

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

HUTCHINSON ISLAND MARRIOTT

Stuart, Florida

June 11-12, 2013

SUMMARY MINUTES

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Additional Observers Attached

TABLE OF CONTENTS

Call to Order, Chairman Michelle Duval.....	3
Approval of Agenda.....	3
Approval of March 2013 Minutes.....	3
Status of Commercial Catches vs. ACLs.....	3
Status of Recreational Catches vs. ACLs.....	4
Report on Total Removals of Red Snapper in 2012.....	10
Status of Amendments under Formal Review.....	25
MARMAP, SEAMAP and SEFIS 2012 Update.....	26
Advisory Panel Report.....	38
Scientific and Statistical Committee Report.....	41
Discussion of Regulatory Amendment 14.....	47
Discussion of Regulatory Amendment 16.....	97
Discussion of Snapper Grouper Amendment 30.....	102
Discussion of Snapper Grouper Amendment 29.....	109
Discussion of Snapper Grouper Amendment 22.....	117
Other Business.....	128
Adjournment.....	134

The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in the Plantation Room of the Hutchinson Island Marriott, Tuesday morning, June 11, 2013, and was called to order at 8:30 o'clock a.m. by Chairman Michelle Duval.

DR. DUVAL: I'd like to go ahead and call the Snapper Grouper Committee meeting to order. The first order of business is approval of our agenda. Are there any items to come up under other business that anyone knows about? I know there are a couple things that might come up that I've been apprised of already. Seeing none; the agenda stands approved.

The next item is approval of our March 2013 Minutes. Are there any changes to those minutes? Seeing none; those minutes stand approved? The next thing we'll move into as per usual is the status of commercial catches versus the ACLs. I believe Dr. McGovern is going to lead us through this.

DR. McGOVERN: The commercial landings are included in Tab 5, Attachment 1A. I'll highlight some things in this table. This is from our website, and it includes landings through May 30th. and these are landings that we get from the Science Center. The deepwater complex – this includes blueline tilefish – we are at 32 percent of the ACL.

We were over by 7 percent last year and it closed in September of last year. Looking at gag, we are at 23 percent of that ACL, and 98 percent was met last year. If you remember, it closed in October, and then we had a short reopening in November of last year. Golden tilefish, we have exceeded that ACL by about 5 percent. Golden tilefish has closed. It closed on May 5th of this year. Last year we were at 96 percent of that ACL.

For gray triggerfish we are at about 70 percent so far this year, and we met 96 percent of that ACL last year. It closed in September of last year and it reopened for about a week in December. Porgies we're about 80 percent, and we've requested projections for porgies from the Science Center. It closed in September of last year.

Snowy grouper, we're at about 52 percent. We went over by 5 percent last year. Yellowtail snapper, we are at 33 percent of the increased ACL that will be permanently increased through Regulatory Amendment 15. We met about 85 percent of that last year. If you move down, we'll see black sea bass. That just opened up in June. We were at 97 percent of the ACL last year. Vermilion snapper; we exceeded that by 7 percent earlier this year.

DR. DUVAL: Are there questions for Jack about the commercial landings? I know I had one.

MR. HARTIG: Jack, not really a question, but just I appreciate all those percentages you gave us. In the future if you are going to do this kind of a thing, could you just give us an idea of how the percentages relate to the previous year. That would help me, anyway. Do you understand what I'm trying to say?

DR. McGOVERN: How do you mean, Ben? Do you mean show landings for the previous year?

MR. HARTIG: Or just the percentage; what percentage is caught by this date the previous year.

DR. McGOVERN: I think that is in that table. That is the 2012 ACL percentages there.

MR. HARTIG: Okay great. Thank you.

DR. DUVAL: But, Ben, were you saying like because this table includes the total percent of the ACL that was caught as of the end of 2012, right, Jack; those are 2012 ending percentages of ACLs, and, Ben, are you asking for what was the percentage of the ACL that had been met at this time last year?

MR. HARTIG: That is exactly what I was asking for.

DR. McGOVERN: I understand; okay, I can do that.

MR. HARTIG: That would help; just a frame of reference to see where we are and where we may be going.

DR. DUVAL: I guess, Jack, the only question I had was – and I apologize if you mentioned this and I missed it – the jacks are at like 90 some percent. Are you thinking that is going to close soon?

DR. McGOVERN: Yes, we've requested projections for that, too, from the Science Center, and we are expecting it at any time now.

DR. DUVAL: Okay thanks. Are there other questions for Jack about any of the landings? Okay, if not, then moving on, our next agenda item is the status of recreational landings. I believe Dr. Ponwith usually takes us through this or, Jack, are you going to do that?

DR. McGOVERN: This is a presentation that was put together by the LAPP Branch in our office, including Andy Strelcheck, Mike Larkin, who is here with us today – he is sitting behind me there – Vivian Matters from the Science Center, and Nick Farmer all put this together. The landings here are based on MRFSS. In the future, MRIP estimates are going to be used.

The landing estimates were estimated by NMFS to be consistent with ACL monitoring; including post-stratification. The 2013 data do not include headboat landings, but the 2012 data presented here are final. Just some highlights from the tables here; 95 percent of the black grouper ACL was met. The golden tilefish ACL of 3,019 fish was met in 2012, and it was closed last year on June 8th. The recreational sector has also been closed this year, because we were getting close to it this year. It was closed on June 3rd of this year. Gray triggerfish was exceeded by 4 percent, and hogfish was exceeded by 5 percent.

The AMs for these species is to reduce the length of the following fishing season if high landings persist in the year following an overage. Porgies were exceeded by 12 percent. The ACL for snowy grouper was exceeded by 1,542 fish. The AM was triggered and snowy grouper was closed for 2012 on May 31st.

Black sea bass was exceeded by 4 percent last year. These tables now show landings by year and by sector. We see that the private sector dominates landings of black sea bass. This slide just shows similar information as well as MRFSS effort and headboat effort. The black dots for 2010/ 2011 fishing year show the ACL for that year.

We see that the ACL was exceeded in 2010/2011. It was close in 2013. Then the dot for 2013 fishing year shows the new increased ACL, which will go into effect through Regulatory Amendment 19. That is 1,033,980 pounds. Gag landings, again dominated by the private sector, and about 52 percent of the gag ACL was met in 2012 and a similar amount in 2011.

Greater amberjack are dominated by charter and private sectors. We see about 49 percent of the ACL was met in 2011. Mutton snapper also dominated by the private sector. For mutton snapper, about 61 percent of the ACL was met in 2012. For yellowtail snapper, landings mostly from the private and charter sectors, and this shows the increased ACL that will be put into place through Regulatory 15.

It was temporarily put into place through an emergency rule and 44 percent – no, that is the commercial and not recreational. This shows all the ACL, 44 percent of that was met. For red porgy, most of the landings were from headboat. About 51 percent of the red porgy ACL was met last year.

Vermilion snapper, private and mostly from headboat, I guess; and 63 percent of the recreational ACL was met. Again, Regulatory Amendment 18 is going to do away with the November through March seasonal closure, so we will expect these landings to increase next year. For red snapper, we see the effects of the moratorium with few landings in recent years. The figure here shows the landings in pounds. About 9,399 fish ACL; 15,059 fish were caught last year during the mini season.

For snowy grouper, mostly from charter and private, the snowy grouper ACL was exceeded in 2012. We've closed it in 2013, because we were getting close to the 523 fish ACL, and the AM is to reduce the length of the following season when the ACL is exceeded previously. For golden tilefish, again private and charterboat sectors dominate, we're close. Last year we went over it and we went over it in 2011, and again golden tilefish is closed this year. Golden tilefish AM has an in-season closure as well as reduce the length of the following fishing season. That is it.

DR. DUVAL: Are there questions for Jack about any of the recreational landings?

MR. HARTIG: Jack, in the numbers you gave us for where we are this year; are the headboat numbers included in those recreational numbers?

DR. McGOVERN: The headboat numbers are included in the 2012 figures. Those 2012 data are final. They are not included in the 2013 numbers.

