelines and all these requirements, I don't think this stuff is in the codified text that we have in the rule right now, because obviously we are just now picking this a preferred alternative, and I don't know that our regulation writers know enough about what to put in the rule to reflect these kinds of things.

It's just as simple as just saying that, and there are a lot of complexities here to work out. I guess, Monica, if they wanted to amend the plan and put something in there about logbooks and that if you come in to renew your permit and you're delinquent on logbooks you lose your permit, period, and you're out of the fishery. I don't know if that's a good idea or not. It seems rather harsh to me.

MR. CAHALL: I could comment on a couple of these issues because we went through very similar problems in the northeast region when our initial versions of the systems were deployed. SAFIS is designed to be flexible. There is nothing in the SAFIS system itself that says you have to report within a certain number of days or whatever.

It's based on whatever the partners' regulations are. For example, if the reporting – and initially my recollection is in the northeast they wanted to go to daily reporting and then decided they didn't really need it after sorting through all of that. Essentially how it works is whoever is responsible for the compliance reporting and for the quota monitoring has access to the system in such way that they can tell who has reported when and therefore using their own standards they determine whether they're delinquent or not.

Then they can tell what the totals of their quotas are within the system based on their own standards. The SAFIS itself doesn't have a what does that mean. It is based on the regulations of each of the program partners that actually use the system.

DR. CRABTREE: Okay, and so that gets back to my point because we aren't changing the reporting time lines through what we're doing here, so I guess it remains 30 days, and I don't know what the postmark part means now with it. We aren't fixing one of our big problems here, which is the timing issue, and we don't have any alternatives or anything in this document to really address that, so I don't really think we can right now.

That's where I'm coming from in terms of this stuff is complicated because we put some general statement in here thinking that's going to fix everything, but in fact it's not even addressing the big part of what our problem is which is the timeline for reporting and the consequences for failing to report.

We're just adopting a software system and all, but we're not putting in place the standards, the teeth to make this happen, so we're not fixing our problem. I think what we're going to have to do is when we come back to this generic dealer amendment is we're still going to have to address these issues in terms of the timelines on reporting and the enforcement consequences if you don't report.

DR. DUVAL: This happened before I started back on the council, but I could swear that last year about this time, the beginning of December or something, we received notification from the Service that all snapper grouper dealers were going to be required to report electronically and to make it so within two months. We implemented that so I'm a little confused – I mean, I thought we were already on this road.

DR. CRABTREE: We do those things, Michelle, but we're not putting teeth in it. We're not specifying what is the timeline on reporting. I think what we did is if selected by the Science Center to report, they report electronically, but I don't really remember exactly what we've required on it. We haven't addressed some of these compliance issues or the reporting timelines because they're still lagging out there.

MS. SMIT-BRUNELLO: I've heard this through the years the council discuss frustration with reporting and timeliness and all those sorts of things, and I wonder whether you want to approach this holistically in one amendment that deals with all your fisheries on changes to how you want fishermen to report, the timelines on when you want them to report, the dealers, all that and make it the same across the board for all fisheries, because you're kind of doing it piecemeal.

Maybe you're it piecemeal because these are the issues that come up for the various fisheries. Now that we have ACLs there are all kinds of new problems and issues presented, so one idea is to approach one reporting amendment that would deal with all your fisheries, and that would take care of timeliness and all those other sorts of things. It's just something for you to think about.

MR. PHILLIPS: Mr. Chairman, I agree with Roy and Monica. I would like to see this, but I can't see – it scares me because somebody missed a month on doing some logbooks and then they run the risk of losing their permit without some kind of system, some warning letters or something along the way. This is well intended but I think the details are going to eat our lunch if we go here.

MR. CURRIN: Well, the details are going to be complicated, Charlie, and I'm not sure we're going to accomplish that in this amendment. Roy.

DR. CRABTREE: But this doesn't do any of that, anyway. This doesn't do anything about penalties or when you have to report. It's just that they have to report and use this system, but it doesn't establish anything about timelines and penalties or any of the rest of it. We don't have logbooks from the for-hire vessels right now, and this doesn't have anything to do with any of the vessels that are required to have logbooks.

MR. WAUGH: Over the years we have been told that we shouldn't put the details in and then we're told we should put the details in, we've got authority to require all the reporting that is necessary, we don't have the authority require the reporting. Starting in January we're going to have a bunch of ACLs in snapper grouper, and our existing system just can't track what we've got now much less all these that are coming online. If we need to add to this that we authorize weekly or daily reporting as the Center determines is necessary, that makes the council's intent clear. Never before have we specified in an amendment all the details of the reporting.

The deadlines and all that, we haven't done that before. Those go into the regulations. The Service has asked for some flexibility in how that's drafted. I think the important thing for the guidance would be to indicate that we need weekly or daily reporting and authorize the Service to require either of those as they see fit in order to not exceed the ACLs.

MR. CURRIN: Other comments or questions? We have a motion before us. Doug.

MR. HAYMANS: I think I've heard Roy mention a couple of times a generic dealer amendment; is that an amendment that is coming?

MR. CURRIN: Yes, we passed a motion yesterday I think to begin work on that; did we not?

DR. CRABTREE: Yes. Now we already have dealer permits in the snapper grouper fishery but we don't I think in mackerel and probably some others, so it would establish dealer permits across the board in all of these fisheries. The other part of that is I wanted to have some alternatives in there that look at the timeline reporting that Gregg just got at, because 30 days now is too long.

We need more timely reporting and people who are missing it we need to be able to go in and take an enforcement action against them. Those are things that we would address in it. Now bear in mind this is for-hire. We don't have any specific for-hire quotas. We have recreational fishery quotas, so, yes, we could get more real-time and more timely reporting from the for-hire sector, but you're still going to end up with lots of projections and problems because all the

private boat data is still going to be coming out of MRIP, which is still going to have these long timing problems.

I don't know what kind of compliance issues we'll have with lack of reporting, but this could very likely end up underreporting catches because of lack of compliance, and I don't know how close these estimates are going to match up with what comes out of the charterboat survey. So how we would use this in terms of monitoring ACLs right now isn't really clear to me.

It might be a step forward, but I don't know because it's self-reported stuff at the end of trips. We done various pilot studies that Mike talked about. We did one up in the Panhandle area of Florida with electronic reporting like this, and we had some really bad compliance issues with people not reporting.

If you've got 40 percent of the fleet that is not reporting, you're going to have to make all these corrections and adjustments for it, and that's a problem. It's not clear to me how all this gets incorporated into our ability to track all these things or not, but, yes, I think this generic amendment we're talking about is the place for us to address a lot of these timing requirements and things that at least on the commercial side should improve things.

MR. HAYMANS: I was going to say considering the fact that we will address this in a future amendment next year, I hope, I would be willing to withdraw the motion and leave 2 as our preferred.

MR. CURRIN: Is that okay with you, Ben, to withdraw the motion? **Okay, the motion has been withdrawn.** Michelle.

DR. DUVAL: I would have supported the motion. This is the way we need to be going. I understand that there are details that need to be hammered out; and in terms of tracking ACLs and non-compliance, it seems like people aren't filling out logbooks now and we're not getting the information that we need right now. I think this just sets the stage for things to get better and the details could be agreed upon later.

MR. CARDIN: A couple of points that I'd like to make from hearing your discussion; number one, I believe it's like 2 percent is some of the non-compliance on the reporting. And the Science Center, I think Steve Turner and Dave Glockner told me their formula of calculating accounts for that.

Now, the system we have now, the logbooks, please don't penalize so bad because we just put an envelope in the mail and mail it in. Now, whether the Science Center receives it or not, I've got no idea. There are no checks and balances. Now if you have a new system like an electronic system, I hit submit, it shows me you received it, then put teeth in it.

As far as non-compliance and fishermen reporting, quite often the people that don't report are the non-fishing trips, but you still don't get your license renewed for not reporting the non-fishing trips. Before we put some teeth in the regulations, I wish we'd have a better system. Please put a better system in place for us that we can check ourselves.

MR. CUPKA: Like Michelle I would have supported this motion, too, because I think this is the direction that we need to be going in. We need to be working towards this kind of system. I understand that when we say ACCSP standards, there are standards. There are no regulations in conjunction with those, but certainly those could be developed.

A lot of times there is nothing codified before we submit an amendment. It has to be codified to implement the actions in the amendment, but I hope we continue to work toward this, though. Maybe the way to do it would be through this generic amendment we talked about, but we need to keep working toward this direction. I hope we'll do that because there are problems and we are going to continue having problems now that we're under this ACL system if we don't get people reporting and reporting on a timely basis.

DR. CRABTREE: I don't know if I talked you out of this or not, but it wasn't my intent here. I just had questions about it, and obviously we have a lot of issues that this doesn't really address. Sometimes I think we think we're fixing things but we're not really.

I think we need to take this reporting amendment we're talking about doing with dealer permits and reporting requirements and put that on a fast track and make it a real priority and then try to deal with some of these things and make sure we have the information and the understanding to know exactly what we're fixing and what we're doing because too often we put these at the very end of these complicated amendments and they're not really what everyone is focused on; and then when we get to the decision process about these kinds of things, we really aren't sure exactly what we're doing. I think if we can move this reporting requirements' amendment and really focus on that, maybe we can fix some of these things finally for once and for all.

MR. CURRIN: Well, we all realize we do have problems and that we need to address them as quickly as we possibly can, so I hope the council will move very quickly, if that's the route we choose to take. All right, I think that's all of 18A, is it not?

DR. CHEUVRONT: There are no more actions for 18A.

MR. CURRIN: No more actions, so we will need a motion to – I'm sorry, Roy.

DR. CRABTREE: One more issue and this has to do with the way we're defining overfishing. The guidelines say that councils can choose one of two ways to do it. One is based on the maximum fishing mortality threshold and that's the way we've done it in the past. The difficult with that is you really have to have a stock assessment in order to make a change to that, and we have historically gone many years between stock assessments, so what we've ended up with is stocks remain listed undergoing overfishing for years and years and years after we already took the action that should have ended the overfishing.

The guidelines also allow you to define overfishing as the overfishing level in terms of pounds of landings; and so if you stay below that you're considered to not be overfishing. I thought maybe some discussion with that would be appropriate because currently sea bass will remain listed as undergoing overfishing and no longer overfished.

If we stay with where we are with using fishing mortality rates, that is not going to change until we do another assessment. We could indicate in the document that we want to shift that measure of overfishing to the overfishing level; and if our landings stay below that, then it would come off the list. If we have overruns and go over it, it wouldn't.

That would give us the potential for getting it off the overfishing list. John, we have an overfishing level somewhere out of these projections that we could equate in a poundage, so I thought maybe some discussion as to what your preferences are on that.

MR. CUPKA: I think that makes sense, Roy. I think we're looking at something like that in Amendment 24 dealing with red grouper. In those cases where we do have an OFL level, I think the recommendation is for those years that we have assessments to do it the one way and then for the off years that we look at where we are in terms of landings versus OFL levels. I think that makes a lot of sense and I would support something like that, certainly, in this case.

MR. CURRIN: Would you make a motion to that effect?

MR. CUPKA: I would if I knew how to word the thing. I would move that in terms of defining overfishing that we use – what would we use in the year we had assessments? We would use the F – in terms of defining overfishing using the OFL levels in years when we don't have a current assessment. I'm assuming when we do have a current assessment we'll continue to do it the way we have now.

MR. CURRIN: I think we can drop "level" because of "L" in OFL is a level – no, it's a limit, isn't it, yes, okay.

DR. CRABTREE: That would MFMT and not MSST.

MR. CUPKA: No, it would be during years where there is an assessment and not no assessment. Does that do it, Roy?

DR. CRABTREE: Yes, I think so, and maybe John can comment but I think we then will have to ask the Science Center to provide us those OFL numbers, but that shouldn't be a difficulty to get those calculated.

MR. CURRIN: **Okay, a motion by David that in terms of defining overfishing to use the OFL level in years when we don't have a current assessment and continue to use MFMT during years when there is an assessment. Seconded by Duane.** Discussion? Ben.

MR. HARTIG: Just one question; when you have rebuilding schedules that are built on 150 percent overages; does that still apply?

DR. CRABTREE: Well, we don't have rebuilding schedules based on 150 percent overage. What we have are projections that for one year incorporated that as an estimate of what the landings are likely to be, but we could still get a projection that shows what the yields fishing at Fmsy, which is the MFMT, what those would be, and those would be increasing each year as the

stocks rebuilds, and then that would be the overfishing level. I think what we'll have to do is ask the Science Center, Theo, to provide us with those numbers. And then I don't know, Monica, where would we incorporate those into this thing? We're, I assume, not going to have them at this meeting.

MS. SMIT-BRUNELLO: I'll have to think about that. If you give the Service latitude to do this and then the Center calculates it, we should have it by the document is final, before the council submits it to the Fisheries Service, I would hope. At some point we will insert those numbers in there if that is the council's direction.

DR. CHEUVRONT: SERO provided us with the text that is displayed on the screen right now regarding overfishing determination criteria for black sea bass. Is this something that we need to include into 18A? I'm not clear on that. Gregg is nodding his head yes.

MR. CURRIN: That would be my best guess, Brian, but I'm not totally clear either.

MR. CUPKA: If I may, that certainly was my intent in making that motion. Obviously, I didn't spell all that out, but it needs to be spelled out in the amendment clearly, I think.

DR. CHEUVRONT: I just wanted to make sure we were crystal clear on this.

MR. CURRIN: Okay, so everybody is clear. Further discussion on the motion? Okay, the motion is in terms of defining overfishing we use the OFL level in years when we don't have a current assessment and continue to use MFMT during years when there is an assessment. Guidance to include the OFL language in the Amendment 18A document. **Is there any objection to that motion? I see none and that motion is approved.** Monica.

MS. SMIT-BRUNELLO: And just for the record to make clear that I would assume that before the council submits this to the Fisheries Service, that calculation will have been done and inserted into the document? Yes, Mac?

MR. CURRIN: Yes, I guess; I'll have to ask Gregg or Brian to give me some help here.

MR. WAUGH: You're talking about the value for the MFMT?

MS. SMIT-BRUNELLO: Yes.

MR. WAUGH: Yes, we have that from the stock assessment. I think it's already in there somewhere in terms of what the stock assessment results were, but we can make sure that is in there.

MR. CURRIN: And that would satisfy you?

DR. CHEUVRONT: It's actually on the screen right now taken from the stock assessment.

MR. CURRIN: All right, I think that ends 18A unless somebody has got something else to add into it. We need a motion from the committee to recommend to approve this for formal review and then we will also need a separate motion, I presume, to deem the codified text as necessary and appropriate. Charlie.

MR. PHILLIPS: Mr. Chairman, there was talk about splitting the hook-and-line sector out of that. Were we not going to do this in this amendment or are we going to do it in a different amendment or is it just not going to happen?

MR. CURRIN: I think I've got to guess that it's unlikely to happen in this amendment. It doesn't preclude us from doing that in the near future. What have you got?

MR. CARDIN: Just to address that, Mac, I'd just like to remind the council about addressing the AP's concern about splitting the hook-and-line quota out of the disqualified bass fishermen. I'd just like to remind you once again that the AP wanted that.

MR. CURRIN: Yes, and we're aware of that, Bobby. Ben.

MR. HARTIG: Well, there will be a number of things that come up as this amendment goes through that we may need to address subsequently. I can think of three or four of them right now.

MR. CURRIN: All right, we have not received a motion yet regarding Amendment 18A.

MR. HARRIS: Is it appropriate for us to recommend approval of 18A now since there are some other questions out there that we were going to take up at full council or should we wait until full council to do this? I'm certainly willing to make the motion that we recommend to council approval of 18A, but there were some other issues.

MR. CURRIN: You're right, there are some things hanging and there are some motions that have been tabled, so would that be the best way to proceed? I'm looking for advice.

DR. CRABTREE: Well, you don't need to do this right now. All that really matters is that the full council does this. You have the codified text I think in your briefing book, but obviously that does not reflect a whole series of changes we made today. We will do the best can to modify the rule by full council tomorrow, but we're going to need some leeway to refine the rule because our regulation writers are still trying to figure out what in the world we did today.

MR. CURRIN: All right, that makes a lot sense to me; let's hold off and do the final approval at full council. Yes, I think that's it for now on 18A, Brian, thank you very much. We're ready to move into Amendment 20A and we'll make as much headway as we can before lunch and work very quickly after lunch since we'll be on somebody else's clock and time.

MR. CURRIN: All right, let's get everybody back to the table. I think we'll be working for Attached 4D, the 20A decision documents. Okay, let's rolling on 20A, and, Kari, I'll turn it over to you.



DR. MacLAUCHLIN: Okay, I'm going to go through the decision document. I'm not going to go over the background and everything for this amendment. There are four actions in the amendment, which is to define inactive shares and revert those for redistribution; and then redistribute the shares to the remaining shareholders; establish a share cap; and establish an appeals process.

We went to public hearing last month and on Tuesday, and so the plan is to review the comments and do a final review of the document and then approve for formal review and submit to the Secretary of Commerce. Action 1, define and revert inactive shares, and there are three alternatives.

In September the council selected Alternative 3 as the preferred alternative, and that would define inactive shares as those belonging to any ITQ shareholder who has not reported any wreckfish landings in the past five years. There have been a few transfers and some shareholders selling all of their shares to an active participant.

There have been some changes and so this is I think the most recent expected outcomes for the different alternatives. The preferred alternative would leave three active shareholders, and then there would be thirteen inactive shareholders, and their percentage of the shares that would be reverted for redistribution is 28.2 percent.

We didn't really have a lot of public comment, but we did receive five written statements. We had a couple organizations that supported no action for this action and then no action at all for Amendment 20A. One organization supported the preferred alternative and then another letter supporting the preferred alternative and then a comment to support terminating the ITQ Program and then some concerns that this will consolidate the fishery into a small number of fishermen.

The Snapper Grouper AP reviewed the document in October and recommended that the council invalidate the Wreckfish ITQ Program and treat the fishery as an open access fishery within the snapper grouper complex. The SSC reviewed the document in November and the Social and Economic Panel provided statements to the SSC, and they concurred with the SEP's recommendation.

The SEP strongly opposes reverting inactive shares and recommends that if shares are going to be reverted, then the SEP suggests auctioning off the shares and giving the money back to the original shareholders. I did attach the SEP Report so there was more detail about that.

DR. CRABTREE: When the SEP makes comments like that that clearly we have no ability to do, are they being told that we can't do these things. I saw a comment they made that they didn't think we should have a shareholder's cap. Well, the statute requires us to prevent excessive shares, and I don't think we legally would have any basis for doing something like that. It seems to me sometimes they're not really aware enough of what the statute and the laws require, and they need to understand that some of the things they're suggesting we simply can't do.

DR. MacLAUCHLIN: I think there are some on the SEP very academic economists, and that is the point of view that they were trying to give to the council. In general they felt like since the

shares were transferable, that the market could correct any kind of inactive and active shareholders. I hear your point, Roy.

MR. CURRIN: Yes, I think we should use every opportunity we can to educate the folks and just try to explain to them. It's a learning curve for everybody involved in this whole process, and some of these folks – I don't even know who is currently on the SEP now, but I suspect there is at least some proportion of folks that have not been there for a long time, and we just need to kind of keep informed as best we can, as we do with new AP members and folks that haven't been around the process long. Charlie.

MR. PHILLIPS: Kari, I could probably do the math but you can probably do it faster. This 28 percent help by inactive shareholders on Alternative 3, the preferred, how many pounds does that turn into and on average how many extra pounds is that going to give these active shareholders?

DR. MacLAUCHLIN: Well, Andy is going to be able to provide you information about how this affect them poundage-wise, but it's confidential information and so it's going to be like a hard copy and you can review that information. Do you all want to go ahead and look at that?

MR. CURRIN: I was having a conversation with David and I missed whatever it was.

DR. MacLAUCHLIN: Well, Charlie was asking about like poundage-wise how much would that make up, and basically the information that Andy Strelcheck has for the council to look at exactly how much they would get based on compared to landings.

MR. CURRIN: And I think that's confidential information but it can be shared with the council; is that exactly what you were talking to me about up here, Monica, just a second ago?

MS. SMIT-BRUNELLO: I think so. I could let Andy speak to this in terms of what the data is exactly, but I would let you know that if this data gets distributed that it's confidential. Bob Mahood requested authority from the Fisheries Service that you be allowed to look at it as is provided under the regulations. You would be allowed to see this confidential information. We would however collect it because it is going to be distributed in just paper form, but we will have to collect it at the end of this discussion. I would encourage you to be careful as to how you speak about it on the record because it's confidential information.

MR. CURRIN: And that's my only fear; we would have to be extremely careful not to refer to it or to divulge it on the record here. If you want to look at it, I think it's available to you. This is something we have requested in the past and thought it might help inform our decisions. Andy, do you have something you want to add or correct what I said?

MR. STRELCHECK: Well, I'll just speak to Charlie's question that 28 percent represents about 70,500 pounds that would be redistributed based on a 250,000 pound quota.

MR. PHILLIPS: I guess to that point is average with the shareholders 10,000 pounds if you averaged it out, which it's not. I just kind of wanted to get a rough number.

DR. CRABTREE: Andy, it's my understanding that when we reviewed this in September 40 percent of the quota was in active shares, so what has happened over the last couple of months is there has been a lot of activity in terms of shares trading hands; and as that has happened, the problem we're addressing, which is all these inactive quota, has come down considerably.

Andy, do you have any feel is this activity continuing and is this likely to continue to fall on its own. I know there are a certain number of shareholders, I believe some are deceased and some no one can account for, but have we gotten to the point where most of what is left is in that situation or are there still people that potentially could trade and sell?

MR. STRELCHECK: As some background, between the September council and the December council meeting my office sent out a letter to all wreckfish shareholders on record. At that time I believe there were 21. The letter asked them to update their contact information. It also gave them information on what was being done through Amendment 20A so that they would be aware of the changes that were being proposed.

From that we have received responses from about 12 of the 21 shareholders. Also, there was at least one more share transfer that took place so we're down to 20 shareholders. You're right, Roy, it has consolidated from 41 percent being redistributed down to about 28 percent now that would be redistributed.

Some of that 28 percent we believe are deceased shareholders and some are unable to be contacted, but there is a good portion of that that also we were able to contact. They did respond to our letter and we are aware of at least their contact information and have updated their records.

MS. SMIT-BRUNELLO: And, Andy, that letter, did it not request – the letter requested these shareholders to contact the Fisheries Service; is that correct?

MR. STRELCHECK: Correct, there was a response that was requested. We logged obviously if the letter was delivered, and then we've also logged if we received a response back from them.

MR. CURRIN: Okay, so there is interest among the – is that enough information for you and is there a desire among the committee members to take a look at the confidential information? Will that help you make a better and more informed decision? Well, if it becomes an issue and it's the desire of the committee sometime during our discussion, I just want to make sure you know it's available. David.

MR. CUPKA: I think the place it might be useful is not so much in this action but the one where we talk about how those reverted shares might be redistributed, but it looks like Andy has put together a table to give us some of that without looking at the actual landings data, so we may not need to see it at all.

MR. CURRIN: All right, Kari, anything else from you?

DR. MacLAUCHLIN: This is minor but we would like a motion just to be clear with it, but the IPT recommended amending the language in Alternative 2 and Alternative 3 to clarify the time

periods that will be considered. In the decision document what has the lines through it is what is currently in there, and then we want to put in those actual dates between April 16, 2009, and January 14, 2011. If the council agrees with amending this language, make a motion.

**MR. HARRIS: Mr. Chairman, I would that we accept the IPT recommended language for Alternative 2 and Alternative 3 of Action 1 and retain Alternative 3 as our preferred.**

**MR. CURRIN: Motion by Duane; second by David. Discussion on the motion? Any objection to that motion? I see none and that motion is approved.** You guys sure you got those dates right; I thought we changed those the last time as well at the last meeting? All right, everybody is comfortable. I think the motion indicates that we're retaining Alternative 3 as the preferred. Roy.

DR. CRABTREE: We would change dates in a similar fashion throughout the document?

DR. MacLAUCHLIN: Yes, we have the same IPT recommendation for Action 2.

DR. CRABTREE: Well, rather than having to make this motion repeatedly, could we just give direction to staff that we want the dates changed in this fashion throughout the document.

MR. CURRIN: Is that sufficient for you, Kari, with direction wherever the dates are reflected, that they be changed as per the motion in Action 1?

DR. MacLAUCHLIN: Sure.

MR. CURRIN: Okay, Charlie.

MR. PHILLIPS: For the record I would vote no on Alternative 3.

MR. CURRIN: Okay, let the record reflect that the motion was approved with one opposition and no abstentions. All right, let's move to the next action.

DR. MacLAUCHLIN: Action 2 is to redistribute the reverted shares to remaining shareholders. There are four alternatives. Alternative 2 is use a 50 percent equal allocation and 50 percent landings history formula and it has two options, using the history from the past two years or the past five fishing years.

Alternative 3 is the preferred alternative which redistributes the reverted shares to remaining shareholders based on their landings history. Option B is the preferred option and it uses the landings history in the past five fishing years. Alternative 4 is redistribute the reverted shares based on the proportion of remaining shares that was held by the shareholder after the inactive shares are reverted.

Going through the public comments, there were two comments actually that were in support of the allocation based on historic landings. The Southeastern Fisheries Association supports Alternative 2, Option B. That's the 50/50 allocation using five years of landings history. Florida

Saltwater Anglers support no action, and South Carolina Seafood Alliance supports no action for the whole amendment.

The Snapper Grouper AP, I am not going to repeat that one throughout, but just in general. The SSC recommendations were based on the SEP, and again the SEP just opposed reverting shares and that reverting shares and redistributing the shares would lessen the economic value of them.

DR. CRABTREE: Did the SEP oppose reverting the shares of individuals who are believed to be deceased or people who we were unable to account for or did they get at that level of detail?

DR. MacLAUCHLIN: They did not; they just felt strongly that because they were transferable the market should be able to change the distribution.

DR. CRABTREE: I tend to agree with that except when you can't account for some of them or people are deceased that the market is not going to work in that circumstance.

DR. MacLAUCHLIN: Well, they did note in their report that they would support council actions that facilitate transfers; for example, I don't know, putting together buyers and sellers.

MR. CURRIN: And obviously some of that has occurred already; and if I had to guess I suspect there will be some additional transfers made before the implementation of this amendment. Discussion? Charlie.

MR. PHILLIPS: I think what happened is we didn't have a use-it or lose-it like we talked about in golden crab. What is happening now instead of we're down a little over 25 percent, which is 70,000 pounds and even that is probably going to drop, so we're fast approaching where we don't need to reallocate stuff.

If we didn't go forward with this amendment but made it clear that we were going to reallocate stuff that wasn't used in two years, that would give everybody time to get these shares in the fishery and we wouldn't have to be going through all of this. I'm thinking it might be the wise thing to do, which is why I voted against the first motion.

I think we're getting where we want to go and I think we can get there without reallocating these things if we make it known that we are going to reallocate it if they don't sell them to somebody using – and somebody that's dead, you know, or passed on, then we obviously need to do something with that. I don't think we need to reallocate from people that have them.

MR. CURRIN: Okay, other comments? We currently have preferreds. We've got the table that shows you the results of those preferreds. Roy.

DR. CRABTREE: I think Charlie makes a point. Andy tells me that about 13 percent of the shares are with people we can't account for and that haven't responded. I know at least one is deceased because we all got a letter about it. I think a couple of others may be, and I have no idea of what the people we just can't account for happens.

I suspect there is about 13 percent of it that the market is not going to be able to deal with because you can't buy shares from somebody that no one can find. I guess one way to come at this would be to just take the people we can't account for and reallocate that. Andy, you said about 28 percent of it now is inactive; is that right?

Then we would just be assuming that the other 15 percent is available and let the market take care of it at that. I guess that would be one way to get at this. I don't think there is an alternative in here that does that so I guess we'd have to construct an alternative that would do that and add it in.

MR. CURRIN: Well, I don't know what adding alternatives at this point does to us. There is no analysis I don't think of such an alternative. The intent, as we all know, I think is to get this in place so that we don't impact the current fishing year and give the folks that are active an opportunity to fish. It's up to the committee. I just want to make sure you understand the implications. Charlie.

MR. PHILLIPS: Mr. Chairman, to that point, the impacts have become much, much less than they were when we started this process. If we reallocate the 13 percent of the people that we absolutely cannot find, I don't have a problem with that. I had wreckfish shares and I understood when I had them – and I sold mine many, many years ago – that those shares were theirs.

The values and poundage values could change. I think it speaks to the credibility of the council back then that – and we've heard public comment to what I'm saying. Yes, if we revert all the shares that weren't – they'll get a few more fish, but I don't think that's going to make or break them. I think our credibility is very valuable and I would suggest we revert the shares of people that we absolutely cannot find and that be that. If we want to do a use-it or lose-it, then proceed from there.

DR. MacLAUHLIN: When we first went over this and split it into 20A and 20B – and that was in June – we had kind of an options paper and we had some different ways to identify inactive shares and we did have in there that people we were unable to contact or were deceased, then there would be like an alternative, and it never was added as an official alternative into the amendment. It was just an option in the options paper.

There was something about that you had sent them the letters and if they didn't come back, right, Andy, and so there was no actual proof that they were no longer in contact or are deceased. I just wanted to point out that's why it's not an alternative. It is because it wasn't a feasible way to prove that those people were not there.

MR. STRELCHECK: I'll add to that that I think there is some additional complexities especially with the deceased shareholders in terms of wills and estates; and if the shares are passed down to someone else who is eligible for the shares; do they remain eligible, but we steered clear of this definition of contacting them because of what would it mean and how would we define it and at what point do you say you can or can't contact someone, and that's why we went with the landings definition rather than contacting individuals. One other thing to keep in mind, the landings history is for the past five years, so they haven't reported a single pound of landings

during that timeframe. You're taking something away from them but they're certainly not utilizing it for any purpose at this point.

DR. MacLAUCHLIN: There was an option in the options paper, you know, a potential alternative that included like no landings in ten years and fifteen years, and in general the reason why it's only two years and five years is because there wasn't really a difference between five and ten years, so if you haven't reported in five years you haven't fished in ten years.

DR. CRABTREE: It does sound to me like just trying to deal with unaccounted for people would get complicated and difficult to do. Andy, is it fair to say that – I mean, there has been a lot of notice about what is happening here. People who have these shares have gotten notification and if they wanted to sell them or do something with them, they've certainly had ample opportunity, I would think.

I know some of them may be tied up in escrow and things like that, but other than that though we've made a lot of effort through notices of the hearings and the amendment and in the letters you've sent out; so anyone who is holding these for whatever reason, it seems to me they've had ample notice and ample opportunity to transfer or sell their shares if they wanted to get some kind of financial gain out of it.

MR. STRELCHECK: To that point, we were very purposeful in sending out the letters to shareholders and making sure that they were well aware of the actions that you were taking as a council so that if they had questions they could contact us and we discuss with them what was going on and they could also provide input back to the council of any concerns they had with the decisions you were making.

MS. SMIT-BRUNELLO: Well, just two things; I looked back through the original amendment that established this program, the ITQ Program, Amendment 5, and it was clear in that amendment that, yes, the council was thinking of these things as long-term kinds of fishing privileges I guess, if you will, but it was quite clear in the document, that it was laid out that the council said but we come back and change this program at any time and modify or revoke these.

The other point is that at least the one shareholder you got the letter from via e-mail from an attorney, and that particular person died in April of 2001, that shareholder, so there has been quite a bit of time that his decedents could have tried to get this put in their names and all those sorts of things. I am sure this was because the interest was renewed based on the council's picking this back up again and looking at it and deciding what to do.

MR. PHILLIPS: Andy, what is the cut-off date or what was the cut-off date for these last 20-something percent of people; what is it?

MR. STRELCHECK: I'm not sure what you're asking.

MR. PHILLIPS: Do they still have a chance to do something with their shares is what I'm asking?

MR. STRELCHECK: Yes, absolutely, up until the point of final implementation or the rule – excuse me, we'll have a freeze in terms of share transfers prior to implementation of the rule; but once we redistribute, they'll have up to that opportunity to go ahead and sell their shares if they so desire.

DR. CRABTREE: Do you have a feel, Andy, for how long that freeze period would be?

MR. STRELCHECK: The council suggested 30 days. Once we are aware of a share transfer coming in, we process it within a matter of a couple of days.

DR. CRABTREE: I think we should send out a letter once the council takes action on this or something – I want to make sure that the shareholders are notified that there is going to be a freeze and it's likely to be around this time period so you've got this much time left. If you want to get anything out of this, unload your shares.

MR. CURRIN: Yes, that's a good suggestion. Well, you guys will take care of that, I'm sure, Andy. All right, everybody okay with the preferreds then under Action 2 that we currently have. We have had good discussion. It's a good idea, Charlie, but I think there are complexities and potential problems that would preclude us from – even if we had time and wanted to delay and all of that. Is everybody okay, then? Do you want to recess for lunch before we move on to Action 3? Let's shoot to be back at 1:30.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Roosevelt Ballroom of the Holiday Inn Brownstone Hotel, Thursday afternoon, December 8, 2011, and was called to order at 1:30 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: All right, let's reconvene, please, and move on to Action 3 in Amendment 20A. We've got two more actions in here, folks, and we've got a public comment period at 2:00, so we need, if we at all possibly can, to finish this up and then we'll go into full council as best I understand and we will finish the rest of the Snapper Grouper Committee as a Committee of the Whole. Kari.

DR. MacLAUHLIN: Okay, Action 3, establish a share cap, and we have six alternatives here with different percentages for the share cap. In September the council selected the Preferred Alternative 4, a share cap of 49 percent of the total shares. This is Table 4-20 from the document and under all the preferred alternatives for Action 1, 2 and 3, there will be no individuals over that share cap.

Now, they will be able to, if they choose, buy up to that percentage. We won't have to deal with that after the shares get redistributed. Public comments; two of our written comments specifically – I'm sorry, three of the three comments specifically talked about this one. One organization supported the 15 percent share cap and then two of them supported the preferred alternative, the 49 percent share cap.

Then this was reviewed by the SEP and the SSC concurred. The SEP does not support establishment of a share cap. Even though we have discussed that this is a mandate now, this is



their expert opinion on such things. One concern that came up was this does not mirror what is happening in the golden crab fishery; and even though they did acknowledge that the golden crab, that would be an initial allocation and this is more like a reallocation.

And because there are many substitutes for wreckfish available in the market, the SEP does not think the aggregation of shares would lead to market power and the ability to manipulate wreckfish prices on either the buyer or seller side. Another potential concern in concentrating ownership is a disproportionate influence in future management decisions. The preferred is Alternative 4.

MR. CURRIN: Everybody okay with where we are with this preferred alternative? Any desire to change it? Charlie.

MR. PHILLIPS: Kari, with the redistribution what would the highest shareholder – what would that cap be? You said it's not going to be 49; what would it be?

DR. MacLAUCHLIN: In this table it would be 41.5.

MR. PHILLIPS: I don't see much difference in 41.5 and 49, so I guess I'll be okay.

MR. CURRIN: Any other comments? Any desire to change the preferred under Action 3? I see none; let's move on to Action 4.

DR. MacLAUCHLIN: Action 4 establishes an appeals process, and this is similar to the process described for the black sea bass endorsements in 18A. The council has selected as Preferred Alternative 2, which uses a percentage of the set-aside and then the RA will review, evaluate and render the final decision, and then there are three subalternatives in there with different percentages that would be set aside for the appeals.

The council selected Subalternative 2B, which is a 5 percent set-aside; and if this is not used for appeals, it will be distributed to those remaining shareholders based on the formula in Action 2. Alternative 3 is a similar one but it uses a board of state directors and designees that make their recommendations to the RA, who renders the final decision. We had one organization that commented that supported no action and then two that supported the preferred alternative and preferred subalternative for the set-aside.

MR. CURRIN: Okay, everybody know where we are? We already have Preferred Alternative 2, Subalternative 2B. Any desire to change that? I assume everybody is comfortable then. Anything else from the committee on Amendment 20A before I seek a motion to approve it for formal review and deem the codified text, which we also have I believe? Kari, have you got anything that we need to consider? Doug.

MR. HAYMANS: Mr. Chairman, I make a motion to approve 20A for formal review.

**MR. CURRIN: Motion by Doug; second by Duane to approve Amendment 20A for formal review. Discussion of that motion? Any objection to that motion? I see none and that**

**motion is approved. We also need to deem the codified text as necessary and appropriate. Motion by Doug; second by Duane to deem the codified text as necessary and appropriate. Any discussion of that motion? Any objection to that motion? I see none and that motion is approved.** All right, thank you very much. Roy.

DR. CRABTREE: One other wreckfish issue; I think we ought to talk about – and, Mac, I don't know if you want to do this somewhere else, but we do have a new ABC from the SSC that is somewhat lower, and I think Monica has a suggestion as to how to deal with that. Would you like to do that now since we're on wreckfish or somewhere else?

MR. CURRIN: Well, Roy, I think we can handle it. We've got 20 minutes until we receive our public comment. Do you think we can probably get that done in 20 minutes? I would think so.

DR. CRABTREE: I think so. We have a new ABC. There were some analyses that the SSC had requested. Those were done and reviewed at the last SSC meeting. I believe the new ABC is 235,000 pounds or so. Now, we have the Comprehensive ACL Amendment, which is in the review process now, but I've consulted with Monica and we think that we could re-propose the wreckfish ABC, have another comment period on that and go final with that with the new value in it without the council needing to take an action to correct that other than to endorse doing that. Monica, you may want to comment on how this would work.

MS. SMIT-BRUNELLO: Well, that's pretty much it. Under the Magnuson Act in Section 304(b), which talks about the review of regulations and how long the comment period is for proposed regulations, there is a section under there, Section 3 which states that the secretary shall consult with the council before making any revisions to the proposed regulations and must publish in the Federal Register an explanation of any differences between the proposed and final regulations.