MR. HARTIG: Either you or Bonnie; why don't we have the headboats on a more real-time basis? What is the problem with the headboat landings that causes us to not have them with the waves of the other recreational fishery?

DR. PONWITH: You will recall that we had been gathering the headboat data by logbooks. Those collections were made in the past and the process was to collect those, accumulate them, get them key punched, do the QA-QC on the key punch and then generate those estimates on a yearly basis.

To move beyond that model, we are in the process of converting to mandatory electronic reporting and electronic reporting on a weekly basis instead of a monthly logbook; the paper logbook periodicity. The regulation requiring that hasn't gone into place yet. In spite of that, we already have – the last number I heard was close to 60 percent of the headboats are already reporting electronically.

Once 100 percent are reporting electronically and are meeting those requirements for periodicity, the data will be in our hands promptly. We will just have to go through the QA-QC procedures. Once that is in place, we will convert to producing estimates on the same periodicity as the MRIP waves. We've looked into doing it more frequently.

The problem is that for species other than the really prime species, we end up with a lot of empty cells where you don't see them. To generate estimates from the observed to reflect what happened in the unobserved, then you end up borrowing catch-per-unit effort data across strata. The more you do that, the weaker the estimate is. We feel that MRIP wave is right now what we are targeting for the ideal periodicity. We'll revisit that once we see the data.

MR. HARTIG: As long as we're moving forward and we've got a plan, that is great. It looks good.

DR. DUVAL: Just as a reminder, at the March meeting we approved for final secretarial review our Headboat Electronic Reporting Amendment. That is working its way through the process right now.

MR. WAUGH: Just to clarify; it was my understanding that we switched to mandatory electronic reporting starting in January; that the Center had authority to change how the data were reported. What we're doing then with our amendment is going to mandatory weekly reporting. It is a two-part question.

One, if we could have that clarified; and then the second is what I understood Bonnie to say is even though we will have weekly electronic reporting for the headboats; that we're only going to get an estimate of what they've caught like three months behind.

If we're tracking the MRFSS and MRIP, it is a wave. That is two months and then those numbers are available 45 days afterwards; so if that is the case, I don't see where this is a move forward; so those two points.

DR. PONWITH: We're going from an annual estimate to an every two-month estimate. That is forward progress. MRFSS takes 45 days after the close of the wave to generate their estimate. We're not MRFSS. I don't know how long that turnaround time is going to be because part of the reason that MRFSS takes that long is because part of that 45 days is actually after the close of the two-month period there is a data collection that happens.

They are not just crunching numbers, they wait those two months, let people fish and that is when the effort data collection begins. They start the phone surveys at that point to determine how much effort was expended so that they can multiply the catch-per-unit effort they get in the intercept data against the effort to get catch.

They conduct those telephone interviews for the first two weeks after the close of the two-month period of that wave. We're obtaining effort in a different way. Those two weeks that the MRFSS program requires, we will likely not rather, but we're in the process right now of preparing ourselves for that conversion.

I wouldn't assume that the 45-day wait period is necessary. The two-month wave is the thing that we believe is statistically necessary based on the validation rates that we have right now. Again, that is just a statistical requirement. If you generate estimates on a shorter than two-month wave; then you start hitting situations where you have problems with having adequate data in each of the strata.

MR. WAUGH: Yes, I apologize, but I guess I'm really confused now. My understanding was on the commercial side we're going weekly and so we have those data coming in weekly. For the headboat, if the amendment is approved, then we will have mandatory weekly reporting from the headboat sector, a hundred percent logbook coverage weekly reporting.

My understanding was then we would know what was going on in the commercial side and the headboat side weekly. I understand the timing on MRIP and MRFSS and the waves and all of that. Maybe I'm the only one, but this is not what I thought we were buying.

DR. DUVAL: The concern is that because the headboat logbook program is a census; that going to weekly reporting, that those numbers are not going to make their way into the ACL monitoring. That is the concern. Bonnie, did you want to respond to that?

DR. PONWITH: Well, there is a dockside validation component of that where port agents are encountering the headboats and collecting data on what they see on those vessels, and that is used to calibrate the self-reported data to make sure that – well, basically to calibrate those data and make sure there are not observation errors being entered into the data. That is an additional step that has to happen.

DR. DUVAL: Those data that are collected by the port agents when the headboats come in, they go to a contractor to be punched in at some point as well, I'm assuming? It sounds like that is where the actual delay is coming in, in terms of being able to use the weekly census that we will be getting once the amendment is finalized; in terms of tracking our ACLs.

MR. BELL: I guess my question was answered, but I was sort of I guess like Gregg, thinking that what we were doing was creating a system where like with the commercial side we have the landings, and the landings are the landings and they are reported weekly; but what we are doing is still doing an estimate or a census type of thing, so we're not really speeding anything up too much. We're hopefully improving accuracy, I guess. I guess I was under the impression that we were setting up the headboats to operate kind of like the commercial boats where you would actually have "the landings" so to speak, but it is not based on what you're describing.

DR. DUVAL: I think what Bonnie is saying is that generally in the past the headboat landings have not been available until after the end of the year on an annual basis and that even moving to weekly electronic reporting by the headboats is going to speed that up to having validated estimates every two months, it sounds like. But it had been I think our hope that because those

catch data were being reported weekly, that would feed into the monitoring of the ACLs. I think that is the concern that you are hearing around the table, Bonnie.

DR. PONWITH: Well, with weekly data, certainly we will have weekly raw data. Those will be raw data. We'll have those data in hand; but until you build calibrations to understand how those raw data calibrate to observed sample data that is exactly what you have, QA-QC raw data.

It is conceivable that as we progress if we find very tight correlations between the validated data and what we're seeing in the self-reported data; then once we see those trend lines over a period of time, it is conceivable that we could use the raw landings that are accumulated -- the data that are accumulated through the electronic reporting as a leading indicator of where we are. But those calibrations would still have to be done; you would have to use that with caution.

MS. SMIT-BRUNELLO: I want to clear up another issue I think. I thought I heard Gregg say -- and, Gregg, you correct me if I am wrong -- that you thought the Science Center Director had the authority right now to require dealers to report electronically.

DR. DUVAL: I think he is out of the room, but what he said was that he thought the Science Center had the authority to require headboat operators to report electronically, but only monthly, and what our Generic For-Hire Headboat Amendment did was simply require that the reporting period change to be weekly.

MS. SMIT-BRUNELLO: In a number of these things with the dealers -- I believe this is accurate, and in the headboats I believe this is true as well -- our office looked at all the various amendments and what kind of authority the Science Center had; because if the Science Center had at least the authority to immediately require electronic reporting, we wouldn't need to go through the plan amendment process.

Now, changing the time period to report; that kind of got folded in, too, and we determined that it wouldn't really be fair to the public to not give them notice and comment rulemaking on this in a plan amendment; because when these reporting systems were set up, it was never envisioned, I don't believe, to have them report electronically.

I could be wrong, but at any rate the attorneys got together in our office and decided that the better way to do this would be to go through a plan amendment and to go through the notice and comment rulemaking. Now, absolutely, the Science Center could ask people to do it; but as to whether they could technically require them to do it is another matter, and that is why we are going through this amendment process.

DR. DUVAL: Thanks for that clarification, Monica.

MR. AMICK: I've been reporting using my phone application and it's great. Before my boat hits the dock, the captain will text me with his catch report and it takes five minutes to send it into the Center. Then I thought it was a tremendous way to track what is being caught and work up to the ACL.

But if I understand for black sea bass, for example, I think last year in 2012 we used projections to close the season before the ACL was met; and despite reporting -- I do it daily, but even the

weekly reporting, we are still in the position – I understand why you say that, but it is kind of we are going to be depending on projections to look at the ACL closure, for instance, on black sea bass?

DR. DUVAL: Bonnie, do you want to respond to that?

DR. PONWITH: There will always have to be some level of projection. In other words, if you are 75 percent of the way to hitting an ACL, it is going to require staff to take a look at what the catch-per-unit effort rate is and how much activity there is out there and project based on those burn rates how many days there might be left of the fishery.

You don't know when you're going to hit that number until you actually see the data that you have hit that number. Right now there will always have to be a projection. When you figure out how long you think the season could last, you used last year's burn rates and say, well, if the fleet is roughly the same size and they remain equally as interested in this species as other species, the season could potentially last this long.

Then you start gathering the data from this year and you determine whether your projections last year were a good proxy for what is happening this year, because things change. There are always going to need to be projections of when you hit an ACL. What I'm hearing is a mental model of sort of daily catch estimates so that the day before you go fishing you know whether your fishery is going to be closed. I don't anticipate the system being that limber.

DR. DUVAL: Like Bonnie said, we're always going to be in a situation where we have to have projections to determine when fisheries are going to close; but hopefully the efforts that we have been making will ensure that those projections are more accurate so that we're coming closer to just nailing the ACL and being maybe just a percent or two on either side of that.

MR. JOLLEY: Bonnie, in this calibration process that you mentioned; do you have an idea about how much time will have to pass before you have confidence that we could use the raw data as a guide; two years, five years, more?

DR. PONWITH: No, until we see the data side by side – many things are changing. The electronic is relatively new. Weekly periodicity is relatively new. Until we see the data side by side and see how stable the observed at the dock is relative to the self-reported; until we see those numbers side by side, it will be difficult to be able to anticipate when we could say, okay, now we understand that relationship. Of course, that relationship is something that would be tuned along the way as well, because things change. Right now it is difficult to predict with all that change how long it will take to develop a time trend.

If those two things are different but they vary in parallel, then the raw data will have a very high promise of being a good leading indicator of when we have hit. If they don't vary in parallel; if, for example, mistakes in the self-reported data, the closer you get to the quota become more prevalent, then that pattern would create a challenge in using the raw data as a leading indicator. Those are the things that we need to almost we need to see those, and it makes it difficult to anticipate.

DR. DUVAL: Are there any other questions before we move into our next agenda item regarding recreational landings? The next item on our agenda is a report on the total removals of red snapper in 2012. If you recall at our last meeting, we had a little bit of discussion on this where there were some preliminary numbers that were presented both from the MRFSS program as well as from the study that the Florida Fish and Wildlife Conservation Commission did for our limited reopening last year, plus information on carcass collections that the states had put together last year. I believe Dr. McGovern is going to lead us through this.

DR. McGOVERN: There are actually three components to what I'm going to talk about. First is the report from the Science Center, which is in Tab 5, Attachment 2A. If there are specific questions about the report, Dr. Ponwith will answer them. The second will be in Tab 5, Attachment 2B; and this is the estimate of the ACL if the season would be allowed, that was done by Andy Strelcheck.

Then the third component is an estimate of season length that was done by Andy Strelcheck, and that was just sent out to you a few minutes ago. The report from the Science Center, which Myra has projected, shows the estimates of total removals for 2012, including landings and dead discards.

The commercial landings in here are not broken down by state or month, because landings are confidential at that level. The report indicates there is some noncompliance with red snapper outside the open months. The recreational data are provided by headboat, MRFSS, South Carolina DNR Charter Logbook, and a Florida Study.

The South Carolina Charter Logbook was considered to be a better charter estimate for South Carolina and replaced the MRFSS South Carolina charter estimate. The state of Florida conducted a special study during the red snapper weekend opening and produced estimates of private and charterboat landings and released these separate from MRFSS.

It was used to replace MRFSS for Wave 5 when the mini-season occurred, because it was believed to be a better estimate. This table here shows a summary of the best estimates of landings and dead discards during 2012. The ABC for 2012 was 86,000 fish, and you can see in the lower right-hand corner the total removals for 2012 was 80,516.

The total removals are less than the ABC for that year. The codified text for Amendment 28 states that a fishing season for a particular year could occur, if Amendment 28 was approved, if the total removals are less than the ABC, which you see that here. A second condition for a fishing season or commercial/recreational fishing season can occur if the season length is greater than three days, and I'll get to that in a minute. If, Myra, you show Andy's table now, this is Tab 5, Attachment 2B. This is a spreadsheet from an Excel table where Andy has used information from the Science Center's report to determine what the ACL would be if Amendment 28 was approved.

Using the equation from Amendment 28, the ACL that Andy has estimated is highlighted there in yellow. The overall 2013 ACL would be 13,325 fish. Allocating that to the commercial and recreational sectors, the recreational ACL would be 9,585 fish, that should be, and 3,740 fish for the commercial sector. This is equivalent to 21,447 pounds.

For comparison with 2012, the ACL in 2012 was 13,067 fish overall. The report I just sent to you from Andy a couple minutes ago estimates what the fishing season would be for the commercial and recreational sectors. Again, fishing for a particular sector can occur if the estimated season length is greater than three days if Amendment 28 is approved.

The commercial season length has been determined to be greater than four days, so there could be a commercial season in 2013. Andy estimates the commercial season with the 75-pound trip limit could be open for as long as 49 days. The commercial sector would close when the commercial ACL is projected to be met.

Using the 2012 recreational data as a proxy for 2013 landings, the recreational season is estimated to range from 3 to 6.8 days, depending on the daily catch rate. In 2012 the daily catch rates for the second weekend in the three-day season – let's see, using average catch rates for 2012, the 2013 projected season is estimated to be 4.1 days.

If the three- day weekend opening weather conditions were comparable to weekend two, then the season could be 3.6 days. If weather is poor and catch rates are low for two of the three open days and weather is good and catch rates are high for the other day, then the season rate could be 4.8 days. There is a range of days it could be open depending on weather and depending on effort. That is pretty much the summary of all that.

DR. DUVAL: Are there questions for Jack about any of the pieces of information here? I think the end result is we could potentially have a red snapper season. I know we're going to get into this in our next agenda item, but, Jack, can you remind us where in the process Amendment 28 is right now in terms of the proposed rule, et cetera?

DR. McGOVERN: The proposed rule is published and the comment period has ended. The decision package is in headquarters and we're expecting a decision pretty soon on that. The final rule is expected to publish probably by the end of this month, the beginning of July.

MS. SMIT-BRUNELLO: Tomorrow is June 12th, and tomorrow is the day under the Magnuson Act because it is 30 days after the close of the comment period on the amendment. Tomorrow is the day that the Fisheries Service should notify the council as to whether the amendment is approved, disapproved or partially approved. They could notify you today, I'm just saying tomorrow is the last day that they have legally to notify you.

DR. CRABTREE: I expect we will be notifying you today. I expect it will be this morning sometime, and we'll let you know. I guess what we're looking for from the committee would be any sort of guidance or views you would have on the length of the recreational season primarily. Obviously, the longer it is the greater the risk of going over; the closer it is to three days, the less that risk. Then the other thing that I think would be useful for me is how much notification do we need to give the fishermen in advance as to when the fishery is going to occur?

I think the way the rule was set up and we envisioned it is the fishery is some time in July, and we're already in mid-June now. I don't want to get in a situation where we announce the fishery is going to open, but people feel like we didn't give enough advanced notice to the fishermen. Your guidance on how much notice would effectively be guidance on when we should reopen it.

DR. DUVAL: I think in Amendment 28 the original start date, I think for the commercial season it was like the second Monday in July. Then was it the second Friday in July for the recreational sector? Monica.

MS. SMIT-BRUNELLO: Yes, I think the amendment and then the proposed rule – the amendment stated that the recreational season would begin on the second Friday in July. I believe the commercial season would begin that next Monday. The interpretation was, though, that a number of circumstances could come up.

The Fisheries Service, when they published the proposed rule, stated that they would try to adhere to those timelines as close as possible; but knowing particularly this season when you still needed approval of the amendment and you still needed to do rulemaking, there is some flexibility built into the rule that it may not start on those days, but we would try to do it as close to those days as possible, assuming, of course, the amendment is approved and the final rule is published.

DR. DUVAL: Right, and we had some of this conversation back in March. If the final rule is published near the end of the month, I think is what Jack was potentially saying, assuming that the amendment is approved, usually there is a 30-day cooling off period, but I think we had some conversation at the last meeting that there are instances in which that 30-day cooling off period can be waived. This would hopefully potentially be one of those.