Since this is currently in the comment period, the thought was to republish another proposed rule which just covered the new SSC-recommended ABC for wreckfish and get some comment on that; and then we have consulted with the council at this meeting and then in the final rule, depending on the comments and everything, the new ABC could be reflected, if approved, to be 235,000 pounds.

DR. CRABTREE: So I think that is our best course of action and that saves us having to go through another process. I think we can get that done and in place by the time the season would start; so with your concurrence that is how we would proceed.

MR. CURRIN: Thoughts, comments. Michelle.

DR. DUVAL: I was wondering – you know, I read through the DCAC analysis that was done for the SSC and some of the conversation, and I guess it was analyzed twice and I was wondering if John might be able to give a little bit of enlightenment as to the SSC's recommendation.

By my reading they redid the DCAC analysis and then came up with two other values, which were then averaged, and I'm just wondering about the likelihood of one of those values being correct versus the other mean. One was fairly high and one was fairly low, and we ended up with 235.

MR. CARMICHAEL: Well, that's correct, there were a variety of runs that were done, and there were a number of them, six or eight or maybe more that came to the committee at first, and then a subgroup of the SSC got together to go through it in detail to try and come up with a configuration that they thought was most appropriate, including working with Andy, who had done the original work, as well as talking with Alec MacCall, who is one of the designers essentially of this program.

One of their concerns was making sure that they had the appropriate measure for the level of depletion because that's a fundamental aspect of this type of analysis. That led to perhaps the change that led to the two runs was trying to look at either overall period for which catch data is available, and it was discussed, versus looking at a period for which there were CPUE measures.

Well, that led to them coming up with using the two different measures of the level of depletion, and there is a lot of unknown about that actual parameter. They agreed to single estimates for all the other parameters that go into the model and went forward with these two competing measures for the level of depletion, which led to two outcomes; one being like 285 and one being like 215, maybe, around that 250.

Then their language in the subcommittee's report and supported by the SSC was that they felt both were equally plausible, that they had no information by which to really judge any better than those two outcomes. There was a lot of discussion then by the full SSC about how to best present this to the council, ranging from going with a range, which was something we as staff suggested that they may just consider providing both to you.

The committee ultimately decided that they would simply take the average of the two runs as being the best estimate of what the yield might be. That's how we ended up with average, and I guess there is some question about doing that. I think one of the reasons they felt compelled to give a single number is because their charge being to give an ABC, and it's not really clear how the SSC should function when they have the opportunity to give you more than one ABC and whether or not they're not completing their job if they say, "Well, I don't know, there is maybe four or five ways in some scenarios that you could proceed and we can't decide between them."

Probably certainly a majority of the members felt that they're under a pretty good obligation to give you a value to fill in these blanks, and that's probably one of the strongest reasons why they've tried to do this in other situations is to try and tease something out of those competing and maybe equally plausible scenarios to give you an answer.

DR. MacLAUCHLIN: I just wanted to clarify with Monica; so when this is, if approved, published in the final rule, you mean published in the Comp ACL or published in its own rule?

MS. SMIT-BRUNELLO: Well, the Comprehensive ACL, the amendment doesn't specify a poundage. It specifies a formula. That was the preferred alternative, so that formula for wreckfish doesn't change. I see somebody shaking their head no, but I went back and checked and we can make sure before full council, but I believe the preferred alternative was something like ABC equals OY equals ACL; and then based on the SSC's recommendation within the discussion of that action, the 250,000 pounds was given for wreckfish.

I don't think that this affects the approval of the amendment, but what would be done is now that you have a new ABC from the SSC and the preferred alternative was ABC equals OY equals ACL, we could republish as a proposed rule and take public comment on the new proposal for the ACL, which would be I believe 235,000 pounds. Then the final rule would reflect, after public comment, what the amount would be.

MS. BROUWER: Just to clarify, the formula ABC equals ACL equals OY is under the action to establish ACLs. There is not an action to establish an ABC for wreckfish in the Comprehensive ACL. There is discussion that establishes that the SSC's recommendation to the council is 250,000 pounds. I don't know if that matters, but just to make that clear.

DR. MacLAUCHLIN: So anytime that there is a new recommendation for an ABC for any of the species, it will go through a similar process, a proposed rule, comment period, final rule for that poundage?

MS. SMIT-BRUNELLO: I think it depends when it's given to the council. I think that the council has to consider what the SSC gives them for ABC, and it would just depend when the council received that in the process of developing whatever amendment or whatever changes they had or were going to make.

I mean this is an unusual situation because we have the proposed rule out for public comment. The public comment period is open on the amendment, and it just happened the SSC met in November and came up with this new amount. I think that maybe the council should think about when they would like the SSC to review these kinds of things during the course of the year.

I mean you have a fishery that opens – it's an ITQ Fishery and it opens on April 16<sup>th</sup> and coupons have to be issued and a number of things of which you're all aware of, but there is some urgency in a way to get all that taken care of before the start of the fishing year. It was discussed that one way to do this would be to re-propose that amount and get public comment on it.

MR. HARRIS: Mr. Chairman, just a question for John; John, was there not another analysis done that the SSC was not presented and do you know did it come up with a different value?

MR. CARMICHAEL: As I understand it, there is another analysis that was done to be the next tier on the control rule, the DBSRA, and there was some discussion of it at the meeting and it was acknowledged. My understanding – and I guess Andy may be able to speak more for it – is that it is at the Science Center but it hasn't been released. The SSC hasn't seen it and I haven't seen it. I don't know what the outcomes are of it.

MR. STRELCHECK: Yes, I did speak on the record to the SSC that there was some preliminary work done of Alec MacCall, but there is some work that still needs to be done before the analysis is completed. The SSC also had some extensive discussion about whether this could be even elevated to a stock production model given the fact that they have a CPUE index, effort data and catch data, so it could be actually moved up a couple of tiers in terms of their control rule for consideration and assessment. Right now I believe it's on the SEDAR schedule for 2013. To the extent this would be considered, it is in the pike at least for moving forward.

DR. CRABTREE: And one of the characteristics of IFQ fisheries is once you release the quota to the fishery, it's very difficult to then lower the TAC, so you really have to make adjustments before the year starts. That's not true if you're raising TAC. You can always come in and add additional fish to their counts, but it's not straightforward to take the fish out of the accounts because some people have already caught all their fish.

I think Monica's solution to re-proposing that portion of the rule and changing the TAC is the best way to go. Then if there are additional analyses or any further developments with SSC that would allow us to raise the ABC, we could do that and then we could put the extra fish in folks' account. This seems to be preferable to me than an emergency rule or something along those lines. I think it would require much more administrative effort to go through an alternative rulemaking.

MR. WAUGH: I know, too, during the SSC discussions they made the point that scientifically there is not any difference between these two values but recognized the impacts it has on the fishery. I just wonder if there isn't enough latitude here in that there are additional analyses being done, more complete analysis in terms of a production model that could be done that the council would have the leeway to just defer on accepting this new ABC value from the Scientific and Statistical Committee and recommend that they look – or additional analyses be presented to them and then we modify the ABC at a future time.

MR. CURRIN: My sense is there probably would be some support for that. David.

MR. CUPKA: Maybe I can ask John or Gregg, but didn't the SSC also comment that statistically there really wasn't any difference between the two values?

MR. CARMICHAEL: Yes, David, they did, citing the uncertainties that go into the method as well as the data that went in there, that the values are statistically probably not distinguishable.

MR. CUPKA: Well, if that's the case, it seems to me like the cleanest thing or the best approach would be to leave things the way they are, then, if there is no real difference. I know Roy is not going to go for that.

DR. CRABTREE: Yes, the statute is very clear that these ACLs cannot exceed the fishing level recommendation from the SSC, and we now have a fishing level recommendation. I don't think we have a choice here other than to follow through along the lines we're taking out of – now, I think it's a legitimate issue.

When you have two equally likely scenarios like this, it seems to me it then becomes a policy call as to how to handle that. I think there are some things we could work out with the SSC, but I think it will be difficult for us to go forward with putting in place an ACL that is higher than the ABC we have from the SSC.

I really think that we've got to go down this route and adjust this ACL. Now, if we go back to the SSC – and I don't know when the SSC meets again and when we could resolve this, but we go back to them and we come to a different solution, then it would be a fairly simple matter to increase the ACL and put more quota in folks' account. But if we don't deal with this now, there won't be any way to get that back and that leaves us with an ACL that is not in compliance with the statute, and that makes it very difficult for us to approve this ACL and put it in place.

MS. SMIT-BRUNELLO: I was going to say what Roy said in terms of the law. The Magnuson Act is pretty clear that the council's annual catch limits can't exceed the fishing level recommendation from its SSC, and the new recommendation you've got is less than the ACL that was in the Comprehensive Amendment, so I think you're hard pressed to disregard this.

I didn't hear anything from John that told me that this method wasn't scientifically valid or anything like that. In fact, it is actually a notch up on the control rule. You have the four tiers of the control rule, the bottom one being for unassessed species and that's where the 250,000 pound recommendation came from. This is one step up on the control rule, so it has got a good scientific basis, so I think you're going to be hard pressed to reject this at this point.

MR. CUPKA: Let me ask John just exactly what triggered them to even run this analysis? I mean we already had a value from them that was in the ACL Amendment. What was the impetus for doing a further analysis at this point?

MR. CARMICHAEL: Well, when they gave the last recommendation, which was based on average landings to the extent that they saw average landings, which is why, as Monica said, is correct. This is a step up and the SSC had that discussion about this being an improved analysis and perhaps a more defensible value, and they felt obligated to respond to it and include it.

But the reason they did it is when they made those recommendations, one of the things they had asked for was to look at a DCAC, a production model, to try to do an assessment, so they had made that request. I guess that's what triggered the regional staff through Andy to try and do this analysis. They came to us a little bit in advance of the meeting and we heard that this analysis was going to be done so requested that we add it to the agenda for the SSC, so that's how it came to be and why they were asked to look at it.

DR. CRABTREE: That's right and there was a lot of dissatisfaction, council and everyone, about the basis for the ABC, and so this was made a high priority to try and give the SSC more information, but you never know when you do these things how it's going to come out. In this case this is the result we have. Now, I think you can, like I said, legitimately go back and question some of these things, but now this is just where we wound up.

DR. DUVAL: I assume the DCAC analysis was able to be done with the confidential data that's not accessible for the SSC?

MR. STRELCHECK: Correct.

DR. DUVAL: So it was a subgroup of the SSC that did the second set of runs, so was that also the confidential data or was that non-confidential data?

MR. STRELCHECK: I met with the subgroup of the SSC one evening during the meeting and they weren't observing any confidential data during those discussions. We were just discussing the input parameters for the model and how to appropriately set up the model to run these additional runs that they ultimately selected.

MR. CURRIN: So it looks like nobody is happy with where we are, but we've gotten a more sophisticated analysis and unfortunately didn't come out the way we'd like to see it, but I think the path is pretty clear. We will likely need a motion from the committee to request that ACL be adjusted in the Comprehensive ACL Amendment and more public comment be sought on that.

**DR. CRABTREE: I'll make a motion that the committee concurs with the proposal to adjust the ACL through the process discussed by NOAA Office of General Council.**

**MR. CURRIN: Motion by Roy; second by Duane. Discussion on the motion. All in favor of the motion raise your hand, 11 in favor; any opposed, none; any abstentions. I see none.** Okay, thank you. All right, Mr. Chairman, it's two minutes until two o'clock.

(Whereupon, the Snapper Grouper Committee went into the Committee of the Whole at 1:28 o'clock p.m., December 8, 2011.)

MR. CURRIN: Thank you, Mr. Chairman. Our next agenda item is Amendment 24, Attachments 3A through 3E; and when Myra is ready, I will turn it over to her for a summary of the public hearing comments and overview of any changes. Then we will go through and look at that with the idea hopefully of quickly approving that for formal review and dealing with the codified text. I believe we will be working out of that Decision document, which is Attachment 3D. Is that what you are going to use?

MS. BROUWER: Yes, Attachment 3D is the Decision document and what you see up on your screen is a document I will use to walk you through it. I have indicated the PDF page on the Decision document and the PDF page on the main document for your reference as you follow along.

As you know, this amendment establishes a rebuilding plan for red grouper. There is a statutory deadline for this amendment. Regulations need to be implemented by June of 2012. The intent is for the council to recommend to send this amendment for formal review at this meeting. Action 1 is on PDF Page 5 of your Decision document.

This would establish the MSY for red grouper. The only change from the document you saw at the September meeting is the F 30 percent SPR is different, and that is because it needed to be changed to reflect the recommendation of the SEDAR stock assessment. The figure that was included in the September version of this document was not correct; that is why it is highlighted.

Your preferred alternative is Alternative 2 which essentially would adopt the MSY and the Fmsy that are recommended by the most recent SEDAR or the SSC. As you can see on the table, those are the values for those two parameters. The Snapper Grouper AP recommended selecting Alternative 2 as the preferred. The SSC did not have a recommendation.

As far as public comments, the majority of folks supported Alternative 1, no action. As I mentioned, our only recommendation would be to adopt this change to the no action alternative from the previous value of 0.178 to the updated value of 0.189 based on the SEDAR 19 Review Workshop.

**MR. CURRIN: If the committee is comfortable with the current preferred, I would entertain a motion to adopt the recommended language from the IPT. Motion by David, second by Charlie. Is there a discussion? The motion is to adopt the recommended language for Alternative 1 or was it Action 1, would it not be? Alternative 1, that is correct. No further discussion? Ben.**

MR. HARTIG: Mac, I have got a question; how far back do you go with your information on exploitation rates of reef fish off of North Carolina? How far back do you have recollections in your history?

MR. CURRIN: My personal history? Ben, the first time I ever remember going bottom fishing, I was 10 years old and it was off of South Carolina. I never did it on a regular basis but I spent regular time on the docks a few weeks every year and did some bottom fishing, not a lot. I enjoyed it, but I never did it on a regular basis. I'd probably go once or twice during the year.

MR. HARTIG: Yes, that is a good answer, but the thing I was getting at is when I was in graduate school in the '70s, my major professor came to me and said there has been a big – there was a lot of fish found, exploratory fish – well, Bob would know this too and so would David. There was a lot of fish found off the Carolinas and in that timeframe, '76, '77, and '78 is when the major bottom fishing started.

The reason I bring this up is when I go back and look at the assessment, the stock has been overfishing and overfished since 1976. If you all believe that is true, I would like to know. From my recollections of the fishery to the north, it didn't start until the mid-seventies to any great degree when the Florida boats moved up into the Carolinas and started to bottom fish. But I know Bob and David – and excuse me for overlooking you – could answer that also.

MR. CURRIN: Yes, and Ben that is my recollection as well is when it took off is in the early seventies. I knew a lot of folks that worked at the National Marine Fisheries Service Lab who were doing a lot of the work, Gartsman and Manooch and that crowd that were doing a lot of the



work, Pete Parker, on home bottom fish off of North Carolina. That is when I remember it kind of taking off.

MR. CUPKA: That is when it was for off of South Carolina because I remember, I think it was in 1973 we got a grant from the Old Coastal Plains Regional Commission to do some exploratory fishing off of South Carolina, and it was relatively untouched up until that time, so my recollection agrees with yours.

MR. MAHOOD: Yes, and a lot of people now that are new in the fishery think it is really great, but in the seventies it was really great. Our claim to fame is we got to go offshore and catch fish once a year way offshore for the Florida Natural Resources Fish Fry. That is when we got out. The big difference back then, too, Ben, and what has happened since then is electronics.

When we went out there we had a Loran, what is it the old LORAN-A or whatever, where you actually had a scope with two dials and you tried to get the lines to come together. Nobody really had spots out there. Now one thing I will say in Northeast Florida the offshore fishery probably started back in the sixties, because we did have a – one of our vessel captains was an old snapper grouper fisherman out of Fernandina and he knew a lot of spots out there already when he came to work for us, so he had been at it for a number of years.

But the fish, the fish were big. Duane Harris is not here, we sat on a research boat out there one night and caught probably 20-plus gag grouper over 30 pounds from one spot and 20-pound red snapper one right after the other. There were more good old days. Those people that have been around, we kind of dipped down and now we are coming back and people think that this is the best it has ever been, but it is not. Now whether or not the environment has a capability of rebuilding to those days, that I don't know.

MR. HARTIG: Well, thank you, that was very perplexing to me to see what came out of the assessment doesn't match when the fishery started. That is something that I would like to have rectified eventually.

MR. CURRIN: All right, I think we voted on that motion, did we not? No, we haven't. Is there any further discussion on the motion to adopt the IPTs recommended language in Alternative 1? Is there any objection to that motion? **I see none, that motion is approved.** All right, Myra.

MS. BROUWER: Moving on to Action 2, this is the action addressing the MSST, the minimum stock size threshold and it is on the PDF Page 7 in your Decision document, and PDF Page 156 on the main document. Your preferred at the moment is Alternative 3 and that is to set the MSST equal to 75 percent of SSBmsy.

The Snapper Grouper AP recommended selecting Alternative 1, no action as a preferred. The SSC had a recommendation from their April 2011 meeting. There is an appendix in the amendment that includes analyses or recommendations from the Southeast Fisheries Science Center. That is Appendix D. The IPT had no recommendations for this action.

MR. CURRIN: All right, so we okay with the preferred? Now, Myra, wasn't there some discussion about – I can't recall exactly what it was. You sent me a document on the MSST and some adjustments. Was that just to language?

MS. BROUWER: Yes, that was some clarification that was proposed for the council conclusions in the amendment document, and that is just merely to clarify and beef that discussion up a little bit.

MR. CURRIN: That is fine, so the committee won't need to take action on that. It makes sense to me, or do you want us to provide a motion? All right, is everybody okay with the current preferred? All right, I see no desire to change it; let's move.

MS. BROUWER: Action 3 addresses the rebuilding schedule. That is on PDF Page 9, main document Page 159. Your preferred is to define a rebuilding schedule as a maximum period allowed to rebuild, which is T<sub>max</sub> and that is 10 years with 2011 being Year One. The Snapper Grouper AP supported that recommendation.

The SSC had recommended that the council should select 10 years as a preferred rebuilding. They also recommended the strategies to rebuild to have a 70 percent probability of success within the 10 year timeframe, and the majority of the public comments supported Alternative 5.

MR. CURRIN: Is everyone okay with the current preferred? All right, I see no need; let's move on.

MS. BROUWER: Action 4 is the rebuilding strategy and the ABC for red grouper, PDF Page 11 on the decision document, 165 on the main document. The preferred alternative there is to pick a 75 percent F<sub>msy</sub> strategy. The table that you see up on the screen shows the projected ABC values which do not include dead discards.

That would be 573,000 pounds in 2011; 647,000 in 2012; 718,000 in 2013; and 780,000 in 2014. The Snapper Grouper AP recommended selecting Alternative 3 as a preferred. The SSC had no recommendation. The majority of the public comments that were submitted supported Alternative 2.

MR. CURRIN: Everybody okay with the current preferred? No desire to change it? If not, let's move on.

MS. BROUWER: Action 5 establishes allocations. Your preferred is to have the commercial sector be allocated 44 percent of the ABC and the recreational 56 percent, and using Boyles' Law to establish those allocations using catch history from '86 through '08 and the other half 2006 through 2008.

The Snapper Grouper AP recommended selecting Subalternative 2E as the preferred. This was brought up to the SSC at their November meeting. They had not provided any input regarding Boyles' Law. The SEP actually requested that Boyles' Law be put on their agenda for

discussion at the next meeting. The public comments, the majority of them supported Subalternative 2E.

MR. HARTIG: Yes, just a comment, and no intent to change the motion. I worked on this a lot as you all know and I went back and fiddled with the high number in 2008 in the end of the time series, and my calculation – actually Mike’s calculation came out the same as the preferred alternative. Thank you, Mac, for at the last meeting extending the time series to make it consistent with what we have done with most species.

MR. CURRIN: You are welcome, but the committee did that though, Ben. All right, everybody okay? I will give the credit to Duane. Is everybody okay with the current preferred? All right, let’s move.

MS. BROUWER: Action 6 establishes ACLs and OY, PDF Page 16 in the decision document, 189 in the main document. Your preferred is Alternative 2, which would set the ACL equal to OY equal to ABC. It would specify commercial and recreational ACLs for red grouper for 2012, 2013 and 2014 and beyond.

The ACL for 2014 would remain in effect until modified. Then comes the highlighted portion which is what we have been calling the double jeopardy language in other amendments, which is the ACLs in 2013 and 2014 will not increase automatically in a subsequent year if present year projected catch has exceeded the total ACL.

MR. CURRIN: Recall we had some discussion of that in 18A and I think came to some resolution. Well, I think the points were that it didn’t automatically prohibit you from increasing but we needed to get the SSC to analyze what impacts any sort of overages might have before we could then consider upping the ACL automatically. I believe that captures it, does it not?

MS. BROUWER: In addition, other preferreds under this action are to eliminate the commercial sector ACL and to eliminate the recreational sector aggregate ACL and the associated accountability measures. The Snapper Grouper AP supported the preferreds; and as I mentioned already that there were some comments regarding this double jeopardy language. Of course, you have already heard the recommendation from the SSC regarding the OY level.

MR. CURRIN: Is everybody okay with where we are here, concurrence from the AP? I think we have addressed the issues from the best I see as well and the double jeopardy as best we can. All right, let’s move on.

MS. BROUWER: Action 7 would specify a commercial ACT, PDF Page 22 and PDF Page 199. Your preferred here is a no action, consistent with what you have chosen with other amendments to not set an ACT for the commercial sector. The Snapper Grouper AP supported that recommendation and so did the majority of public comment.

MR. CURRIN: Is everybody okay? All right, let’s move.

MS. BROUWER: Action 8 would specify a recreational ACT, PDF Page 23 and main document PDF Page 202. Again here consistent with what you have chosen in other amendments, the recreational ACT would equal the ACL time 1 minus the PSE or the ACL times half, whichever is greater.

MR. CURRIN: Is everybody okay? Ben.

MR. HARTIG: Yes, the only thing I remember reading about PSEs is they are going to increase with MRIP, is that correct, Mac, in your –

MR. CURRIN: That is what I hear as a general rule. Ben, that doesn't mean that all of them will increase; it doesn't mean that all of them won't increase. But, yes, generally the PSEs from what I understand will be higher.

MR. HARTIG: That was only a question for me.

MS. BROUWER: The SSC did comment on this action to what you said, Ben, that the PSEs will go up with the release of the MRIP estimates. "The South Atlantic Council may want to be a bit more risk averse," I am quoting from the SSC report. The SSC recommends attaching some level of management action to the ACT that helps slow landings and prevent overages.

The majority of the public comments that we received, which by the way was only 12 written comments on this amendment, supported Alternative 1, stating that the preferred alternative of not setting an ACT for the commercial sector and setting one for the recreational anglers effectively reduced their allocation by 25 percent.

MR. CURRIN: In view of those comments – and it is not the first time we have heard them – are we still comfortable with the approach that we have chosen? All right, I see no desire to make a change.

MS. BROUWER: Action 9 specifies commercial AMs for red grouper, PDF Page 26 and 205. You have two preferreds, Alternatives 2 and 3. If the commercial ACL is met or projected to be met, all subsequent purchase and sale is prohibited and harvest and possession are limited to the bag limit. Then if the commercial ACL is exceeded, the RA shall publish a notice to reduce the commercial ACL in the following season by the amount of the overage.

MR. CURRIN: Is everybody okay with that? I think so, that has been our usual approach here. All right, no desire to change, let's move on.

MS. BROUWER: Then Action 10 would specify recreational AMs for red grouper, PDF Page 30 and 209. Your preferred is to have the trigger be if the current year recreational landings exceed the recreational ACL in the given year. This is consistent with what you chose to do in the Comprehensive ACL Amendment.

Then the in-season AM, the RA would publish a notice to close the recreational sector when the ACL is projected to be met. As far as post season, your preferred currently is to have a payback.

If the recreational ACL is exceeded, the RA shall publish a notice to reduce the ACL in the following season by the amount of the overage.

MR. CURRIN: You will note from the graphics that at least in the near future recreational catch is not projected to exceed the recreational allocation, which is good. Roy.

DR. CRABTREE: Yes, I would suggest we probably need some language in here just as we did with sea bass to the effect that when we have new projections that incorporate an overrun, then the payback for that year is not required. If we get an update or something a few years from now and you get the same situation as sea bass, we will be all right.

MR. CURRIN: Is that a motion?

**DR. CRABTREE: Yes, I would move for the accountability measures in Actions 9 and 10, that we indicate that the paybacks are not required when new projections are adopted that incorporate overruns of the quotas and the ACLs are adjusted in accordance with those projections.**

MR. CUPKA: Second.

MR. CURRIN: Motion by Roy; second by David.

DR. CRABTREE: Indicate that paybacks are not required when new projections are adopted that incorporate ACL overruns and the ACLs are adjusted in accordance with those projections.

MR. CURRIN: Okay, discussion of that motion? Is there any objection to that motion? **I see none, that motion is approved.** Thank you, Roy.

MS. BROUWER: That concludes the actions in Amendment 24.

MR. CURRIN: Anything else that we have got hanging, Myra?

MS. BROUWER: We have received some draft language from the Regional Office to define the overfishing level similar to what you did for black sea bass. The request would be that you make a motion to adopt that language to incorporate it into the document.

MR. CURRIN: Is there a motion?

DR. CRABTREE: So moved.

MR. CURRIN: Motion by Roy to adopt the language changing the definition of overfishing level, incorporating using the OFL language for red grouper. **The motion is by Roy and the second is by Duane. That motion is to adopt OFL language for red grouper and incorporate into the amendment document. Is there any discussion, further discussion on that motion, any objection to that motion? I see none, that motion is approved.** That does it except for, yes, David.

**MR. CUPKA: Yes, I would like to make a motion that we submit it to the secretary for review.**

MR. CURRIN: Motion by David.

MR. CUPKA: Since we are a Committee of the Whole, we can go ahead and take the roll call vote.

MR. CURRIN: Second by Duane. Discussion? All right, Mr. Mahood, this will be a roll call vote and Bob will conduct that.

MR. MAHOOD: Mr. Boyles is not here today and I promised him we wouldn't be taking any votes today, so I guess that is my fault. Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Dr. Duval.

DR. DUVAL: Yes.

MR. MAHOOD: Mr. Harris.

MR. HARRIS: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Mr. Jolley.

MR. JOLLEY: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Ms. McCawley.

MS. McCAWLEY: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Currin.

MR. CURRIN: Yes.

MR. MAHOOD: **It passes unanimously.**

MR. CURRIN: Thank you. We also need a motion to deem the codified text as necessary and appropriate. **Motion by Doug to deem the codified text as necessary and appropriate;** seconded by Michelle. Discussion? Is this also a roll call, Bob?

MR. MAHOOD: Yes.

MR. CURRIN: If there is no discussion, Bob will conduct the roll call vote.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Dr. Duval.

DR. DUVAL: Yes.

MR. MAHOOD: Mr. Harris.

MR. HARRIS: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Mr. Jolley.

MR. JOLLEY: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Ms. McCawley.

MS. McCAWLEY: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Currin.

MR. CURRIN: Yes. And just as a note, I don't think Robert Boyles will be upset that he missed this one. If it were one of the others, perhaps he would be. David.

MR. CUPKA: I was going to ask Monica do we need to pass a motion to give staff and the chairman editorial license on this since there will be some changes made?

MS. SMIT-BRUNELLO: You read my mind; yes, I think that would be an excellent idea. Although I must admit this is one of the easiest to read documents that we have had for quite a while in this new way we are producing and putting it all out there. I don't know that we are going to need it, but I think that it would be very good to give the staff editorial license and the council chair the ability to redeem the regulations if necessary, and to review all editorial changes.

MR. HARRIS: So moved Mr. Chairman.

MR. CURRIN: **Motion by Duane to give the staff and council chair editorial license to review the documents and make appropriate changes. Is there a second? Second by Charlie. Any discussion? Is there any objection to that motion? I see none; that motion is approved.** Do we also need to do something to allow our chairman to deem the changes or is that part of –

MR. MAHOOD: That is part of our process under the SOPPs.



MR. CURRIN: I seemed to remember that but I just wanted to double check. All right, so we are done with Amendment 24. Amendment 18B is our next agenda item. I will turn it over to Myra for an overview and we will go through this. If you recall, we kind of deferred most of our consideration at our last meeting because Ben wasn't there and we needed and wanted his expertise and counsel and advice on this. Let's see what kind of headway we can make going through this document at this time. This Amendment 18B is under a separate file folder, everybody should have that, Attachments 5A and 5B.

MS. BROUWER: If you recall, Amendment 18B was presented to you at the September meeting. However, because of timing constraints, you only got through reviewing Action 1, 2, and 3. We have made some of the changes that were recommended at that meeting and the IPT has several other recommendations for the rest of the amendment.

The intent is to approve this amendment for public hearings at this meeting; conduct those hearings jointly with our scoping at the end of January/early February; approve this document for submission at the March meeting and have the regulations implemented by January of 2013.

The first action is to limit participation in the golden tilefish fishery. That is on PDF Page 33 of the decision document, Page 105 of the main document. Here you made several changes at the September meeting. You approved the splitting of Action 1 into 3 actions. Initially we had all three of them combined.

We split them into an action that dealt with the different sectors, one for longline, one for hook and line, and then one that established the eligibility criteria. You approved deleting Subalternatives 2C and 2D. You selected Subalternative 2A as the preferred, and you added a new alternative that only establishes a longline endorsement and selected that as the preferred. The AP supported the council's preferred to establish an endorsement program for the longline sector.

MR. CURRIN: All right, this is one of the changes we made that probably got Ben's blood pressure up while he was listening. I don't know that, so now is your opportunity.

MS. BROUWER: There were some new analyses that were conducted for these changes and that can be found on PDF Page 106 of Attachment 5A. We also were able to update the social analysis, and that is on Page 109 of the main document.

MR. CURRIN: Okay, and the AP also had some recommendations on this as well, Bobby.

MR. CARDIN: On establishing a longline endorsement, the AP supported that. However, on the previous discussions of the bandit endorsement, through both council's discussions of allowing some kind of bycatch for the bandit fishery and through fishermen's public comments about the possibility of catching tilefish with a bandit, we kind of supported the idea of no hook-and-line endorsement.

MR. CURRIN: Okay, before we go out to public hearing, is everybody okay with the suite of alternatives that are included in this action?

MR. HARTIG: It was my impression at the last meeting – and I may be lost in where I am and what document I am, but it was my impression at the last meeting that you only approved the longline endorsement to go ahead.

MR. CURRIN: That is correct.

MR. HARTIG: That is what I thought. I would reintroduce a motion or whatever to have a hook-and-line endorsement in the golden tilefish fishery.

MR. CURRIN: I think we moved that one to the considered but rejected file, did we not, Myra?

MS. BROUWER: No.

MR. HARTIG: No, because you gave a couple of more options later on to deal with the hook-and-line fishery in case I came back.

MR. CURRIN: We knew you were coming back. **All right, the motion is by Ben to establish a suite of alternatives dealing with the establishment of hook-and-line endorsements in the golden tile fishery; second by Michelle.**

MR. HARTIG: If any of you got to read the information on tilefish that I submitted to you, there is some rationale in there why. We go back a long way to try and get a percentage separation for each, which we will revisit later in this amendment, but the hook-and-line fishery was a vibrant part and it started this fishery originally.

The hook-and-line fishermen, some of them are still around including myself that would like to participate in the rebuilding of the stock. The only way we see to be able to do it is be able to separate the hook-and-line portion of that out, because as you saw with the longline or just the overages in the fishery in the last two seasons, there hasn't been a hook-and-line fishery.

We have been discriminated against because of the way the quota has been monitored and also the way that the council set up the 75/25 before because the council's intention was – well, their anticipation was that 25 percent of the quota would be caught by hook-and-line gear and not by longline. Then in 13C, if you look at that, too, there is a section in there where we allowed for the bandit fishery to stay at 65,000 pounds, which would have been 23 percent of the quota, so I will make those arguments later if we get through this.

MR. CURRIN: Yes, and we were aware of that and I appreciate you sending that history; it was informative, Ben. It certainly wasn't our intent to keep the hook-and-line fishermen out of this fishery. We were just trying to skin the cat a different way I think at our last meeting. It got confusing a little bit when we started trying to accommodate a bycatch fishery outside of the endorsements.

It just didn't seem like there was enough difference in whether you had an endorsement and didn't to be able to fish and land golden tilefish. That is kind of, best I recall, our rationale for

where we ended up, but certainly at this point let's go out if that is the desire and take this suite of alternatives out to the public. Charlie.

MR. PHILLIPS: Yes, Mr. Chairman, and to Ben's point, yes, going out to public hearing is probably a good idea. When we figure out – and we can also hear from the public when we get further through this – what kind of limits there may be for endorsements minus non-endorsements, which may lead us to come back to this in the end.

MR. CURRIN: Myra, as far as direction to you guys, I think we had a suite of alternatives, did we not, dealing with hook-and-line endorsements at some point in this document?

MS. BROUWER: Right, so that has been split in a different action. What I would ask is for clarification from the person who made the motion whether your intent is to then deselect Subalternative 2C and perhaps select 2B as a preferred since that allows the individual to choose the kind of endorsement that they would want if they qualify for both.

MR. HARTIG: When I looked at that, Myra, I don't have a preference for trying to have people choose. If you qualify for both you get them and certainly Roy's position on that, and does that solve your problem in that?

MS. BROUWER: Well, currently the preferred reads individuals that meet the qualifying criteria only receive a longline endorsement.

MR. HARTIG: Yes, you would have to allow a hook-and-line endorsement in that, also.

MR. CURRIN: Did we approve that motion? I didn't think we did, so let's take care of that and if there is a desire to deselect that preferred, then we can do that and that may eliminate some confusion. Any further discussion on this motion? The motion is to consider alternatives to establish a hook-and-line endorsement in the golden tile fishery. Any further discussion? Any objection to that motion? **Seeing none, that motion is approved.** All right I think at least to provide some clarity to the public at the very least we should probably deselect Subalternative 2C as the preferred. Charlie.

MR. PHILLIPS: I so move, Mr. Chairman.

MR. CURRIN: **Motion by Charlie, second by Duane to deselect new Subalternative 2C as the preferred. Discussion? Any objection to that motion? I see none, that motion is approved.** Myra, please help us as we go along. There may be other situations where we have got to change a few things to accommodate the inclusion of the hook-and-line endorsement alternatives.

MS. BROUWER: Just for the record, then you would want this to go out to public hearings without a preferred for this action.

DR. CRABTREE: I don't know; it seems to me that if you qualify for both endorsements you ought to get both endorsements. I would move Subalternative 2A.

**MR. CURRIN: Motion by Roy to select Alternative 2A as the preferred, second by Tom Burgess. Discussion on that motion. Is there objection to that motion? I see none, so now we have a different preferred. That motion is approved.** All right, is everybody okay with where we are on this action? Let's move.

MS. BROUWER: The next action would establish the initial eligibility requirements for the hook-and-line endorsement. That is on PDF Page 5 of the decision document, Page 112 of the main document, and your preferred is no action. There were also several other changes you made at the September meeting as you can see on the screen.

There were several subalternatives that were eliminated. We also received guidance to substitute the word "individual" in the language of the alternatives with the word "permit". You clarified that a valid snapper grouper permit would be required over the specified years. You clarified that 2005-2009 are used as Subalternatives 2L and 2M to include a more recent timeframe. As far as recommendations, the AP would recommend selecting Alternative 1 as the preferred for Action 2.

The SSC had just some advice on collecting quantitative information before making any decisions and endorsements and that the council may also want to consider the costs of these programs. We were able to do some new analyses for the changes that you made in September. The new social analyses for this action are on PDF Page 117 of the main document.

What the IPT would recommend for this action is to adopt the changes in this table. Disregard the highlight, it doesn't mean anything. That table is not in the document. These were corrections that were made and I am going to ask perhaps Jack to come up and help us through this one.

DR. MCGOVERN: This table just has the number of people that qualify for endorsements according to the various alternatives for the action. This was done by Andy most recently. The highlights for just corrections that were made to the table that was in the document. They were just edits. These are just the corrections.

MR. CURRIN: Now, am I correct in assuming that these numerous subalternatives under this action which are crossed out are ones that we pulled out and sent to the considered but rejected file? We are likely to want to pull those back out since we are considering the longline endorsement again, and certainly we would need to consider changing our preferred from no action at this point.

MR. HARTIG: Yes, Mac, I move Subalternative 2L for the preferred alternative.

**MR. CURRIN: Ben's motion is to change our preferred alternative from no action, Alternative 1, to Subalternative 2L; is that correct, Ben?**

MR. HARTIG: Yes.

MR. CURRIN: Second by Michelle. Discussion on that motion. Charlie.

MR. PHILLIPS: I would support the motion if it covered the newest data that we had, which I think would probably go to 2010, which gives us current people. Do we have 2010?

MR. CURRIN: I believe we do, but keep in mind, Charlie – and I don't know the answer to this, but based on the history of the fishery and how much these guys have been able to fish, which has been very little because the quota has been caught up since the large part of the hook-and-line fishery typically fish – maybe that behavior has changed – I wouldn't expect those numbers to change much, but if that is the desire to pick up that additional year, then –

MR. HARTIG: I don't have a problem with that.

MR. CURRIN: The motion by Charlie to modify I guess all the alternatives that have a terminal year of 2009 to include a terminal year of 2010; is that correct?

MS. BROUWER: I'm sorry, Mr. Chairman, is that a separate motion or does it amend this one? It's a substitute.

MR. CURRIN: Well, I tell you what, it will be cleaner I think if we just vote on this motion as a preferred and then modify it, because a substitute motion will only modify this one perhaps unless it is specific.