MR. HAYMANS: My initial question was for Jack, but my buddy Steve here answered it for me. But to Roy's question; I come from a world where we notify shrimpers 24 hours in advance of a season. But I would think given the fact we may waive the 30 days, that at least two weeks, because a lot of people plan a time off and whatnot for that particular fishery; I would at least think two weeks' notice.

MR. AMICK: I would like to address Roy's question, and then I have questions for Jack. As far as being that the seasons will be on the weekends, the weekends fill up the fastest; and already like in our case, our first half of the season is out on the books already through July. Friday, Saturday and Sundays get booked and then the week days are later.

The longer that we can have to plan ahead and get the word out that there might be a mini-season, later in the year would be better. Like last year a lot of people didn't know it was happening, and so we need – two weeks would be the least – a month, six weeks to get the word out. Like I say, the books already are full up to July.

I'm talking in my case and I think it is the case on many of the for-hire operations that it is months in advance as far as bookings. If there is a season, it would be nice to have notice – the more time the better, but definitely a month and a half, six weeks; two months would be great.

DR. DUVAL: Okay, at least two weeks, preferably a month is one thing we're hearing. I guess I wouldn't mind hearing a little bit from the enforcement side of the equation, maybe from the Coast Guard. I know we had some discussions about this last year in terms of how you deploy your resources when you've had similar sort of mini-derby seasons in the Gulf. That was a concern last year when we first conceived of this. In terms of scheduling of your resources, how much notice would you guys need as well?

LCDR GIBSON: We're going to need as much as we can get, at least a month ahead of time; especially with sequestration. We are still the one agency that has been bound by those hours that were taken away by the government.

DR. DUVAL: Thanks, that is very helpful. Steve, you had some questions for Jack, I believe.

MR. AMICK: Jack, I'm looking at the mini season and I am trying to work it. I understand what you're saying as far as the landings for the mini-season; but overall looking as far as trying to come up with the days of a recreational season; we were below – the overall ABC for 2012 was 86,000 and we had 80,000 removals.

The new ABC for 2013 is 96,000 so that is 16,000 more fish for 2000. I'm curious when trying to figure out a mini-season if that is taken in consideration that 16,000 fish buffer. Even though I understand what was landed, despite the – does that play into trying to set a longer – in my mind when I saw that we were having 16,000 extra fish I said, well, that is a possibility for a three weekend. I understand now looking at what happened on those four or five days that we can't. But having that extra 16,000 red snapper that we didn't have in 2012; is it possible to have the same length season as we did last year?

DR. McGOVERN: I think it is taken into consideration with the equation. It is applying what were the removals from previous years to the new ABC, and that is how the ACL is determined. The work that Andy has done, it does show the possibility of a similar length recreational season; it is 3 to 6.8 days.

But if you look at the two weekends last year, one weekend had really high landings and one weekend had really low landings because of the weather. The overall recreational ACL was exceeded by about 5,000 pounds. If you look at the weekend that had bad weather; and based on that the season length could be 6.8 days. If you look at the weekend that had really good weather; the season length could be three days based on the new ACL. It is somewhere in between that.

DR. CRABTREE: There is really no way to know what is going to happen. If the season occurs more into the summer, my guess is effort would be higher and the weather may be better, barring some tropical disturbance type of thing. It really comes down to how much risk are you guys willing to accept? Do you want to push the envelope or do you want to be conservative and try to make sure we don't go over? I think that is the only way you can really think about it.

MR. AMICK: Looking at the report of the removals, there are kind of uncertainties as far as total removal, the delays in the recreational, you know, the private sector. I think the mini-season is only roughly 10 percent of what was really removed compared to the discards towards the whole year. How much effect that risk is for the risk of going over for that 10 percent of what the problem is, which is discard mortality and the estimates, even though we don't want to go over, we were over last year by a certain amount of fish, I understand that.

But when you compare it to what is going on as far as discard mortality, it is just a small percentage. As far as risking, what we'll do there, what I'm trying to say is that, yes, we did go over last year and even with a six-day season the risk there is minimal compared to what we're

actually doing on the mortality discard. That is where the biggest portion of the removals come from is the discards when we don't have a season.

MS. BECKWITH: I just wanted to ask Steve a question actually. When you keep referring to that 16,000 pound buffer, we don't get that 6,000 pounds from 2012 that we didn't harvest kicked over to 2013. We just lose those 6,000 pounds. I guess in terms of how many weekends; if we could do three two-day weekends; that would be awesome.

DR. DUVAL: I guess given the projections of how long a season could last, 6.8 days; I'm not sure that we will be able to accommodate that.

MR. HAYMANS: I was going to say that I would be comfortable with two threes. Three two-day weekends you have a chance of having two good weekends of weather. We can't predict the weather so we don't know what is going to happen; but I would vie for the same thing we had last year and risk perhaps going over having two beautiful weekends and then we pay for it in '14. But at least from my perspective, I would prefer to see two three-days.

DR. DUVAL: Other thoughts around the table with regard to the number of weekends?

MR. HARTIG: Certainly, if we are going to try and open earlier, the seasons aren't going to be comparable to what we did last year. That is the problem I see. I would just average the two together, the high and the low and you get 4.2 days. I think we ought to open it on two weekends.

DR. DUVAL: Two two-day weekends or two three-day weekends?

MR. HARTIG: Excuse me?

DR. DUVAL: Two two-day weekends or two three-day weekends?

MR. HARTIG: Two two-day weekends.

DR. DUVAL: I feel like an auctioneer; we have two three-day weekends, we have two two-day weekends, and does anybody want to offer up something else? The other component the Regional Office is asking for direction for is on the amount of notice. Steve has indicated and also the Coast Guard that the more the better. It sounds like if we could give folks a month notice, that would be ideal. Does anybody disagree with one month's notice as a minimum? I'm not seeing anybody shake their head.

That would be I think direction, Roy, to you and your staff of at least a month's notice, but we really need to nail down whether you want two two-day weekends or two three-day weekends. What would you all like to do?

MR. AMICK: I think we could do a two weekend, three days, you know, six days. I think we have a range of 6.8 from what Andy – I haven't read it, I didn't get it. But it is possible, it is in the range of possibilities for the for-hire. For the recreational, six days is definitely better than four days; and the risk, I think that is what we have to consider what is the risk of catching too much? When you compare it to the discards, it is I think minimal as far as what we're removing.

MR. WAUGH: Maybe Monica could walk us through the amendment and show us where this flexibility is; because when we were putting this together, it was made very clear to the council that there could be no flexibility in these decisions; that we had to lay out when the season started; that we had to describe in great detail how the ACL would be calculated; and how then the determination would be made as to whether there was a season or not.

The amendment states that these numbers should be available in March. As you remember, we talked about this at the March meeting and they weren't for a host of reasons. Now, because of administrative issues, time has become an issue. I just don't see in reading the amendment where the council has any flexibility or where the Regional Administrator has the flexibility. I think it would be helpful if Monica could explain this to us.

DR. DUVAL: Monica, can you walk us through?

MS. SMIT-BRUNELLO: Well, I don't have the amendment in front of me, but I did take some notes on what was in the amendment. Gregg is right; I think part of the idea in setting this up in this manner, which is kind of unusual compared to the other fishery management plans and the other fish that we've set up management measures for, was to kind of lay out this – the council would lay out this process and then the Regional Administrator would not have that much flexibility, because you didn't want to have the requirement to do additional rulemaking necessarily on the length of the season and all those sorts of things, because that would delay the length of the season.

Anyway, I think that is a little confusing. The point is you were pretty clear in the amendment that you couldn't open either the commercial fishing season or the recreational fishing season if the season was three days or less, because you didn't think that the public would have sufficient fishing opportunity to fish, and it really wasn't worth it administratively, and for a number of reasons, and you discussed that on the record.

To have a season, it has to be greater than three days. You also set up this formula as to how the Fisheries Service would calculate whether, one, you could even have a season; and then, two, what the length of that season would be. The amendment was pretty specific that the seasons would be three-day weekends, Fridays, Saturdays and Sundays, and they would begin on or as close to the second Friday in July. I think that is what is at issue here – I don't know that you have issue with what – that the recreational season would be on those dates.