DR. CRABTREE: It seems to me that it would be cleaner if Ben withdrew this motion and Charlie made his motion and then Ben made his motion.

MR. HARTIG: **I'll withdraw my motion.**

MR. CURRIN: Ben offers to withdraw his motion; are you okay with that, Michelle? Okay, Charlie.

MR. PHILLIPS: Mr. Chairman, I would like to make a motion we use Subalternative 2L with the exception that the years be 2005-2010.

MR. CURRIN: Now, wait a minute, Charlie, I think what we need is a motion to change the terminal dates in all the subalternatives.

MR. PHILLIPS: Well Mr. Chairman, I make the motion to change the terminal year to 2010 in all the subalternatives.

MR. CURRIN: Motion by Charlie, change the terminal year in all the subalternatives under this action to 2010; second by Duane. David.,

MR. CUPKA: Are we going to shorten it on the other end or are we going to just add a year where it would be a six-year period instead of a five-year period?

MR. CURRIN: I think Charlie's intent is to make it a longer period and not shorten it on the front end. Bobby, did the AP weigh in on this?

MR. CARDIN: Yes sir, I would just like to point out that 2008 was the first year we got the early closures; so when you go from 5 to 10, you are catching a picture of a couple years on both sides of when the fishery changed its face.

DR. DUVAL: A lot of the alternatives have a best three of five years aggregated; and since we have lengthened the time series, that would no longer be the best 3 of 5. Would it be the best 3 of 7, 6?

MR. CURRIN: Is that your intent, Charlie?

MR. PHILLIPS: Mr. Chairman, if it makes it simpler, I would be willing to modify the motion from 2006-to 2010 and that way everything else, the 3 of 5, all that would work, if it makes it simpler.

MR. CURRIN: I am not sure what it is going to do because there is a lot of difference in the timeframes in some of these alternatives, and I guess my first thought was that we wanted to just add a year to those alternatives that were currently considering a terminal year of 2009.

MR. PHILLIPS: That was my intent, Mr. Chairman; everywhere for 2009 is now 2010.

**MR. CURRIN: Okay, so maybe we can handle that by modifying the motion to read to change the terminal year in all subalternatives that end at 2009 to 2010. Is that okay with the seconder?**

DR. DUVAL: I just bring that up as that would be the best three out of X years, however many that ends up to be. I wasn't suggesting that we try to keep it a best 3 of 5. But since I wasn't around previously for this, I was just going to ask if someone could fill me in a little bit on why the best 3 of 5 instead of just the aggregate for those years. Was there a fear that would be too inclusive of too many people?

MR. CURRIN: Ben, you or Bobby probably can answer that best.

MR. HARTIG: I don't remember that it was specific to trying to figure out exactly how many at the time. It was kind of put forward as that what we would try and use and then see what we got from the analysis, basically. If you have got a better way to do it that –

MR. MAHOOD: I may be wrong, but I recall what you were doing was you had some people that may not have fished one year out of this time series or something like that; so if you took an average, they may be really in the fishery but due to boat problems or whatever they were out for a year, so you took the best three out of the time series. That was felt to be more fair.

MR. HARTIG: And the cobwebs are going out. Yes, basically when we put in the restrictive quota, some of our guys didn't get to fish much any of the previous years after the quota was implemented. The intent was to try and give them a longer timeframe with the aggregate.

MR. CURRIN: Does that make sense, Michelle?

DR. DUVAL: Yes, it does, and that is exactly why I am asking that question, because I am thinking about the guys who are around Hatteras and north who haven't had a chance to fish either. I appreciate the clarification.

MR. CURRIN: Bobby, do you have anything to add? Bobby whispered in my ear that it was a conscious recommendation coming out of the golden tile workgroup.

MR. CARDIN: That is correct; the bandit representative chose that language and the longline representatives went along with what the bandit fishery wanted.

MR. CURRIN: Thank you, Bobby. Okay, everybody clear with the motion? The motion is to change the terminal year in all the subalternatives that end at 2009 to 2010. It probably could have been said better but as long as all the to's are okay, we are good. Any further discussion? Any objection to that motion? **That motion is approved.** Now, Ben, if you would like to offer your motion to select a preferred, I think we can do that and be back where we wanted to be.

MR. HARTIG: Yes, thank you, Mac. I would move Subalternative 2L as our preferred alternative.

MR. CURRIN: Motion by Ben to select Subalternative 2L as a preferred; second by Michelle. Discussion? I think it will probably have to – the wording is suggested I believe by somebody earlier. When we add that date, instead of 3 out of 5, it is going to have to be 3 out of 6. I don't think we need a motion for that; do we, Myra? It will just be reflected in the wording. Okay, all the ones that ended in '09, Roy, and not the ones that were earlier timeframes like from '05 to '07 or '08 or whatever they were, but just the ones that ended in '09.

MR. HARTIG: You want a little more? You want some record for this?

MR. CURRIN: We can give you that. I think it is set so I will read it. **The motion is to select Subalternative 2L as the preferred where at least 500 pounds gutted weight with hook-and-line gear when the individual's best three of six years from 2005-to 2010 are aggregated. All right, discussion. Ben.**

MR. HARTIG: I can't tell you exactly how many people will be included with the new years, but I will tell you that this is the most inclusive motion in the document as far as hook-and-line fishermen. It will incorporate fishermen from North Carolina through Florida so all the states will be represented, and we won't get into that problem we have with black sea bass. I think there is even one from Georgia in there, if I am not mistaken.

MR. CURRIN: Any further discussion? Is there any objection to that motion? **I see none and that motion is approved.** All right, the only thing left hanging, if you so desire, is there are a large number of subalternatives that were removed at our last meeting. Is there any desire to bring any of those back? I think we have an adequate suite of the ones that remain. If everybody is okay with that, I am not advocating bringing any back but just want to give you the opportunity. All right, it looks like everybody is okay. Let's move.

MS. BROUWER: The next action, Action 3, would establish initial eligibility requirements for a longline endorsement, PDF Page 7 on the decision document, 122 on the main document. Here we have a few subalternatives that were introduced at the June meeting and you did offer some clarifications at the September meeting.

You clarified that years between '07 and '09 means calendar years between '07 and '09 or years 2007 through 2009. We had requested that you consider changing the wording of the alternative similar to the hook-and-line alternatives in Action 2. You did clarify that the landings refer to logbook landings.

You did add new alternatives to look at a time series from 2007-2010 as a qualifying period and include subalternatives for the level of landings of 10,000, 20,000 and 30,000 pounds. The AP supported the council's preferred for Action 3. They did recommend a new alternative be added to this amendment to look at a time series from 2007-2010 as a qualifying period and include subalternatives for the level of landings of 10,000, 20,000 and 30,000 pounds. They suggested that including more recent years will allow more participants into the fishery.

DR. CRABTREE: In the hook-and-line endorsement almost all the alternatives were best three out of five or three out of six yet none of these alternatives are best three out of any period. Why is that; is there a reason for that?

MR. CURRIN: Yes, I think Ben hit it on the head, Roy, with his response to Michelle, and that is that for a number of these years when the longline fishery was very active and they caught up all the quota, there were certain years where some of the bandit fishermen did not get to fish at all. That was an attempt in the hook-and-line fishery to accommodate that sort of forced activity. The longline guys were hitting it from the time the season opened until it closed and were largely responsible for the closure. That is the rationale; is that correct, Ben?

MR. HARTIG: Yes.

MR. CURRIN: Bobby, did you have anything from the AP on this action?

MR. CARDIN: Yes sir, the AP recommended that council go with the preferred 2A, and that was through the tilefish workgroup that was conducted in 2008. The AP supported this for a few years. However, AP also suggested that if council wanted to be more inclusive and to have a bigger tile fishery with more participants, that you look at using years 2007-2010 perhaps if we get a bigger stock or could accommodate a bigger fishery.

To the point of like in 2A, using 6 through 8, in the tile fishery there has been so many people in and out of the fishery that you are catching the tail end of either someone slowing down or picking up. That is why the shorter time period you use, you are picking up 16 boats with 6 through 8, and that is what is averaged in this fishery for the past 20 years is 16 boats.

MR. CURRIN: All right, we have got a recommendation for consideration of a possible additional alternative here coming from the AP. Please give that consideration and if there are other alternatives that you might want to add, now is the time to do it.



DR. CRABTREE: I would like to make a motion to add a new alternative that would be to receive a golden tilefish longline endorsement, the individual must have an average of 10,000 pounds gutted weight golden tilefish caught with longline gear between 2008 and 2010.

MR. CURRIN: Motion by Roy to develop an alternative for longline endorsement that uses 10,000 pound average qualifying weight during the years 2008 to 2010; second by David. Discussion. We will get it up, Roy, and make sure that I didn't butcher it too badly. Let's make sure the motion is correct. Does it look good to you, Roy?

DR. CRABTREE: Yes.

MR. CURRIN: Okay, questions. Duane.

MR. HARRIS: Thank you, Mr. Chairman. This is not to the motion; this is with respect to the second AP recommendation for new alternatives. I just don't understand what it means when it says including more recent years will allow more participants in the fishery, but it doesn't capture the core participants in the fishery. What does that mean?

MR. CURRIN: Bobby can explain that.

MR. CARDIN: Yes sir, well. in more recent years, as we see there have been a lot of Florida boats join the fishery and they have captured the quota before some of the traditional South Carolina fishermen have totally been knocked out of the fishery because the quota is being caught in Florida during the wintertime. Even though you are using these newer numbers might include some of the concerns we hear from the public, it doesn't capture the core fishermen that have not been involved from the fishery due to the short seasons.

MR. CURRIN: Historic fishermen I think he is talking about, yes, from South Carolina.

MR. CARDIN: Excuse me, historic fishermen from South Carolina. Your choice is do you want to catch the core of what was or what is now, what side of 13C do you want to be on?

DR. CRABTREE: So back to the motion I made, obviously this one puts more emphasis on recent participants. We have heard a lot of comment about that; and based on the analysis I have, this would let 14 boats in.

MR. CURRIN: A total of 14, Roy?

DR. CRABTREE: Yes, that is what I have in front of me.

MR. HARTIG: Yes, another way to do this perhaps would be to not upset the balance of the workgroup, to add this to their motion. Do you understand what I am saying, Roy? You have this and this and you apply.

DR. CRABTREE: If you meet either one, you qualify?

MR. HARTIG: If you meet either one of those options you would – and combine it into one.

DR. CRABTREE: Tell me again what the years were on the other AP one.

MR. CURRIN: 2006 through 2008, and that is the recommendation of the Golden Tilefish Workgroup.

DR. CRABTREE: 10,000 pounds?

MR. CARDIN: That was 2,000.

MR. CURRIN: 2,000 pounds.

DR. CRABTREE: Let me ask you this; what if I changed the motion to be 2006 to 2010, your best three years; wouldn't that do the same thing?

MR. HARTIG: The only thing I don't want to do is eliminate the South Carolina boats who have been disadvantaged. As long as this does that –

DR. CRABTREE: Well, I am willing to modify the motion along the lines you have to say an individual must have either an average of 10,000 pounds between 2008 and 2010 or between 2006 and 2010, which I think would be the same.

MR. CURRIN: I don't think it will, Roy. Alternative 2A, which is the current preferred, is a total of 2,000 pounds between 2006 and 2008.

DR. CRABTREE: I thought what the AP wanted was 10,000 pounds between 2006 and 2010; is that not correct?

MR. CURRIN: That was a separate alternative that they recommended might be added to look at the additional new participants, I believe. Bobby, is that correct?

DR. CRABTREE: I am trying to capture what they wanted; so if somebody will tell me what it was they wanted, I'll make it reflect that.

MR. CARDIN: The AP wanted if there is a bigger quota and the fishery can incorporate a bigger fleet, to use the more recent landings of 2007 through 2010. This AP and the AP for the past two or three years has supported the workgroup's motion of 2A, the 2,000 pounds between 6 and 8. Once again, one of the – go ahead.

DR. CRABTREE: If we just change that motion that I had up there to say you have to have an average of 10,000 pounds and the best three years between 2006-2010, then if those South Carolina boats were fishing hard early in it, they would use those early three and then the more recent guys down in Florida would use their three, but that would seem to do it; would it in your view?

MR. CARDIN: There was one boat that a cruise ship sunk in 2006 that had some landings before the cruise ship got it. They put the boat back in the water.

DR. CRABTREE: Okay, or anybody who can demonstrate a cruise ship sunk their boat.

MR. CARDIN: I'm sorry, it was at the dock; I think the wind blew it over.

MR. CURRIN: Does the term "average" cause any problems? One more point Gregg just made, which I think we need to consider, is when you use the terminology between 2006 and 2010 it does not include that initial year. It would begin in 2007 and it wouldn't include 2010 either.

DR. CRABTREE: My intent is – and the way I have read this is it means the years 2008, 9 and 10.

MR. CURRIN: Then let's be real specific about that because I think we just changed some alternatives for this same reason.

DR. CRABTREE: Let me change the motion to this and then we can discuss it. Let's change it to an average of 10,000 pounds for the best three years within the period 2006 through 2010, so they are going to look through that timeframe and they are going to pick every vessel's best three years and average it out; so if you got 10,000 pounds totaled or more in any of those three years, you are going to qualify. Bobby, if that covers what you are talking about, I guess it doesn't cover the guy who got sunk by the cruise ship.

MR. CARDIN: I know at least three boats that will be taken out of the fishery with that; three boats that fished all through 2000, you know, in the last 10 or 20 years.

DR. CRABTREE: They haven't really fished any since 2006.

MR. CARDIN: Excuse me; 13C went through, the quota started getting caught quick each year. What are we on, the fourth year of this now? Yes, when you incorporate these newer years, you are disadvantaging the fishermen who fished either later in the years due to where they lived at, or the weather conditions, or their fishing season.

DR. DUVAL: I guess I just want to make sure that our intent is clear because the other Subalternatives 2A through 2E, they all say between 2006 and 2008. Was the intent really 2006 to 2008, inclusive of those years or was it only 2007 and 2008? I just point that out so that we are –

MR. CARDIN: Yes, 2008 was a defined control date in the tile fisher so including 6, 7, and 8 were three years to be inclusive.

MR. CURRIN: I think that is what I recall as the intent as well, so perhaps we will ask the staff to make those corrections for all the suite of alternatives here; that the earliest date and the latest date are to be included in the time series. Do we need a motion for that, Myra, or are we okay?

Myra said a motion would be better, who would like to – yes we have got to deal with this one first. All right, Roy, are you okay with the motion the way it is? **The motion is to add a new alternative to receive a golden tilefish longline endorsement, the individual must have an average of 10,000 pounds gutted weight golden tilefish caught with longline gear for the best three years within the period 2006 through 2010.**

All right, further discussion on that motion? Any objection to that motion? **I see none; that becomes a new alternative. That is approved.** Okay, is somebody willing to clarify the time periods with a motion that the beginning date and the terminal date for all of these alternatives should be reflected as inclusive or something to that effect. Michelle?

**DR. DUVAL: I move that staff clarify that all dates in all alternatives are inclusive of the beginning and end dates.** Does that do it?

MR. CURRIN: I think that gets it.

DR. DUVAL: Or the beginning and end years.

MR. CURRIN: Okay, the motion is to ask the staff to clarify that all dates and all alternatives are inclusive of the beginning and end years. Is there a second; second by Duane. Any discussion of that motion? Any objection to that motion? **I see none and that motion is approved.**

**DR. CRABTREE: I would like to move that the new alternative we did with the best three out of ten years – and I don't know, does that have a letter yet, Myra? Well, I would like to move that new alternative be our preferred.**

MR. CURRIN: Motion by Roy is to select the new alternative as the preferred; second by Jessica. Discussion on that alternative?

DR. CRABTREE: Well, I think it strikes a balance as best we can. I am guessing it may have let another couple of boats in, so we may be in to 16 or so boat numbers, but we will see all of that analyzed before we take final action on this. It seems to strike a balance to me.

MR. CURRIN: I'm not sure personally that it is doing exactly what you want it to do. Correct me if I am wrong, but I think your attempt was to combine the current preferred, which was the preferred of the AP and the Golden Tilefish Workgroup. That is Alternative 2A with –

DR. CRABTREE: It doesn't do that, Mac, and I kind of gave up on that. The 2,000 pound level just seems too low to me. That is marginally one trip that someone made, and so I have gone with – I met them part way by moving the time period back some, but I am looking for a little higher level of participation.

I understand we may be letting out some guys who haven't fished since 2006 or so, but that is an awful long time, and to me I am a little more concerned about cutting out people who are fishing right now than I am about someone who hadn't fished in 5 or 6 years. My mind may be changed

on that and I am not hard set on it, but that is where I am coming from. You are right, it doesn't capture that.

MR. CURRIN: All right, I just want to make sure you were aware, and I thought you were. Okay, any further discussion? **Any objection to that motion? I see none.** I might recommend consideration of moving to the considered but rejected appendix the three new alternatives that we added the last meeting to attempt to do I think what this current alternative does, at least take a look at those.

MR. HARTIG: So moved Mr. Chairman.

**MR. CURRIN: Motion by Ben to remove Subalternatives 2F, 2G and 2H to the considered but rejected appendix; second by Charlie. Any discussion of that motion? Any objection to that motion? I see none, that motion is approved.** Myra, let us know if we are messing up, but I think that is going to help you out.

MS. BROUWER: Okay, Action 4 is to establish an appeals process, PDF Page 9 in the decision document, 129 in the main document. Currently your preferred is Alternative 2, to establish an appeals process. In parentheses it says "This process would be developed by NMFS and would be consistent with similar processes in the region."

Since then we have come up with wording that is similar to what is being proposed in Amendment 18A and 20A. We would recommend that you adopt that same language for the appeals alternatives. The AP supported the proposed Alternative 3 under Action 4 as the preferred.

**MR. CUPKA: I would like to make a motion that we accept the recommended wording changes by the IPT and that Alternative 2 be selected as our preferred to be consistent with the way we have set them up before.**

MR. CURRIN: Okay, motion by David; second by Tom Burgess. Discussion on the motion? Bobby, just for clarification can you explain to me why the AP selected 3 as opposed to 2, what their rationale was for that. This is Action 4 on the appeals process.

It may be that you didn't have this recommendation from the staff and all of that, so I think I answered the question. Okay, I don't think there is enough difference that you guys would be upset with any difference. All right, further discussion on the motion? Any objection to that motion? **I see none; that motion is approved.** All right, when you are ready.

MS. BROUWER: The next action would allocate commercial golden tilefish quota among the gear groups, PDF Page 10 in the decision document, 131 in the main document. Currently your preferred is to allocate the golden tilefish commercial quota based on 90 percent longline and 10 percent hook and line.

Recommendations from the IPT are to just do some wording changes to clarify these alternatives as you see up on your screen. It actually states the poundage that would be allocated to each of

the sectors within the language of the alternatives. The AP recommended selecting Alternative 4 as the preferred. The SSC simply had some advice to consider developing a decision tree to specify methodology for making these allocation decisions, and that the council should consider how they might want to address these allocations over time.