You don't really have issue in the discussion that I'm hearing this morning regarding the commercial season. However, the amendment did talk about that each year around March you would receive these projections and information from the Science Center, and that would most likely be discussed at a council meeting in terms of you wanted to know whether there would be a season or not, and so that is really what I think we are talking about here.

The proposed rule gave some flexibility on the consecutive Friday, Saturday and Sunday. It states that the season would consist of consecutive Fridays, Saturdays and Sunday unless otherwise specified. As I mentioned earlier, that otherwise specified was built in to cover situations that we can't think of right now, but they come up. Believe me, in doing rulemaking through the years, things always come up. I think it behooves the Fisheries Service to try to stick to those Fridays, Saturdays and Sundays like you all specified to the extent they can.

DR. CRABTREE: In theory this seems black and white. I think calculating how many fish are available with these formulas is fairly black and white. But in practice anytime you're closing fisheries, there is some discretion involved in that; because you don't know what the catch rates are going to be, and so you've got to make a call about what catch rates are you going to use.

That is not just true here; it is true in composing any of these fisheries. I usually get projections because I have to decide weeks in advance what the closure date is going to be. We have to make some assumptions about what is the catch rate going to be. There are always decisions involved in this, and there are decisions involved here about assuming what the catch rate is going to be for the recreational fishery.

There is to some extent a call that will have to be made on that, and I think you have a role in consultation on that. I think that is why we set this up; that we would go over the numbers with you so that you could have some role in providing your guidance on some of these decisions.

MR. PHILLIPS: Getting back to the two day or three day; I don't have any recreational fishermen, but I do have the commercial fishermen. They are seeing a lot more fish. They are having a lot more discards, and they are bigger fish. Just from what they're seeing, I think the productivity is going to be much higher. If I had to bet, I would say you are going to probably come a lot closer to where you want to be with some two-day seasons, but I can go either way. I am going to listen to the recreational people. I just wanted to put it out there that my guys are seeing a lot more fish this year than they were last year, and bigger fish.

MR. WAUGH: Monica's statement on the recreational season will begin on or about; the way the preferred alternative says is the recreational season will begin at 12:01 a.m. on the second Friday in July. We can put these measures up there if it helps remind people. It says the recreational season will consist of weekends only, Friday, Saturday and Sunday.

The end of the recreational season will be predetermined and announced before the start of the recreational season. We're not trying to throw a monkey wrench in this process, but we want to make sure that we are on strong legal grounds in case this does get challenged. Putting this framework in place, if you remember we were advised we had to be very specific and lay all of this out so there was no flexibility.

Once the estimate of harvest has been calculated, then NMFS determines the length of the season, and it says the recreational fishing season will not open if the projected season length is three days or less. It is a pretty specific decision tree that we set up based on the legal advice we were given in developing the amendment. We just want to make sure that if you all are now providing – we're being told we have added flexibility and we want to make sure that is supported.

DR. DUVAL: The two areas where there is concern is the flexibility in using different opening dates as well as the fact that the projections indicate our season could be three, two, 6.8 days; just depending on the catch rates.

DR. CRABTREE: Well, that part of it isn't going to go away. That was obvious I think to everybody. We are not going to know what the catch rates are going to be for sure. We don't know what the weather is going to be. There is a decision that has to be made on how many days

they get, because you have got to make some assumption about, all right, this is the catch rate we are going to go with. That part doesn't go away.

Now, I think some of these issues we anticipated, and they are reflected in the proposed rule. Monica can go over that, but I think the council deemed the proposed rule. I don't want to make this so inflexible that we end up with a season that we give virtually zero notice to fishermen. I don't think we ought to let this notion of we don't want any flexibility result in a season that doesn't provide the economic benefits that this whole thing was designed to be.

I understand the need to lay out this process well, and I think we've followed the advice of NOAA Office of General Counsel all along the way through laying out the rules. But from a practical matter, there has to be some flexibility in this if it is going to work in a way that is consistent with what the council's intent with the whole thing was. I don't know if you want to comment, Monica.

MS. SMIT-BRUNELLO: Well, the flexibility to the extent it exists is very limited. I mean you have the amendment; the proposed rule has been published. Roy is right; you all deemed the text of the regulations. I think the issue is really this year. The amendment hasn't been approved. Rulemaking is not done.

Let's just assume that the amendment gets approved, and let's take you a year from now. I don't know that you're going to have this discussion necessarily, because if the amendment got approved and if the final rule was published – I have to throw in those ifs – then that should set up the process. It should be the second week in July. I believe that to the extent we can adhere to the second week in July, I think that is a very good idea. The fact of the matter is rulemaking is not complete.

You haven't been told the amendment is approved. I think that it is this year more than any other year in which you have to kind of weigh adequate notice to the public and with sticking with – well, I'll just say I think you have a little bit of flexibility built in here. As to whether you can have two-day seasons, I have a little more difficulty with that.

I have no trouble with you all discussing it, but I think that we're really going to have to look at the ability to have two-day seasons when you have been pretty clear that it is going to be three days, Friday, Saturday and Sunday. That is throughout the amendment and that is throughout the rule. There is some wiggle room in the proposed rule that says "unless otherwise specified", but I think our office will have to give some advice to the Fisheries Service on the amount of risk that is involved with those decisions. I'm not prepared to do that now, except I want to tell you you have been pretty clear it is going to be a Friday, Saturday or Sunday, and that is what the public thinks, because that is what the rule said.

MR. CUPKA: Monica has responded to the issue I was going to raise.

MR. HARTIG: Yes, thanks for that, Monica, I appreciate that, so the two-day season is off the table. That is nice to know. Was there the same amount of analysis done for the length of the commercial season as was done for the length of the recreational season? We've got catch rates and looking at these different numbers; do we have the same kind of thing? I just heard 49 days for the commercial season. That is all I heard.

DR. DUVAL: I think Roy is going to speak to that.

DR. CRABTREE: Well, in that case we will look to the quota monitoring program to provide us with estimates of where the closure date should come as we move along. I don't think that estimate is particularly important other than to give you some idea of what we think is going to happen.

Now, I expect we'll have problems with delinquent dealers and those types of things that we will have to deal with, but nonetheless we'll get some reports along the way. With the recreational fishery, that is just not the case, and so we have to make all the decisions up front. The length of the season is going to be contingent on what fishing effort is; weather, fish availability and all those things, and we just can't predict those.

I do want to point out it is unlikely that the recreational season could be as long as seven days. The calculation from last year that we got was based on poor weather conditions and fairly low catch rates through most of the time. If we are going to open this fishery in July or August as compared to last year we were in September, and so school is still out and all those kinds of things.

The weather is generally better, so it is likely that the catch rates are going to be similar to the higher catch rate weekend from last year. They may be even higher than that because of the timing of it. If the catch rates are similar to the second weekend last year, then we are probably looking at a season that is closer to three days than a season that is closer to six days.

Remember, if we push it and give too many days this year, then that puts the season in 2014 in jeopardy; because if we go over this year, then there won't be any fish left to catch for next year and we won't end up with a season then. It might feel good this year to be generous with days. I've learned from past experience that giving extra days may feel good when you do it; but then when the consequences of the overrun come to roost the next day, everybody is pointing at you saying why did you give them too many days?

I kind of think where we're probably heading in here is a season more in the three or four days, something like that. I'll work with Monica on the two days versus three days, but it does seem to me we could have a three-day season and then maybe one Saturday or something like that as an option.

MS. SMIT-BRUNELLO: Just to be clear; if the calculation is that it is a three-day season, you are not going to have a season, because you have all been clear it has got to be more than three days. You have been clear in the amendment and you have been clear in the rule that the council decided that if the season as determined by the Fisheries Service is three days, then the commercial or recreational fishing season would not open for that fishing year, because that short time period would not provide sufficient fishing opportunity to the public.

That was the discussion here. It has got to be more than three days. I don't know what that more means. That is what my office and me particularly is going to be looking at; but if it is three days, you have all said there is no season. Now, you can adjust this in the future, and you may not like what you've said, but for right now if the amendment is approved and if the final rule gets published, it has got to be more than three days or there is no season.

DR. CRABTREE: Right now based on the analysis we have, I think it is fair to conclude that the analysis indicates more than three days. The question is how much more than three days?

MS. BADEMAN: Yes, my question was if we do the four weeks' notice, is that putting us in August most likely as a start?

DR. DUVAL: Potentially I think because there are a lot of ifs in here. It is if the amendment is approved and if the final rule publishes by the end of this month, end of June, and if the 30-day cooling off period is waived, then it could still be in July if the 30-day cooling-off period is waived.

DR. CRABTREE: I think it is a fair bet to say that August is the most likely time.

MS. SMIT-BRUNELLO: If you would like a month's notice to be given to people – and I think you built a fine record for that – then we wouldn't need to waive a 30-day cooling-off period; we would just let the regulation go into effect as usual with the 30-day cooling-off period.

MR. PHILLIPS: Monica, if three days is the magic number and Roy said, well, maybe you could add a Saturday, but if we think three days plus a Saturday is going to give us a good chance of going over, can we do three days like plus a minute on the next day; like 12:04, which puts it over three days? I just want to know if this is an option or not when we sit down to figure out what's what.

MS. SMIT-BRUNELLO: Charlie, you're just thinking like a lawyer; that's pretty good. I'm not sure; maybe. I mean I think that there is more flexibility there because you all thankfully didn't get into determining – or maybe unthankfully – what does a day mean? Is it 24 hours, you know what I mean. There is probably more flexibility there. I think that is something that I know Roy has thought of that and I know I've thought of that. We have to figure out just what does that mean?

DR. DUVAL: Okay; so according to what we've heard, we do have some flexibility that is written into the proposed rule with regard to the opening day being as close to what we set out in the amendment as possible, so that gives us a little bit of reasonable space within which to operate. If we're clear that we want to stay with at least one month's notice, then we don't need to waive any cooling-off period.

Really, are you all interested in one three-day weekend or potentially two three-day weekends? I guess, Monica, I have a little bit of concern about you said you could work with Roy and maybe an extra day or a Saturday or something like that, but I don't think we had anything in the amendment. It was three-day weekends or nothing.

DR. CRABTREE: No.

MS. SMIT-BRUNELLO: I wouldn't read the amendment that way. I would read it that you would like openings to be Friday, Saturday and Sunday; and you specified those days; but you never said if there couldn't be two three-day weekends, then you don't want the fishery to occur. What you said was to open up the harvest and allow people to retain red snapper, the opening

had to be greater than three days; because if it was three days or less, you didn't want the opening to occur.

DR. CRABTREE: Yes, that was my memory; we didn't want to have a two-day season. I don't think we ever meant that it had to be done in blocks of solid three-day weekends. My understanding was that was a minimum and then we fish until we think that they've caught what they caught. That was my read on it. My view of the intent of that was that we didn't want to have to get in a position of opening for like one day. I think the rule reflects that.

DR. DUVAL: I have the codified text in front of me that we did approve back in December, I believe. "Seasonal closure of the recreational sector for red snapper: one, the recreational sector for red snapper is closed in or from the South Atlantic EEZ from January 1st through the day preceding the second Friday in July each year. During the recreational opening, the season consists of consecutive Fridays, Saturdays and Sundays, unless otherwise specified." Are you saying that unless otherwise specified means that you could say we're opening for a four-day weekend?

DR. CRABTREE: I think it means we are going to fish three-day weekends until the quota is caught; and that means if we say four days, so that is going to be three days and then one day the next weekend and the quota is caught and you're closed.

DR. DUVAL: Okay, thanks for the clarification.

DR. CRABTREE: Well, I think I have enough guidance from you to get the general feel of where you guys are on this. I don't know that we need to belabor this, but I've gotten the sense that you would like to have about a four weeks' notice, and there seem to be varying opinions on season length. I don't know that we're going to come to any resolution on the rest.

MR. HAYMANS: Well, that was my question to you, Roy, because I've heard three two days, I've heard two three days. I've heard you say that you didn't think it was going to go either one of those. That is why I do wonder what guidance do you have on the season length? I mean is it four days? That sounds like that is going to be a reasonable compromise.

DR. CRABTREE: Well, I think four days is reasonable and there is a diversity of opinions on the council. I've heard those and I've heard some of the rationale behind them, so we'll have to go back and make a decision. If you guys want to try and pass a motion with what you think, that is fine, but I more just wanted to have some discussion.

The main thing I was interested in was your views on the amount of notice people need to have with this, because I am very sensitive to not wanting to spring this on people and not give them enough time to gear up and be ready to fish. It seems to me if we did that, we would forego a lot of what we are trying to accomplish by having the season to begin with, and that is a big deal for me. I think I got pretty good guidance on that.

DR. PONWITH: Strictly from a science perspective, another thing that needs to be raised as you're contemplating the season length is the monitoring. It is an opportunity to once again congratulate all the states for the phenomenal job they did last year in helping to design a means of monitoring this pulsed fishery and actually carrying out that sampling.

That sampling was instrumental in being able to come up with the numbers that we have before us to drive us to the consideration of another season this year. What I want to raise is just the importance then as you are looking at these seasons to think from a state-by-state basis what abilities you would have to be able to collaborate again on that monitoring, because that is going to be a critical component of a successful season.

MRIP exists and MRIP will be sampling that weekend, but it will be sampling according to the standardized protocols for MRIP, which are designed for long-haul seasons and not for three-day weekend pulsed fisheries. We can't take people off of MRIP to specialize in this sampling, because then it disrupts the statistical stability of the estimates for all the other species that we are relying on those numbers for, so it will take some good collaboration with the states again.

MS. SMIT-BRUNELLO: One thing maybe in closing, unless you want to discuss this further, is that the public had the opportunity to comment on this. We received I think 63 or 64 comments on the amendment and the proposed rule. Those came from commercial fishermen, recreational fishermen, fishing organizations, environmental groups.

I can't remember if I missed someone, but they I believe commented on the length of the season and when they thought it should open and what they thought of all the things that were proposed. Those public comments all have to be taken into account if the amendment is approved and if a final rule is published. We'll respond to those comments, of course, in the future final rule. But the public's thoughts on all these things that you have really kind of discussed today, if they commented on it, and I believe some of them did, will be taken into account as well.

MR. AMICK: I would just like to make a couple comments that it is pretty discouraging to have what we already have considered a mini-season and then we're going to trim it down even further. It is almost again like a non-event to fish four days or three days. I understand, but six days is already not a lot of days, but you trim it down further, and it is not a big deal.

I want to comment on Charlie's comment about the commercial sector seeing plenty of big snapper in deeper water. I have heard the same reports, also reports of divers in 140, 130 feet of water seeing big schools of 15, 20 pound snapper, and that is very encouraging. But the reality is we are recreationally fishing in 90 foot of water, and what we're seeing off the state of Georgia – and maybe Robert can give us some insight of what is happening down in Florida – but we are really not seeing lots of lots of snapper in the 18 to 25 inch range. When May 1st rolls around and we start trying to dig for grouper, scamps and gags, we start bumping into the reds more than we are early in the season.

We are not seeing great, great numbers where we are fishing 90 to 120 foot of water. That is discouraging as you have to weigh everything, but the idea that at least where we are at and what we've seen happened like in 2012, it is not a great abundance of red snapper in the area we fish up here.

MR. PHILLIPS: Bonnie, as relating to the data coming in from these mini-seasons and pulses of fish, I see that we're trying to weigh what kind of season we can have without trying to go over and if we go over we're not going to have a season in 2014. What would it do, if anything, to your side of the equation if you didn't have any fish coming in for analysis in 2014? What I'm

trying to get at is how important is it really that we stay under the number so you have something coming in in 2014?

DR. PONWITH: I just want to make sure I understand what you're asking. Are you asking if I don't have any recreational or commercial landings what the impacts those fishery-dependent data will have on the stock assessment? What I would say is I would base the determination of whether to have a season solely on number one.