MR. HARTIG: Yes, I would move Alternative 2 to be our preferred, deselect 4 and move Alternative 2 as the preferred based on the information that I gave you before in that this council has tried to preserve somewhere in the 25 percent range of the fishery in the past for hook-and-line use.

MR. CURRIN: Motion by Ben to select Alternative 2 as the new preferred; second by David or do you have a question?

MR. CUPKA: Well, I would second it if Ben is willing to make a part of that motion to accept the new wording from the IPT.

MR. HARTIG: Yes.

MR. CUPKA: Get it all done at once.

**MR. CURRIN: So Ben's motion is to deselect Alternative 4 as the preferred and to select Alternative 2 as the new preferred and accept the new wording recommended by the IPT with a second by David Cupka. Discussion on that motion? Is there any objection to that motion? I see none; that motion is approved.**

DR. CRABTREE: A lot of this to me rides on what the new ABC is going to end up being with it. I am assuming it is going to go up enough that even with this allocation shift the longline share of the fishery is going to get more fish than they have been getting, because we are going to get a pretty substantial bump in the quotas on these things.

Everybody is getting more fish than they have been getting in past years, but I don't know if that is going to be the case or not, but I am sort of assuming that is for now, which I can be okay with this, but depending on what happens things could change.

MR. CURRIN: That is more good news. Further discussion on the motion.

MS. BROUWER: Well, in that case, since the proposed language has actual poundage in the language of the alternatives, which is likely to change, what I would instead suggest is perhaps do not accept that recommended language but just simply change the word "quota" to "ACL" in the original language of the alternatives to not be bound by this specific poundage.

MR. CURRIN: Well, we could do that, Myra, or we could just give the staff the license to insert the values as they are changed based on the assessment if that would help you out and be preferable. Is that okay? Well, let's deal with this motion then we will get another one to make that change.

MR. CUPKA: Well, I just wanted to say I wanted to find out when those numbers would be available. If it would be available before the public hearing process, then we could put the new numbers in. I think it helps to show the actual numbers what it would be when it goes out before the public; but if we can't do that, then I don't have a problem with that.

MR. CURRIN: Yes, it is important to show the correct numbers, isn't it.

DR. CRABTREE: I wonder, Theo, do you have any insights as to when those analysis would be ready, or maybe John is coming up, but it was the P-star analysis that we are waiting on, correct, John? Do we have any information or, Theo, could you find out from staff and report to us tomorrow?

DR. BRAINERD: Yes, I can do that. I know Beaufort is working on the P-star analysis now.

MR. CARMICHAEL: I had an e-mail from Erik earlier in the week and he said maybe by February.

MR. CURRIN: January, I think.

DR. CRABTREE: I guess, Theo, I would ask can you consult with your staff and encourage them we need them a little sooner than that?

MR. MAHOOD: Yes, it will be nice to have Andy at our public hearings that would give the presentation he gave here. I think that will help the fishermen; the one on how the recreational numbers are determined.

DR. CRABTREE: I thought it was a public hearing on golden tilefish.

MR. MAHOOD: I know, oh, commercial landings.

MR. CURRIN: Okay, so it sounds like based on the tenuous nature of whether those numbers will be available or not, that after we dispense with this motion we ought to deal with the issue of changing that language or not selecting the IPT's recommendation and changing quota to ACL in the original language.

MR. HARTIG: Theo, I would just like to express my extreme disappointment that we don't have this number yet. The assessment has been completed some time ago and this analysis in my opinion should have been done quite some time ago, at least by this meeting when we were making decisions on this document.

I think it is critical that the Science Center take into consideration the importance of some of the things that we are to consider in these amendments. That is one of them that have bearing directly on our options for his amendment. I am extremely disappointed; and when you talk to Erik, please tell him if he can possibly get it done by our public hearings, it would be very much appreciated.

DR. BRAINERD: Yes, I will certainly try to do that, but also I must say that this P-star analysis is a separate analysis from the assessment so it involves extra work, so that is why it has taken this much time.

DR. CRABTREE: Well, I understand that, Theo, but we can't act on the assessments until we have that analysis, and the problem is we end up getting so far away from the assessment that things are already happening in the fishery and we haven't even gotten the TAC adjusted. We have enough time lag with the current time it requires for SEDAR and then the SSC meeting; and then if we are going to have to wait another 4 to 6 months to get the rest of the analysis, it just throws us – and I assume, John, when we get this from the Center it is going to have to go to the SSC for review or does it not have to go to the SSC?

MR. CARMICHAEL: I don't know why it would need to go to the SSC for review. Let's hope it doesn't.

DR. CRABTREE: It seems to me what the Center needs to do is when we have an assessment and you do the normal projections and things that you do, the P-star analysis, if that is the way we are going now, that needs to be done as part of the deliverables with the assessment when it goes to the SSC and not as an after the fact add on.

MR. CARMICHAEL: Yes, it is expected to be part of the assessment. You noticed we had P-stars for black sea bass; we have had P-stars that look at a range of P-star levels in many of the previous assessments when we weren't sure what level the SSC would select, and then we know that there may be a request if they decide to pick a different one, but such projections are part of the terms of reference for the assessment.

DR. CRABTREE: Yes, and part of our emphasis has been streamlining SEDAR and getting these things done more quickly, but if this type of analysis is going to linger on for months, then we are losing ground instead of moving towards where we need to be.

MR. CURRIN: Let me ask Myra and Gregg; would you guys be comfortable if we modified this current motion to not accept the IPTs suggested language at this point but then had another motion rather than guidance, that if the results of the P-star analysis are available before the public hearings that the poundages be inserted as per the IPTs recommendation at the December meeting. Would that be okay with you guys?

MR. WAUGH: That is certainly one way to do it, but for us to go out to those hearings without being able to tell the public what the poundage – please don't do that to us, please.

MR. CURRIN: I am not doing it to you; I am trying to make it available to them if we can get our hands on it. I think it is pretty clear that there is some urgency attached to this.

DR. CRABTREE: I agree with Gregg. I think if we can't get this analysis, we probably ought to reschedule the public hearings because people are going to want to know. I don't know how you make a decision on what you think about – I mean, we are talking about how much capacity do we need in the fishery? Well, it seems to me central to that is knowing how many pounds do we



have in the fishery. It just seems too incomplete to go to the public with it. I think we either have to speed Beaufort up on deliverables or we are going to have to reschedule the public hearings.

MR. CURRIN: All right, so the suggestion then is to go ahead and leave the motion as it is. We will provide the guidance at the bottom of the screen right there to the staff and then alter the schedule for the public hearings based on the availability of the P-star analysis and urge Dr. Williams and all involved in that analysis to try to meet the deadline for the scheduled hearings if at all possible. Everyone is okay with the guidance and, Myra, you guys are okay with the guidance. All right, let's move then.

MS. BROUWER: The next action would allow for transferability of the golden tilefish endorsements. That is in PDF Page 11 of the decision document, 137 of the main document. You do have a preferred alternative and that is Number 2. Endorsements can be transferred between any two individuals or entities that hold valid unlimited federal commercial snapper grouper permits and fish with longline gear. Transferability would be allowed upon program implementation.

That is for the longline and you have a similar alternative chosen for the hook-and-line endorsement. Here the IPT just needs a clarification. We suggest inserting the word "cannot" under Alternative 1, so that it reads "Longline and hook-and-line golden tilefish endorsements cannot be transferred." Also, if you want to consider perhaps moving some of these subalternatives to the appendix, we were wondering why the 3- and 5-year options, if you thought those were necessary to keep in the document.

MR. CURRIN: What's your pleasure, folks? I am all about streamlining things if that is the will of the committee? We have got some recommendations from the IPT. The AP is okay. I think they should be transferable. Michelle.

DR. DUVAL: I will move that we move Subalternatives 2C, 2D, 3C, 3D, 4C, and 4D to the considered but rejected appendix.

MR. CURRIN: Would you consider also including inserting the word "cannot" in Alternative 1.

DR. DUVAL: Yes, I would.

MR. CURRIN: Thank you, is there a second? Charlie seconds. **The motion is to move Subalternatives 2C, 2D, 3C, 3D, 4C, and 4D to the considered but rejected appendix and insert the word "cannot" in Alternative 1 as suggested by the IPT. Discussion on this motion? Any objection to the motion, I see none that motion is approved.**

MS. SMIT-BRUNELLO: Similar to the discussion we had back on 18A with black sea bass endorsements, I think we ought to use the word "valid" when we are discussing these, which means that either they are active or they could be renewed. Then also you need to think about whether these endorsements have a shelf life of their own. Do they consider in perpetuity, do they expire? If they expire should they be renewed within like the one-year timeframe that

snapper grouper permits are renewed – some of the discussion that should carry over from the black sea bass issues we discussed this morning.

MR. CARDIN: Going back to the AP two years ago, we felt if you attach it to the permit, when the permit expires, if you don't renew the permit, then the endorsement expires along with it. The endorsement is just attached to the permit. The permit is the primary entity or what have you.

MR. CURRIN: Thank you and I think that is what we did with sea bass. Thank you, Monica, for bringing that up. I think we used the terminology valid either and renewable, or renewable regarding sea bass; did we not, or is the term valid?

MS. SMIT-BRUNELLO: No, I think we did but that got into – that is before we started discussing whether these were attached to the permits such that they were renewed along with the permit or they were renewed separately or if they were expired could they be renewed at any time. You know, we got into that whole discussion. Maybe we could give the IPT license to talk with SERO permits and figure out what should be in there, but I think the word "valid" ought to go in there.

MR. CURRIN: We probably need a motion to do that, folks, to co-op that language. If that is your intent to attach the endorsements to the permit, we will need a motion to that effect and co-op the language from 18A and give the staff some license and consult with the permits office to make sure it makes sense.

MR. PHILLIPS: I so move, Mr. Chairman.

MR. CURRIN: A motion by Charlie; second by Duane. **The motion is to adopt similar language to that in Amendment 18A and give staff guidance to consult with the permits office to edit alternatives as needed.** Are you guys comfortable with that, Myra?

MR. HARRIS: Mr. Chairman, there were a number of actions in 18A that we didn't finish. Did we finish this one or is this good enough. If we didn't finish it, this good enough to move it forward? I think you were going to talk to permit program staff. I am not sure whether this is part of that or not.

MS. SMIT-BRUNELLO: Well, Jack actually ended up talking with them and so at some point if we want to bring Jack to the table.

MR. HARRIS: No, I just want to make sure that we have the language in 18A that we are co-opting, and did we finish that?

MS. SMIT-BRUNELLO: I don't think we did finish it, and that is why I mean Jack had a conversation with SERO staff, but then it eventually will get back to what the council wants.

MR. HARRIS: Yes, I want to do the same. I don't want to have a whole bunch of different ways of doing this. I want to be as consistent as we can throughout all these permits.

MR. CURRIN: I think that is our intent, Duane. I believe this motion, if we pass it, will do that whether or not 18A is finished yet, because it won't be done until 18A is finished. Then that language, whatever we decide is appropriate there can be brought into this amendment. That would be my intent, anyway.

DR. CRABTREE: I think when we go back to 18A and polish up those loose ends, then we can just ask staff to make 18B consistent with that.

MR. CURRIN: That makes sense. I think that is what this motion would do beforehand. All right, the motion is to adopt similar language to that in Amendment 18A and give staff guidance to consult with permits office to edit alternatives as needed. Further discussion? Any objection to that motion? **I see none; that motion is approved.**

MS. BROUWER: The next action would adjust the golden tilefish fishing year. Your preferred currently is no action, retain the existing January 1 start date for the golden tilefish fishing year. We are recommending some edits to the way these alternatives are worded; they are just editorial changes. The AP recommended selecting Alternative 1 as preferred.

The SSC stated that in regards to the market for tilefish and keeping the fishery open during a time when other snapper grouper species are not available, then retaining the January 1 start date is preferable. However, current year impacts the ability of people to fish in the northern portions of the South Atlantic. Allocating catch to the northern areas during different parts of the year when other species are readily available may reduce overall value of this fishery.

MR. CUPKA: **I would like to make a motion that we accept the IPT recommendations for wording changes.**

MR. CURRIN: Motion by David; second by Duane to accept the IPT recommended wording changes. Discussion of that motion? Any objection to that motion?

MR. CUPKA: Also, it doesn't indicate under the change, but under the old wording Alternative 1 was the preferred, and that was my intent to keep that as the preferred for purposes of public hearing.

MR. CURRIN: **All right, David's motion is to accept the IPT's recommended wording changes and retain Alternative 1 as the preferred. That is okay with you, Duane? Okay, discussion? Is there any objection to that motion? I see none; that motion is approved.**

MS. BROUWER: Action 8 establishes golden tilefish fishing limits. Your current preferred is to remove the 300 pound gutted weight trip limit when 75 percent of the quota is taken. We are recommending replacing the word "quota" with "ACL". We also talked about deleting this action since the longline and the hook-and-line sectors now have separate allocations, which are essentially the same thing as quotas and the existing trip limit may no longer be applicable.

If you choose to retain this, perhaps you would consider modifying the wording of Action 8 to modify the golden tilefish trip limit. The AP under Action 8 recommended selecting Alternative

1 as the preferred. I will leave the SSC recommendation for you to read up on the screen and will not read the entirety of it.

DR. CRABTREE: Well, Myra, if we remove this action wouldn't that mean that we are keeping the 300 pound trip limit when 75 percent of the ACL is caught? We need an action to take that off the books, don't we?

MS. BROUWER: Do we?

MR. CURRIN: I was under the impression that we did, because I think we have had this discussion before when we tried to remove this alternative, and I think that was the conclusion, but somebody correct me if I am wrong.

MR. PHILLIPS: Myra, we may need a golden tile fishing limit unless you have got a separate one for hook and line that do not get an endorsement. I just want to make sure that we leave a hole for that if that works out that way.

MS. BROUWER: There is an action that establishes a separate ACL for the hook-and-line sector and takes care of fishermen that do not qualify for an endorsement, also.

MR. HARTIG: Bobby, why did the AP vote for Alternative 1?

MR. CARDIN: Because the AP believed in going with the historical allocation of giving the commercial fishery 90 percent of the allocation, at that point at 75 percent there is still a step down to the 90 percent being caught. Now with this scenario you have now with changing the historical allocations and giving the longline only 75 percent of the allocation, this has to be addressed in some manner, this action.

MR. CURRIN: All right, Myra, are you and Gregg okay with the assessment we have made so far that we probably do need to take action to remove the existing shift to a 300 pound trip limit when 75 percent is caught, because I believe that is what is in place now.

MS. BROUWER: Right, that is fine.

MR. CURRIN: We do need to probably stick with our preferred here. The recommendation is by the IPT that if we do retain this, that we change the wording in Action 8 to modify the golden tilefish trip limit. Is there a motion to accept the IPT's recommendation 2 and 3? Michelle.

**DR. DUVAL: I so move that we accept IPT recommendations 2 and 3.**

MR. CURRIN: Motion by Michelle; second by Charlie. Discussion? Those are really some clarifying language in the action and in the alternatives. No discussion; any objection? **I see none; that motion is approved.**

MS. BROUWER: Okay, Action 9 would establish trip limits for fishermen that do not receive a hook-and-line endorsement. That is on PDF Page 13 of the decision document, Page 151 of the

main document. Your current preferred is to establish trip limits of 300 pounds gutted weight for the golden tilefish hook-and-line fishery, for commercial fishermen who do not receive an endorsement in the commercial golden tilefish hook-and-line fishery.

Vessels with longline endorsements are not eligible to fish for this trip limit. Another preferred is Alternative 5. This was added in June of 2011. That is to establish trip limits of 100 pounds gutted weight for the hook-and-line fishery for fishermen who don't receive a hook-and-line endorsement.

MR. HARTIG: I am confused Myra.

MS. BROUWER: Yes, me, too.

MR. HARTIG: This one does not deal with the directed trip limits for the hook-and-line fishery. It only deals with the fishermen who do not get a trip limit, is that correct, not the endorsement?

MS. BROUWER: That is correct.

**MR. HARTIG: So we have two preferreds, one with 300 and one with 100. I would move that we select Alternative 5 as the preferred for this action.**

MR. CURRIN: Motion by Ben to select Alternative 5 as the preferred alternative under this action; Michelle seconds. Discussion?

DR. DUVAL: Since we are considering as our preferred alternative a 500 pound limit in the aggregate over the best 3 of 6 years or whatever it ends up to be, it only makes sense to have something that is lower for those fishermen who do not qualify for the hook-and-line endorsement. I will say that I know that those fish north of Hatteras are pretty big. That would be like one fish from some of the pictures I have seen, one to two.

DR. CRABTREE: The vessels that don't have endorsements and will fish under this trip limit, but their catches will be counted against the hook-and-line ACL; and when that ACL is met, then everybody is shut down.

MR. CURRIN: That is the intent, I believe. Does everyone believe that as well? Is everyone okay with that?

MR. HARRIS: Mr. Chairman, I am just looking at the IPT recommendations here and they suggest that we delete this action. I would just like to hear – I can read the wording there but I don't know whether we need this action or not based on what they are concluding.

MR. HARTIG: Well, Duane, the first sentence, the existing amount of effort is more than enough to fill the quota very quickly; well, I would disagree with that on the hook-and-line side. It will stretch out. If we get 25 percent it will stretch out considerably from what we have in the past.

MR. PHILLIPS: Mr. Chairman, considering what Michelle said about the size of those fish up there, I think I would offer a substitute motion and split the difference and add an alternative of 200 pounds.

MR. CURRIN: We haven't voted on that. **You are going to offer a substitute motion then, Charlie, to establish an alternative that sets a trip limit of 200 pounds gutted weight for golden tile hook-and-line fishermen who did not receive an endorsement in the commercial golden tilefish hook-and-line fishery. Vessels with longline endorsements are not eligible to fish for this trip limit.**

MR. PHILLIPS: That is it and it is according to the size of the fish that Michelle said they were catching off North Carolina, and it is splitting the difference between the two preferreds.

MR. CURRIN: Is that your intent also to make that our preferred?

MR. PHILLIPS: Yes, Mr. Chairman.

MR. CURRIN: Second by Duane. Discussion on the motion.

DR. CRABTREE: Just in terms of the rationale, I was under the impression that maximum size for golden tilefish was around 60 and that 30 or so was a big one. Maybe I am way off on that.

DR. DUVAL: Just some of the anecdotal information that I have gotten from the fishermen up there that just even in the past five years they are catching 54 to 64 pound fish when there were able to.

MR. CURRIN: If you recall our discussions, when we were considering moving the FMU into the Mid-Atlantic and all those big gray tiles and snowy groupers, that it is unlikely that an intensive fishery is going to last very long with that size fish. But I don't know, I don't know the extent of the population up there. The hope is and intent is that most of those fishermen that have been active the last couple years will be included in this endorsement program. There may be a handful that will not and this may well help them out.