The number one criteria is do we have enough fish to enable it without getting cross-threaded with our rebuilding plan; and, number two, the will of the industry. In terms of the data collection, those otoliths are taken and those otoliths are used, but their value relative to the otoliths from the fishery-independent sampling right now is weak.

It is because it is a very small time period. It tends to be concentrated areas where the people who are sampling are; whereas, the fishery independent is designed to be over a broader area and representative of the broader population, so it is a little more statistically robust. From that standpoint, I wouldn't use needing those data as the decider.

MS. BECKWITH: To Steve's previous point, being a headboat and charter mindset is certainly one side of the component here, but I don't want us to lose in conversation the importance of this to the regular recreational fishermen off of Morehead City and such. While this will do nothing for the for-hire industry potentially from an economic standpoint; maybe some with a month's advanced for someone who might have had openings on the weekends, it is pretty neat for guys off of Morehead City to be able to slip out not that far and can catch a couple of red snapper with their family. I just don't want to lose that point in this conversation.

One weekend opening may not be that useful for the for-hire industry, but I think it is something that the recreational community will look forward to. One last thing, it is my understanding as long as the projections say that we have more than three days, we can still choose to only open for three days. Is that not accurate, Monica?

MS. SMIT-BRUNELLO: Would you ask me that last question again?

MS. BECKWITH: Sure, as long as the projections say that we are capable of opening for more than three days, if this council chooses to be more conservative than that, we can certainly open for just one three-day weekend. As long as the projections say that it is capable of being open for more than three days, we don't have to open for more than three days, we can choose to just open for three days.

MS. SMIT-BRUNELLO: Another lawyer on the council; you must be sitting next to Charlie. That is a really good question and I'm going to think about that. I would like to let you know that Mike Collins, I believe, just sent around the approval. The Fisheries Service formally approved it and the letter has been sent out. Now we don't have to use the "if" part when we talk about the amendment.

DR. DUVAL: All right, we only have to ifs now, awesome, or, no, just one.

MS. SMIT-BRUNELLO: But, Anna, that is a really good question, and I am going to think about that.

DR. DUVAL: Our AP Chair Robert Johnson has asked to make a brief comment and then I think I would like to wrap up discussion on this. Robert, go ahead and make your comment and then we'll come back.

MR. JOHNSON: I just think it is important for this council as far as the public's trust in trying to let them know that what they have suffered through is benefiting them; that you do be able to give them some type of season. I think it goes for the recreational angler, I think it is huge. Even if it is just a short period of time, at least it shows them that the process is working and I think that is very important. Thank you.

DR. DUVAL: Thanks for that, Robert. Monica, given Anna's question of the council could choose to be more conservative given the projection range of the recreational season that we've received, I guess that plays into whether or not – I was going to ask the committee if someone wanted to offer up a motion with regard to a season length.

We've discussed two three-day weekends, we have projections that say 3 to 6.8 days, but is it the Fisheries Service thinking that the Regional Administrator would make the final determination on exactly what the length of days would be? I think we just want to be clear about that so that if you don't need a motion and the ball is in your court to make that final decision, I just want to be clear about that here.

DR. CRABTREE: Yes, it is and I have heard plenty of discussion and have sufficient guidance.

DR. DUVAL: Great, awesome, no motions needed then. Does anybody have any other comments or questions with regard to the information that we've seen on red snapper? Okay, if not, we are going to take a quick five-minute break and then we are going to move into our next agenda item, which is the status of amendments under formal review.

DR. DUVAL: All right, the next item of our agenda is status of amendments under formal review, and Jack usually takes us through this. I know Bonnie had asked if she could have just a couple of minutes to clarify some of the discussion we had on the electronic headboat reporting. I am going to give Bonnie a few minutes to go through that.

DR. PONWITH: Yes, I appreciate that. Just some clarifications; first of all, when you think about the headboat, remember that the headboat fleet doesn't have an ACL. The headboat fleet is part of the recreational ACL; so no matter what the timing of the headboat data are, you won't have a feel for the total approach of the ACL until the private and the for-hire data come in afterwards.

Certainly, having one component is useful, because it can be used as a leading indicator of what is happening in the other, but if and only if those things track in parallel. If they track in parallel, it has utility. It won't tell you when to close the fishery. That is point number one. Another point is the headboat sampling; three things happen.

Number one; there is some level of compliance with effort reporting that is done. We get our effort estimates by contacting the captains. We don't know right now with this 100 percent electronic reporting and the weekly reporting what the compliance rates will be. We hope we can work together to get that at 100 percent. That would be very good; then very little calibration of effort is needed.

The landings; that is something that needs to be looked at; what are we seeing in the electronic reports, what are we seeing on the docks? The third thing is recall that the ACL is in pounds. When the captains are reporting they are reporting in numbers, and we get pounds by sending samplers to the docks to do biological sampling where they take subsets of the landings that they encounter and weigh them, and those weights are used to convert the numbers to pounds.

That is a very, very important step; because as I heard multiple times today, sizes of fish change over time, so that conversion is really important. When you get those weights, it is making sure you get enough weights per strata to make a statistically sound conversion is important. The finer you make your estimates, the closer you get to a point where you're pushing the data beyond where they should be pushed. That is one of the things.

I almost hate to say it, but I will say that the Gulf of Mexico is asking us to look into monitoring red snapper for the recreational fleet in numbers instead of pounds. It sounds intuitively simple, but I will tell you that there are complications associated with it, and the complication mainly is the fact that when you're measuring pounds you are measuring biomass.

It is a more precise estimate related to the recovery of the stock than numbers. Numbers are good for the recreational fleet, because it is a meaningful unit, but the number will always have to be converted back to pounds to understand the implications from a biomass standpoint. The allocation right now is done recreational and commercial based on pounds.

One of the problems is that we can take a look at pounds of fish in the allocation and make projections out based on pounds. If we make projections based on numbers, we can only really project out for a year, and then the projection would have to be rerun on an annual basis or you would run the risk of setting a quota in numbers, having the poundage that equates to change and you could end up with a drift in the recreational fleet away from your understanding of what those quota allocations are.

If you stick with a number but the fish get bigger and bigger, your number may look like you're matching your allocation formula but the pounds don't. That is something that needs to be dealt with, and there needs to be a discussion with the SSC on what the appropriate approach is from a science standpoint, and also with the council what the appropriate approach is from the council's will in terms of those allocations. It is not simple. It looks simple on its face, but it is not. There are many steps that would have to be gone through, but these are just an example of some of the things that make real-time, in-season quota management with those headboat data challenging the way we're set up right now.

DR. DUVAL: Thanks for that, Bonnie. Is there anything else on that? Are we ready to move on? The next item on our agenda is the status of amendments under review, and I believe Dr. McGovern is going to take us through this.

DR. McGOVERN: Regulatory Amendment 13 allows for adjustment of ACLs based on new landings information from MRIP. The proposed rule for that published on March 21st and the comment period ended on April 22nd. The final rule package is in headquarters, and I expect the final rule will publish next week or the following week.

Regulatory Amendment 15 increases the ACLs for yellowtail snapper based on the new assessment and removes the management measure for gag that closes off shallow water groupers when the gag commercial quota is met. The proposed rule for that published on May 24th and the comment period ends on June 23rd. We could expect a final rule to possibly publish in July and Regulatory Amendment 15 could be effective in late August or early September.

Amendment 28 we talked about a lot. The NOA for that published in the Federal Register on May 12th and comments were due by May 13th. The proposed rule published on April 29th and comments were due by May 29th. Amendment 27 has actions related to blue runner; extension of management into the Gulf of Mexico for Nassau Grouper; allow an increase in the number of crew members on dual-permitted vessels; and the captain and crew harvest restrictions on for-hire vessels.

Amendment 27 was submitted by the council on May 24th and the proposed rule package is under review in a region. Regulatory Amendment 18 increases the ACL for vermilion snapper, removes the recreational November through March seasonal closures, and reduces the ACL for red porgy.