MR. HARTIG: Well, and it does; being so liberal with limits when looking at Michelle's data, we did include most of the fishermen from North Carolina. 200 pounds is a directed trip where I am. That is the problem, it is a directed trip. You can make money on 200 pounds in the area where I fish; 100 pounds, maybe not.

MR. CURRIN: All right, further discussion on the motion? **The substitute motion is that we establish an alternative that establishes trip limits of 200 pounds gutted weight for the golden tilefish hook-and-line fishery for commercial fishermen who do not receive an endorsement in the commercial golden tilefish hook-and-line fishery. Vessels with longline endorsements are not eligible to fish for this trip limit. Make this new alternative the preferred. Further discussion? Is there an objection to the motion? The motion is approved with one objection. Okay, ready to move.**

MS. BROUWER: Action 10 deals with establishing trip limits for fishermen who do receive a golden tilefish hook-and-line endorsement. This was an action that was added by the council in June. It is on PDF Page 15 of the decision document, Page 158 of the main document. You currently do not have a preferred for this action.

MR. HARRIS: Point of order, Mr. Chairman, that was a substitute motion and we need to make it the main motion.

MR. CURRIN: Thank you, Duane. That was a substitute motion and is now the main motion. Is there discussion on the motion? **Is there any objection to that motion? I see none; that motion is approved.** All right, back to the alternative on trip limits for those receiving hook-and-line endorsements. What is your pleasure here, folks?

MR. HARTIG: Myra, is there a problem without a preferred on this one? Does it take more analyses?

MS. BROUWER: No, at this point it is fine.

MR. HARTIG: I would move we don't have a preferred on this one then.

MR. CURRIN: You don't have to move that; just don't select it.

DR. CRABTREE: Ben, does that reflect that you are undecided or does that mean you don't think you want a trip limit.

MR. HARTIG: No, it reflects I would rather hear from the public before I put a trip limit on here that I am comfortable with; that's all. I would rather hear what the public has to say about trip limits in general.

DR. CRABTREE: Do you think if we didn't have a trip limit that the quota would be caught up by the hook-and-line side?

MR. HARTIG: If we did not have a trip limit?

DR. CRABTREE: Yes.

MR. HARTIG: Certainly, even with the 300 pound trip limit it is going to be caught.

DR. CRABTREE: To me, if we are really seriously thinking about a 300 pound trip limit for the endorsed guys and 200 for the unendorsed, I question why we are bothering with the whole thing because it is really not enough difference in the two to make it amount to much.

MR. HARTIG: Well, that is why I was saying earlier about the 200 pounds that you are getting into a directed trip and that is problematic. My intent was to look at what North Carolina had to say about traveling far offshore and what kind of trip limit they would need to fish in their

fishery. Rather than hamstringing them with the smallest trip limit we have, go ahead and allow them to comment on the options we have put forward.

MR. WAUGH: Could we at least remove the alternatives that are less than those that don't get the endorsement? You wouldn't put a trip limit on the ones that qualify for the endorsement that is lower than those that don't qualify, would you?

DR. CRABTREE: If we want to simplify, I would suggest we go back to the action that set the trip limits for people who didn't get an endorsement and eliminate some of those high trip limits. We have got 100 and now we added 200 and make it the preferred. It seems to me it would make sense to go into that one and remove the 400 pounds and the 500 pounds. I would move that for Action 9 that we move Alternatives 3 and 4 to the considered but rejected.

MR. HARTIG: Second.

**MR. CURRIN: Motion by Roy and second by Ben to move Alternatives 3 and 4 under Action 9 to the considered but rejected appendix. Discussion?**

MR. CARDIN: What about 2?

MR. CURRIN: Is there objection? **I see none; that motion is approved.** Yes, Bobby was whispering in my ear to add to my confusion. He said how about 2 because that is also above the current preferred, but, anyway.

DR. CRABTREE: Well, I guess my next question would be would we really consider a trip limit as low as 300 pounds for the folks who do get the endorsement? Could we take that one out and just leave 4 or 500 or do we want to take them all out?

MR. HARTIG: No, we could take 300 out in the direction we are going, but we may not get there. I am comfortable with it.

**DR. CRABTREE: All right then I would move under Action 10 that we move Alternative 2 to considered but rejected.**

**MR. CURRIN: Motion by Roy to move Alternative 2 to the considered but rejected appendix; second by Duane Harris. Discussion on that motion? Any objection to that motion? I see none; that motion is approved.** Now, Myra, there are some IPT recommendations under Action 10.

MS. BROUWER: Yes, and I am not remembering why we have 7 alternatives. Sorry, I don't know why that is.

MR. CURRIN: I assume all that verbiage about detailing the number of trips it would allow for is based on an ACL, which we are unsure right now what it is, so we won't be able to incorporate that. In view of all that are we okay do you think with the current verbiage? Do we need to consider changing the language to modify golden tilefish trip limits?



MR. HARRIS: So moved, Mr. Chairman.

**MR. CURRIN: Motion by Duane to change the wording under Action 10 to modify golden tilefish trip limits; second by Charlie. Discussion on the motion? Any objection to the motion? I see none; that motion is approved.**

MS. BROUWER: Okay, the next several actions are actions that are not yet in the document. They are proposed actions and this is in light of the recent assessment. You might want to consider adding an action to update the MSA parameters to be in line with the new assessment. The current parameters are shown on the table up on the screen, so these would just be updated with the values from SEDAR 25.

DR. CRABTREE: Well, I guess what I am asking Monica is whether we really need an action to do this. It seems to me we will have an estimate of MSY out of the assessment, we will have new numerical estimates of MSST and MFMT, we will get an OFL, and the SSC will give us an ABC. It seems to me we just update all those in the document, but there is really not a choice for the council to make on any of this. I guess, Monica, in your view do we really need an action and alternatives or do we just need discussion that lays these things out?

MS. SMIT-BRUNELLO: Well, if there are not policy decisions that need to be made and this is all coming out of the assessment and there are no decisions really for the council to make, then I would say you don't need an action and you can just describe it in the document. Do we have these definitions already in the amendment or in the FMP for all of these, MSY, MSST, MFMT, and those sorts of things? If we do, we have probably discussed how we will be getting these in the future from the assessment. We should just check that out; we might not need an action.

MR. CURRIN: Are you comfortable with that, Myra?

MS. BROUWER: I'm sorry, I wasn't paying attention.

MR. CURRIN: It wasn't that you weren't paying attention; Kari had your ear over something. Go ahead, Monica, if you can quickly.

MS. SMIT-BRUNELLO: I for one appreciate honesty, so I am good with it. Myra, if these parameters have already been established in the FMP and all we are doing is getting those new values right out of the assessment, I am not sure that we need an action. We could just have it as a discussion in the document.

MR. CURRIN: So you are okay with just inserting those when they are available? All right, Action 12.

MS. BROUWER: Action 12 would be to revise the ACL and OY for golden tilefish. These are the alternatives similar to what we had in the Comp ACL. For the no action alternative it would be ABC and OY equals the yield at 75 percent FMSY. Your preferred, of course, has been Alternative 2 in previous amendments, but, of course, we are not – here we run into the same problem where if we don't have those values, then we don't know what the ACL would be.

MR. CURRIN: But we still probably need a motion to insert this as an action in there with the direction to include those values when they are available. Also, I would just call note to the APs recommendations at the bottom of this action, they considered it and they felt pretty certain that there should be an increase in the ACL, and they even picked a minimum value for that. Motion by someone to include Action 12.

DR. CRABTREE: So moved.

MR. CURRIN: **Motion by Roy to add Action 12 to revise the annual catch limit and optimum yield for golden tilefish into Amendment 18B; second by Charlie. Discussion on that motion? Any objection to that motion? I see none; that motion is approved.** Again, the AP mentioned the whole double jeopardy thing as a possibility and I think we have cleared that up as well. All right, is that all we can do here? We have got to wait on those values before we can insert them.

MS. BROUWER: The next action would be to specify commercial sector ACT. The alternatives are similar to what you have considered previously. The AP recommended not specifying one.

MR. CURRIN: Again, we would need a motion perhaps to include this as an action, include commercial ACT specification as an action in the amendment and to select a preferred if you are willing to do so.

MR. HAYMANS: Yes, so moved, Mr. Chairman, and we haven't selected commercial ACT in other fisheries so I wouldn't select a preferred there, or no action, I guess.

MR. CURRIN: **Motion by Doug to include Action 13 in Amendment 18B and to select Alternative 1 as a preferred; second by Charlie.** Discussion on that motion?

DR. CRABTREE: If you have no intention of setting a commercial ACT, then why add this in as an action? I think you should only add it if you are going to give serious consideration to specifying one.

MR. HAYMANS: I had the exact same thought, but for consistency sake we have got it in every other amendment. That was the only reason.

MR. CURRIN: That is why it just went right over my head as well, because we have done it in every amendment we have done; not that that is a reason to include it necessarily.

MS. SMIT-BRUNELLO: Well, you could change your mind and want to do it at some point; however, I was going to say if you put this in whatever we call now the considered but rejected appendix, but this is an EA at this point; is that right? However, that could change and it could turn into an EIS; don't be surprised. I guess it is up to you. If you don't think you are going to do a commercial ACT and you haven't so far in many of the other amendments, then I would say, yes, go ahead and take it out.

MR. CURRIN: Or not put it in.

MS. SMIT-BRUNELLO: Or not put it in.

MR. CURRIN: We have been pretty consistent so far, folks. We have taken a little heat for that due to our monitoring capabilities, but if it is the desire of the committee to not select a commercial ACT, then perhaps, Doug, you might consider withdrawing your motion.

MR. HAYMANS: **Okay, I will withdraw the motion.**

MR. CURRIN: Okay with the seconder, Charlie? Motion is withdrawn. There will be no action in Amendment 18B to set a commercial ACT. All right, let's move.

MS. BROUWER: Action 14 would specify a recreational sector ACT. Again, this was put in here to be consistent; However, we don't have any numbers and currently the ACL for the recreational sector is very low. It is 1,570 some fish. I don't know if you want to entertain an ACT for the recreational sector or not.

DR. CRABTREE: Refresh my memory; we in the ACL Amendment allocated some amount of this to the recreational fishery and set up an ACL and AMs and everything?

MS. BROUWER: That was done in Amendment 17B, I believe, and the allocation is 3 percent. The ACL for the recreational sector is 1,578 fish. There was also some discussion at some point about exploring the use of a tagging system for this sector, so we didn't know if perhaps the council would like to add that to items taken out for scoping or not.

DR. CRABTREE: Let me just say that given how small that amount of fish is I don't think it makes any difference whether you set an ACT or don't set one. The data is going to be so imprecise that we are going to have large overages and underages and a lot of bouncing around just because of the noise in the data sets. I am not sure from a practical standpoint with an amount that is that low it makes much difference what you do. It is going to be a problem any way you slice it.

MR. CURRIN: There is no question about it. I guess the saving grace is it is roughly three times the allocation for snowy grouper to the recreational sector. That is not much saving grace, though, is it? Your suggestion, Roy, is that it probably doesn't matter whether we set an ACT for the recreational community.

DR. CRABTREE: I don't really see how it is going to be very useful.

MR. CURRIN: I don't either with two-month waves in our data collection system.

MR. HAYMANS: I decline to make a motion for that one.

MR. CURRIN: You don't have to decline.

MR. WAUGH: I agree totally that we should pull this action, but then we have to do something. As Myra suggested, then when we are talking about the CE-BA 3 that we take out this issue of tags. Realistically, that is the only way you are going to have a chance of not exceeding that recreational ACL is to issue tags.

MR. CURRIN: I think you are right and I know that involves development of a system, but it is going to be a system that we are going to have for at least three species. We talked about this for a number of years around this table. I agree wholeheartedly, this is something we ought to take out to scoping very soon. All right, so there is no desire to add this action in the amendment.

DR. CRABTREE: Yes, and I just would make one point. As long as the recreational catch remains as small a component of the overall landings that it is, it is not really much of a concern. You are not going to have overfishing in this fishery because of that 3 percent. Now if they start catching huge more numbers of fish, yes, that is a concern; but if that happens, then your ability to monitor it will go up some.

But as long as 97 percent of the catch is commercial, then what is going to drive the status of this stock is the commercial fishery and the recreational fishery is really not going to have much impact on it because it is de minimis. We still have to have an ACL, and there will be problems associated with that, but it is not going to have much impact on the status of the stock, it doesn't seem to me.

MR. CURRIN: As long as it doesn't multiply too many times over the allocation.

MR. WAUGH: But then we will be in the position if the recreational sector takes their allocation and the recreational is over, then we are going to be exceeding the ACL on a continuing basis. If we exceed the ACL, I forget how many years it is then we are supposed to revisit the setup of ACLs and AMs.

DR. CRABTREE: Well, I think what we set up in 17B was if we exceed the recreation ACL, then we shorten the season in the next year to start to keep it from happening again. I think what will happen if we start exceeding it is we will end up with a closed season or maybe we end up having to go to one per vessel or we will have to take some sort of action. I am not saying it won't be a problem from a management perspective. I am just saying biologically it is not likely to have much impact on the stock.

MR. CURRIN: All right, so no desire to put an ACT action in here for commercial or recreational. The next action is again a new one proposed by staff to revise accountability measures for golden tilefish. That is on Page 18, decision document.

DR. CRABTREE: I guess my question would be is there a problem with the current AMs that we have for golden tilefish; and as staff seems to want us to revise them, did they give us guidance on the problem they see with it and what we ought to change about it?

MS. BROUWER: Mainly to be consistent because you chose to change the AMs or you chose a specific approach for setting AMS in the Comp ACL. There was an interest in getting rid of the

three-year average for the recreational sector because there were some problems identified with that. This would be a chance to adopt a different approach.

DR. CRABTREE: Now, my recollection – and I will ask Andy and Jack – my recollection of the problem with the three-year running average had to do with paybacks being involved. Right now we don't have any paybacks in this fishery. Do you think there is a problem with the running average if we don't have any paybacks in it in terms of using it or a reason we need to not use it here? I am not hearing that there is a big problem with it so I guess at this point unless somebody has something they want to change, I am not clear on how we would change these.

MR. CURRIN: Is everybody comfortable with the no action alternative? Well, look at the no action alternative and that will inform you if you are unaware of what the current AMs are. If you are comfortable with those actions, there is apparently no need anyone can come up with so far, until Gregg gets here.

MR. WAUGH: Sorry, Mr. Chairman, but one of the issues with this moving average is that if you bust it early, then you pay for it a number of years into the future. I just looked at 2011 and we were at like 488 percent of the ACL. I can't remember what it was for 2010. I think it was over as well. If you stay with that three-year moving average until we start bringing that down, you are going to be shortening the following season.

DR. DUVAL: Yes, and I was going to make similar comments in regard to – I mean, given that there is such a small ACL for the recreational sector, you are going to have closed seasons, anyway. It seems like it would make more sense to just have this be consistent with what we have in other amendments and just do a payback and get rid of this three-year moving average.

MR. CURRIN: Other thoughts? If that is the general consensus of the committee, then we need a motion to add this action and go through these alternatives and consider selecting preferreds or modifying them in some way.

**DR. DUVAL: All right, I move that we add Action 15 to the document, revise accountability measures for golden tilefish.**

MR. CURRIN: Motion by Michelle; second by Charlie to add Action 15 to Amendment 18B. All right, we probably need to run through these alternatives at some point after this motion is approved. Michelle, do you have a comment? Discussion on the motion? Any objection to the motion? **I see none; that motion is approved.** All right, so, Myra, do you want to walk us through these alternatives and recommendations from the IPT?

MS. BROUWER: For Alternative 2, as far as the specification of the AM trigger, in the past you have chosen Subalternative 2B, if the annual landings exceed the ACL in a given year. For the in-season AM you have chosen Subalternative 3B, the RA shall publish a notice to close the recreational sector when the ACL is projected to be met. I am not sure that actually works in this case because of the small allocation. For the post-season AM for a species that is not undergoing overfishing, you have chosen Subalternative 4D, monitor the following year and shorten the season as necessary.

DR. DUVAL: All right, let's see if I can make this work here. I move that we adopt Alternative 2, Subalternative 2B as a preferred. Mr. Chairman, do you want me to deal with each alternative separately or altogether?

MR. CURRIN: Let's roll them up as long as you are comfortable doing it, put them in one.

DR. DUVAL: Okay, Alternative 3, Subalternative 3B; and Alternative 4, Subalternative 4D as our preferred.

**MR. CURRIN: Motion by Michelle; second by Duane to adopt Subalternative 2B, Subalternative 3B, and Subalternative 4D as preferreds under this new action. Discussion.**

DR. CRABTREE: I think we are making this way too complicated. I think if you look at what Michelle put together, it is status quo with the elimination of the running average. I think we could turn all of this into eliminate the use of the running average and I think it is the same thing. The way it is set up now, in the commercial if the ACL is hit, the fishery is closed, right?

I can tell you we don't have any ability to do in-season closures, I don't think recreationally. I guess that is a change with what Michelle is doing we would do an in-season closure recreationally. It seems to me there are two differences. We are adding an in-season closure recreationally and we are not going to use the running average.

It sure seems like an awful lot of alternatives here to get us to that. There are things in these actions we have added like the modified mean and some of those things that we have been through that and aren't using that. It just seems like we have added a lot of things here that complicate it.

MR. CURRIN: Well, have you got some wording for a suggested substitute motion?

DR. CRABTREE: Well, I guess my first question to you would be do you want to do in-season closures of the recreational fishery?

MR. CURRIN: I think what I heard you say is you are not likely to be able to do that, but we are doing it in others because we get wave data a few months after it occurs; and with the overages that we have experienced the last couple of years, yes, I think it is probably a wise thing to do. That is my opinion.

DR. CRABTREE: Well, I guess what I would ask then – I mean we can go ahead and approve Michelle's motion, but then it seems like staff could strip out a number of these other alternatives out of here. Maybe we could dispense with this motion and then maybe eliminate some things that we don't think we need.

MR. CURRIN: Okay. Further discussion on the motion? Is there any objection to the motion? **I see none; that motion is approved.** There are a lot of subalternatives under each alternative here; and if there is anything we can do to clean them up, that would be good.

DR. CRABTREE: I think we could eliminate 2C, 2D, 2E, 4A, 4B, 4C, 4E, and 4F; did you catch all that, Myra? From a NEPA perspective – and I don't know if Monica is following me – we have evaluated all of this in prior amendments. All we are doing now is tweaking a few things. I don't think we have an obligation to go back and evaluate all these other alternatives that we just evaluated in an amendment a year or two ago. Can't we just focus specifically on the things we want to change?

MS. SMIT-BRUNELLO: That is a great question.

DR. CRABTREE: Okay, so let me make my motion. I move that staff advise us on whether we could remove all of these from the document. If their conclusion is yes, then remove them from the document.

MS. SMIT-BRUNELLO: Duane is looking at me for an answer, so I will be glad to answer. Well, just because you have looked at them in another amendment doesn't mean they aren't reasonable in this amendment. But if you really think that based on all the analysis that was previously done and the council's review of all that and you ultimately decided to never go with any of those alternatives for very sound reasons, then maybe they are not reasonable here.

DR. CRABTREE: Well, what we are saying is we think we need an in-season recreational closure here. We don't have that now. That is an alternative we have selected and then we don't want to use the three-year running average anymore so we are getting rid of that. Now, I don't see why we then have to go through looking at modified means and lower bounds of 90 percent confidence intervals and all these other things when we have just got a few specific things we want to adjust in the existing accountability mechanisms.

MS. SMIT-BRUNELLO: Okay, so I will go with your first suggestion that if staff will look at it and will give it more analysis and if it could be removed, we will remove them.

DR. CRABTREE: Well, we are not removing them. Well, I guess we did pass a motion to add them all?

MR. CURRIN: No, we passed a motion to add the action and we are going through and selecting alternatives from the suite that was given to us.

**DR. CRABTREE: My motion is that we not add those subalternatives at this time unless staff determines that we don't have a reasonable range of alternatives and then they could add in what they think is necessary – we will look at their recommendations at the next meeting – unless it is determined that additional alternatives are needed to constitute a reasonable range. If I have a second, I will give a little more – do I have a second?**

MR. CURRIN: Second by Duane.

DR. CRABTREE: What I would ask staff to do is kind of restructure this; that we feel like we have two problems we need to address. One is we need a recreational in-season closure; two, we

want to get rid of the modified means so structure this in a way that here is a problem we have with the existing ones and that should get you to a limited number of alternatives.

MR. CURRIN: Yes, I agree with you, Roy. The SSC in fact has put the nix on the modified mean approach and the 90 percent confidence interval approach. They did not look upon those favorably, if I remember correctly. Is that correct, John, or not?

MR. CARMICHAEL: Sounds good to me.

MR. CURRIN: I think we are going to be pretty safe, but this will assure it by asking the staff to take a look at it. Any further discussion? Any objection to the motion? **I see none; that motion is approved then.**

MS. BROUWER: At this point we would need a motion to take this out to public hearings.

MR. HAYMANS: I so move.

MR. CURRIN: Motion by Doug to take Amendment 18B out to public hearing; second by Charlie. Discussion?

DR. CRABTREE: We are all in agreement that the scheduling of the public hearings is contingent upon getting the P-star analysis and an amount for the ABC from the Science Center, right?

MR. CURRIN: I think that is pretty clear from our discussion.

MR. CUPKA: I think staff had scheduled those hearings in conjunction with some other hearings and those other hearings have already been scheduled. I think all the arrangements have been made; so if we can't get those P-star values, that means we are going to have to do another whole set of hearings, but be that as it may.

MR. CURRIN: I hope we have impressed the Science Center with the urgency and need and desire to have those things to meet our current public hearing schedule.

MR. WAUGH: The next window for a round of public hearings would be in August and September, which would mean likely that then you would miss the 2013 fishing year with this, also.

MR. CURRIN: Okay, those are the implications but I don't see any other way around it. We have got to have those numbers before we can take this out. I just hope that we can get the analysis done and into this document before the scheduled public hearings. **Okay, the motion is to approve Amendment 18B for public hearings. Scheduling of public hearings is contingent on receiving analyses from the Southeast Fisheries Science Center. Any further discussion? Any objection to that motion? I see none' that motion is approved.** All right, is there other business?



MS. BROUWER: Mr. Chairman, we also would need to adopt some more language for defining the overfished limit for golden tilefish as we have done with black sea bass and red grouper.

MR. HAYMANS: Mr. Chairman, I make a motion that we do that.

MR. CURRIN: Doug's motion is that we do that; is there a second? I'll get it for you in just a second. **The motion by Doug is that we adopt OFL language similar to that in Amendments 18A and 24 and include it in Amendment 18B; seconded by Charlie. Discussion? Any objection to that motion? I see none; the motion is approved.** What else, Myra, in 18B?

MS. BROUWER: I think that is it.

MR. CURRIN: Anybody else from the staff think that we are not done or there is stuff further to do. All right, that gets us through 18B. The last few meetings we have not done timing and task motions for snapper grouper because all the motions had been included in the report and voluminous. Is there other business to come before the Snapper Grouper Committee?

MS. McCAWLEY: I just had a question about what happens to the other recommendations from the AP about the hogfish and the triggerfish, the size limits. What happens with that?

MR. CURRIN: Well, I hope everybody has had an opportunity to look at the discussion and the letter that they had at the end of their meeting and the letter from Rob Harris about that. Bobby mentioned those motions. I personally agree that the council needs to move forward with their recommendations and consider some size limits for hogfish. There are several others I think and some bag limit adjustments as well. I don't know where we capture those, how we get them into the system, but we need to start looking at that at some point in the very near future.

MR. CARDIN: On the council and the AP getting along and communications, I think it is a perfect example of you allowing me here to talk to you the last couple days. There is a talk of an occasional joint meeting, but our APs, quite often several council members attend. I think myself I believe the communication between council and AP is excellent.

I would like to thank you. I will say this much, sometimes AP members wonder why councils goes a different way; and occasionally if you all could address us on some of these issues, it would be appreciated, maybe a letter from the chairman or what have you. But thank you, it has been a pleasure.

MR. CUPKA: If I may, Gregg just had a good suggestion and that is that we are fixing to go out to scoping on CE-BA 3 and we could add those issues that the AP has raised to that when we go out to scoping if that is agreeable.

MS. McCAWLEY: I make a motion to do that, to add those additional recommendations from the Advisory Panel on the size limits and the bag limits to those workshops.

**MR. CURRIN: Motion by Jessica; second by Duane to add the recommendations from the AP regarding size limits and bag limits on selected species to the scoping document in CE-**

**BA 3. Any further discussion of that motion? Any objection to that motion? I see none; that motion is approved.**

Is there anything else to come before the Snapper Grouper Committee? Mr. Chairman, I apologize for being over. It is not an unusual situation for us, but I appreciate the work of the committee and the staff to get us through all this. We have a pretty full plate at each of our council meetings, and I appreciate it.

MR. CUPKA: Thanks, Mac, no apologies necessary. We did have a full agenda and we did need to get through them, but we did that. What we will do is we will adjourn and we will reconvene in the morning at 8:30. We will start off with the closed session for Monica to give us a briefing and then we will go into the Snapper Grouper Committee Report, during which time we have got some unfinished business we will have to reconsider plus any motions that were passed prior to us going into the meeting as a Committee of the Whole, and then we will go through the rest of the committee reports.

Depending on the time when we get to the committee reports we may only deal with the motions contained in the committee reports, but it is important that we complete our business on those two snapper grouper amendments before we do anything. That is my plan and if I don't hear any objections, that is what we will do. We will reconvene at 8:30 with a closed session. Bob, did you have anything? Okay, I thank everybody again for their perseverance and thank Mac for leading us through another interesting series of amendments.

(Whereupon, the Committee of the Whole adjourned at 5:32 o'clock p.m., December 8, 2011.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

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## **INDEX OF MOTIONS**

PAGE 9: Motion to recommend to the council that to begin work on a generic amendment to require dealer permits for all federally managed species and make adjustments to the reporting timelines as appropriate. Motion carried on Page 10.

### **AMENDMENT 18A MOTIONS**

PAGE 50: Motion to track the landings of black sea bass for commercial and recreational sectors and reflect as whole weight; do not change the numbers in Amendment 18A document but reflect in the final rule; also include a table in the document that expresses the conversion factors for whole weight and gutted weight. Motion carried on Page 50.

PAGE 56: Motion to select Alternative 4 with modification as the preferred alternative. Motion defeated on Page 60.

PAGE 62: Motion to select Alternative 4 as the preferred alternative that establishes a buffer of 20 percent on the ACL. Motion defeated on Page 63.

PAGE 64: Motion to reconsider the motion to select Alternative 4 with modification as the preferred alternative. Motion to reconsider carried on Page 60. Motion carried as the main motion on Page 64.

PAGE 67: Under Action 2, select Subalternative 2A as the preferred alternative.

PAGE 68: Substitute motion that Subalternative 2G, 2,500 pounds whole weight, be the preferred alternative. Motion carried on Page 64. Carried as the main motion on Page 69.

PAGE 71: Under Action 1A, motion to create a new Alternative 5 instead of modifying Alternative 4 and to make Alternative 5 the preferred alternative. Motion carried on Page 71.

PAGE 72: Under Action 4, motion to select Alternative 2, Subalternative 2A as the preferred alternative. Motion carried on Page 72.

PAGE 75: Motion to modify Alternatives 2 and 3, the first sentence of each of those alternatives to read, "A valid or expired black sea bass pot endorsement can be transferred between any two individuals or entities that hold or simultaneously obtain a valid snapper grouper permit." Motion carried on Page 75.

PAGE 79: Motion to adopt the IPT's recommendation on Action 5.

PAGE 80: Motion to table the motion until full council. Motion carried on Page 80.

PAGE 80: Motion that the endorsements need to be renewed within a year.

PAGE 82: Substitute motion that endorsements should be renewed at the same time the snapper grouper permit is renewed. Motion carried on Page 82.

PAGE 86: Motion to clarify that brought back to shore matches the definition in the codified text. Motion carried on Page 86.

PAGE 88: Under Action 7, motion that Alternative 3 be added and be the committee's preferred alternative. Motion carried on Page 88.

PAGE 89: Motion to select Alternative 1, no action, under Action 8 as the preferred alternative. Motion carried on Page 90.

PAGE 90: Motion under Action 9 to change the preferred alternative to Alternative 4, which would establish a 1,000 pound gutted weight trip limit. Motion carried on Page 90.

PAGE 95: Motion under Action 10 to select Subalternative 2A and Subalternative 3A as the preferred alternatives. Motion carried on Page 96.

PAGE 102: Motion to clarify the language in the accountability measures to indicate that paybacks are not required when new projections are adopted that incorporate the quota overruns and the ACLs are adjusted in accordance with those projections. Motion carried on Page 103.

PAGE 104: Under Action 11, motion to make Alternative 4 an additional preferred alternative. Motion carried on Page 109.

PAGE 109: Under Action 11, motion to deselect Alternative 3 as a preferred alternative. Motion carried on Page 109.

PAGE 109: Under Action 12, motion to select Alternative 4 as the preferred alternative and to deselect Alternative 2 as the preferred alternative. Motion withdrawn on Page 116.

PAGE 118: Motion that in terms of defining overfishing to use the OFL level in years when there is no current assessment and continue to use MFMT during years when there is an assessment. Motion carried on Page 119.

#### **AMENDMENT 20A MOTIONS**

PAGE 124: Motion to accept the IPT recommended language for Alternative 2 and Alternative 3 of Action 1 and retain Alternative 3 as the preferred alternative. Motion carried on Page 124.

PAGE 129: Motion to approve Amendment 20A for formal review. Motion carried on Page 130.

PAGE 135: Motion that the committee concurs with the proposal to adjust the ACL through the process discussed by NOAA Office of General Counsel. Motion carried on Page

#### **135.COMMITTEE OF THE WHOLE MOTIONS**

## **AMENDMENT 24 MOTIONS**

PAGE 136: Motion is to adopt the IPT's recommended language for Alternative 1. Motion carried on Page 137.

PAGE 141: Motion for the accountability measures in Actions 9 and 10, that we indicate that the paybacks are not required when new projections are adopted that incorporate overruns of the quotas and the ACLs are adjusted in accordance with those projections. Motion carried on Page 141.

PAGE 141: Motion to adopt OFL language for red grouper and incorporate into the amendment document. Motion carried on Page 141.

PAGE 142: Motion to submit Amendment 24 to the Secretary of Commerce for review. Motion carried on Page 143.

PAGE 143: Motion to deem the codified text as necessary and appropriate. Motion carried on Page 144.

PAGE 144: Motion to give the staff and council chair editorial license to review the documents and make appropriate changes. Motion carried on Page 144.

## **AMENDMENT 18B MOTIONS**

PAGE 146: Motion to establish a suite of alternatives dealing with the establishment of hook-and-line endorsements in the golden tile fishery. Motion carried on Page 147.

PAGE 147: Motion to deselect new Subalternative 2C as the preferred. Motion carried on Page 147.

PAGE 148: Motion to select Alternative 2A as the preferred. Motion carried on Page 148.

PAGE 148: Motion to change the preferred alternative from no action, Alternative 1, to Subalternative 2L. Motion withdrawn on Page 149.

PAGE 150: Motion to change the terminal year in all the subalternatives that end at 2009 to 2010. Motion carried on Page 151.

PAGE 151: Motion to select Subalternative 2L as the preferred where at least 500 pounds gutted weight with hook-and- line gear when the individual's best three of six years from 2005-to 2010 are aggregated. Motion carried on Page 151.

PAGE 156: Motion to add a new alternative to receive a golden tilefish longline endorsement, the individual must have an average of 10,000 pounds gutted weight golden tilefish caught with

longline gear for the best three years within the period 2006 through 2010. Motion carried on Page 156.

PAGE 156: Motion that staff clarify that all dates in all alternatives are inclusive of the beginning and end dates. Motion carries on Page 156.

PAGE 156: Motion that the new alternative be the preferred alternative. Motion carried on Page 157.

PAGE 157: Motion to remove Subalternatives 2F, 2G and 2H to the considered but rejected appendix. Motion carried on Page 157.

PAGE 157: Motion to accept the recommended wording changes by the IPT and that Alternative 2 be selected as the preferred alternative. Motion carried on Page 157.

PAGE 158: Motion to deselect Alternative 4 as the preferred and to select Alternative 2 as the new preferred and accept the new wording recommended by the IPT. Motion carried on Page 158.

PAGE 161: Motion to move Subalternatives 2C, 2D, 3C, 3D, 4C, and 4D to the considered but rejected appendix and insert the word “cannot” in Alternative 1 as suggested by the IPT. Motion carried on Page 161.

PAGE 162: Motion to adopt similar language to that in Amendment 18A and give staff guidance to consult with the permits office to edit alternatives as needed. Motion carried on Page 163.

PAGE 163: Motion to accept the IPT’s recommended wording changes and retain Alternative 1 as the preferred. Motion carried on Page 163.

PAGE 164: Motion to accept IPT recommendations 2 and 3. Motion carried on Page 164.

PAGE 165: Motion to select Alternative 5 as the preferred alternative for Action 9.

PAGE 166: Substitute motion to establish an alternative that establishes trip limits of 200 pounds gutted weight for the golden tilefish hook-and-line fishery for commercial fishermen who do not receive an endorsement in the commercial golden tilefish hook-and-line fishery. Vessels with longline endorsements are not eligible to fish for this trip limit. Make this new alternative the preferred. Motion carried on Page 167.

PAGE 168: Motion to move Alternatives 3 and 4 under Action 9 to the considered but rejected appendix. Motion carried on Page 168.

PAGE 168: Motion under Action 10 to move Alternative 2 to considered but rejected appendix. Motion carried on Page 168.

PAGE 169: Motion to change the wording under Action 10 to modify golden tilefish trip limits. Motion carried on Page 169.

PAGE 170: Motion to add Action 12 to revise the annual catch limit and optimum yield for golden tilefish into Amendment 18B. Motion carried on Page 170.

PAGE 170: Motion to include Action 13 in Amendment 18B and to select Alternative 1 as the preferred. Motion withdrawn on Page 171.

PAGE 173: Motion to add Action 15 to the document to Amendment 18B, revise accountability measures for golden tilefish. Motion carried on Page 173.

PAGE 174: Motion to adopt Subalternative 2B, Subalternative 3B, and Subalternative 4D as preferreds under the new action. Motion carried on Page 174.

PAGE 175: Motion to not add the subalternatives at this time unless staff determines that we don't have a reasonable range of alternatives and then staff add in what they think is necessary unless it is determined that additional alternatives are needed to constitute a reasonable range. Motion carried on Page 176.

PAGE 176: Motion to approve Amendment 18B for public hearings. Scheduling of public hearings is contingent on receiving analyses from the Southeast Fisheries Science Center. Motion carried on Page 176.

PAGE 177: Motion to adopt OFL language similar to that in Amendments 18A and 24 and include it in Amendment 18B. Motion carried on Page 177.

PAGE 177: Motion to add the recommendations from the AP regarding size limits and bag limits on selected species to the scoping document in CE-BA 3. Motion carried on Page 178.

# South Atlantic Fishery Management Council

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So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

**SNAPPER GROUPER MEETING**  
December 8, 2011  
Raleigh, NC 27605

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Jack H Cox			

South Atlantic Fishery Management Council  
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North Charleston, SC 29405  
843-571-4366 or Toll Free 866/SAFMC-10

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**SNAPPER GROUP**  
December 8, 2011  
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December 8, 1965  
Raleigh, NC 27605

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**December 8, 2011**  
**Raleigh, NC 27605**

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**SNAPPER GROUPER MEETING**  
**December 8, 2011**  
**Raleigh, NC 27605**

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**Raleigh, NC**

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OK for Travel Log

David Bullard

~~K. Quisenberry~~

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South Atlantic Fishery Management  
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843-571-4366 or 1011

# 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 7, 2011**  
**Raleigh, NC 27605**

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45 minutes, we ask that you sign this sheet for the meeting shown below.

**MEETING**

**SNAPPER GROUPER COMMITTEE**  
December 7, 2011  
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Wm. McKee & Co. Inc.

Arthur, TX

16th St

David Hillard

2024/11/16

Parapets & belvedere

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Shed Tanchee Snipe

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*[Signature]*

(NREC)

~~True Name~~

pry

Leeds Dunmire

South Atlantic Fishery Management Council  
1055 Faber Place Drive, Suite 201  
SC 29405

4055 Faber Place Drive  
Charleston, SC 29405  
EMC-10

Normal: 843-571-4366 or Toll Free 800-843-5711



# 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 GROUPEE COMMITTEE MEETING**  
 December 7, 2011  
 Raleigh, NC 27605

P.O. BOX/STREET  
 CITY, STATE & ZIP

EMAIL  
 ADDRESS

AREA CODE &  
 PHONE NUMBER

NAME &  
 ORGANIZATION

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
Theresa Scott-Murphy	727-369-4613	sportminiver@accanconservation.org	Raleigh, NC
Helen Palade-Humacher		hpalade@edf.org	Ten Seco, FL
Terry Giblin		terry.giblin@carrollwellmedia.com	Washington DC
Bob Cornwell		finhaber577@AOL.com	SSI, GA
Myriah Cornwell	912-222-9206	mcornwell@paultrusts.org	Arlington, VA
Susan Shipman		susan.shipman@att.net	Tallahassee, FL
Danielle Crosby		AS NITC	PECS
Holly Bion		ACCESS	
Michael Cahill			

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 843-571-4366 or Toll Free 866/SAFMC-10

# PLEASE SIGN IN

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**SNAPPER GROUPER COMMITTEE MEETING**  
**December 7, 2011**  
**Raleigh, NC 27605**

**P.O. BOX/STREET**  
**CITY, STATE & ZIP**

**EMAIL**  
**ADDRESS**

**AREA CODE &**  
**PHONE NUMBER**

**NAME &**  
**ORGANIZATION**

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
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Bruce Kears	386-527-0732		
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