The proposed rule for Regulatory Amendment 18 published on May 8th and the comment period ended on June 7th. Publication of the final rule could occur by July and the final rule could be effective in August. Regulatory Amendment 19 increases the black sea bass ACL, and it was submitted on May 21st. The proposed rule package is under review in the region. We hope to get the proposed rule package up to headquarters in the next couple weeks.

DR. DUVAL: Thank you, Jack. Are there any questions for Jack on any of the amendments?

MR. WAUGH: Yes, just to express our gratitude to the regional staff. Those IPT leads and IPT members have been working extremely hard since your last meeting. You gave us a long list of amendments to complete.

We didn't meet our timeline for getting them in that we initially set, but all of them have been submitted before we came here for this meeting; so just to express our gratitude to all their help. Jack and the others have been superb in moving a lot of documents along.

DR. DUVAL: Yes, I would definitely echo Gregg's praise for all the IPT members, both in the regional office and council staff. I know that we have laid a lot of things on you all and appreciate very much all your efforts in getting these things through. Hopefully, we will back off a little bit as we move forward and get some of these things completed. The next item on our agenda is a review of the 2012 MARMAP, SEAMAP and SEFIS programs, and Dr. Marcel Reichert, who is the vice-chair of our SSC, is going to come up and give us that. That is Attachment 3 in your briefing book.

DR. REICHERT: I would like to thank the council and the committee for an opportunity to brief you on the 2012 sampling activities and the chevron trap CPUE, and in general an update of the fishery-independent efforts in the region. The presentation you are going to see is essentially the same as in the briefing book. I just removed some redundancies.

It is important to note that today I will present the information that includes MARMAP, SEAMAP South Atlantic, and SEFIS efforts. I also gave similar presentations to the SSC and the Snapper Grouper AP in April of this year. In addition, Todd Kellison and myself and others have provided overviews in the past, so some of the information that you see may be familiar.

I tried to keep this overview brief, and I am more than happy to provide additional information if needed. As you know, MARMAP has been in place since 1972, and we started the reef fish sampling in the late seventies, and in particular live bottom habitat sampling using fish traps since '78.

With the stagnating funding, SEAMAP South Atlantic provided some additional funding in 2009 to increase our regional coverage. SEAMAP has been in place since '86, but reef fish sampling was a recent addition. Then to answer the call to an increase in fishery-independent sampling, SEFIS started in 2010 under the guidance of Dr. Todd Kellison.

It is housed at Southeast Fisheries Science Center in Beaufort, North Carolina, as you know. It also allowed us to introduce a new survey method, the video survey. Our primary tasks are to monitor the abundance of reef fish using various gears. We provided MARMAP, and the sister programs have provided a lot of information to many SEDAR stock assessments, including for species such as black sea bass, red porgy and some of the other species you are seeing on this slide.

We conduct life history studies to provide age compositions, length compositions and reproductive information. We also conduct research to assist with regional fisheries management and also stock assessments. We investigate and map bottom habitat. Mapping efforts using multibeam and other acoustic methods are currently mostly done by the SEFIS group using NOAA vessels.

Today I will mostly discuss with you the results from the chevron trap gear. That is our current primary gear. We consistently use that in the standardized method since 1990. We deploy generally to a depth of about 90 meters, but we have deployed it to about 120 meters. We soak those traps for about 90 minutes and they are baited with clupeids, mostly menhaden.

We started using digital still cameras taking a picture every five minute since 2008, and a lot of the pictures that you see in this presentation are from that survey. As I mentioned earlier, we started using video cameras since 2010. Here in the red circles you see where those video cameras are located on the traps. As I will mention at the end of the presentation, starting this year we have replaced old still digital cameras with video cameras.

Now all traps will have two video cameras on the traps. Our current sampling design is that we have just under 2,700 sampling locations with a known live bottom habitat. A known live bottom habitat is based on our video surveys, reconnaissance trap catches, but also information from commercial and recreational fishermen.

The map on the right side of the screen indicates our current sampling stations. I want to note that each of the dots actually may represent more than one sampling station since the dots overlap. Currently – and it is mostly done because of logistical reasons for efficiency – MARMAP and SEAMAP sample mostly off of North Carolina and South Carolina.

Then SEFIS samples mostly off of Georgia and Florida, but it is important to realize that we are using identical methodologies. In terms of the data processing, MARMAP and SEAMAP are responsible for processing all the life history samples such as age and reproductive samples, and we also analyze those samples.

SEFIS is responsible for all the video processing and analyses. Again, this was done for efficiency reasons. What's important is that together we manage one combined comprehensive dataset so the data are analyzed and stored and managed in collaboration. This is an overview of the two vessels that we are using.

The RV Palmetto owned by South Carolina DNR is mostly used by MARMAP and SEAMAP. Then the SEFIS program uses the RV Savannah out of the Skidaway Institute of Oceanography. Combined per vessel we spend about 35 to 60 days at sea. Our cruises usually last between 5 and 12 days. Between 2006 and 2009, we generally averaged about 690 traps annually.

Here you can see that with SEFIS coming online we were able to more than double the number of traps that we deploy annually. I think that created a very comprehensive regional coverage. One thing I wanted to note is since this is a 2012 overview, that the 40 percent budget reduction did affect our sampling in 2012.

It reduced our sea days somewhat, and we had to reduce some of our processing staff. What is more important, we decided collectively to halt the short bottom longline and the long bottom longline surveys. The latter affected in particular the data collection for species such as snowy grouper and tilefish and some of the other deepwater species.

On the brighter note, I can tell you that we recently received word about our fiscal year '13 funding. I am happy to tell you that our funding for this year, which covers the period May of 2013 through April of 2014, is 20 percent higher than what we received last year. It is still 20 percent under what we received in the fiscal year 2011, but I think that for now in particular that is good news.

I would like to take this opportunity to thank the council members and the committee members, but also NOAA, council staff and state agency staff and many others, including conservation organizations and the commercial and recreational sector for their support. I feel that their efforts were responsible for at least a partial restoration in funding, so I really want to thank everyone for their efforts. I look forward to continue to work collectively for further restoration of funding and strengthening the fishery-independent monitoring in the region.

For the 2012 overview, we deployed closed to 1,400 traps including reconnaissance traps. The locations where we deployed our traps are seen on the map on the right-hand side. Again, the red dots may represent multiple sampling stations as they overlap. In addition, we deployed about 460 other gears, including CTD to measure salinity, temperature and other oceanographic parameters and hook-and line-efforts.

During those efforts, we collected 47 species and over 40,000 fish, which we identified, weighed and measured. We kept about 32 species and 8,700 fish for life history studies, mostly age and growth and reproduction, but we also kept fish for diet studies and those are in particular in support of ecosystem-based fisheries management.

We currently completed red porgy, vermilion snapper and gray triggerfish diet studies. Ongoing currently are diet studies of the larger groupers, red snapper and squirrel fish. To answer the call for some information on black sea bass and the potential effect that black sea bass have predation-wise on some other species, this year we started a diet study on black sea bass.

Hopefully, we can provide some of that information next year at the red porgy and red snapper benchmark assessments. This is an overview of the number of fish that we collected in our chevron trap and other gear. As you can see, black sea bass is one of our most abundant species in our catches, but what is also interesting at the moment red snapper is the ninth most abundant species in our trap catches.

Other managed species such as red porgy, gray triggerfish, vermilion snapper and red grunt are in the top ten of our most abundant species in our trap catches. Of those fish, this is an overview of the species that we kept for life history sampling. As you can see, many of these are species that are currently under management.

Again, black sea bass is one of our most abundant species in the species that we keep for life history analysis. As you can see, some of the other gear; some of the numbers, for instance, for red porgy and vermilion snapper are a result of our diet studies through hook-and-line efforts. The other gear also includes some of the specimens that we have collected through fishery-dependent sampling.

For instance, the red snappers that were caught in South Carolina as a result of the mini-season we processed and determined the ages just to explain some of the numbers on the other gear column. The next couple of slides are slides for the chevron trap CPUE. I wanted to provide an overview, but I want to make sure that you understand that this is an overview of the chevron trap data only. We only included the monitoring stations in this overview, and we selected in the analysis specific depth ranges.

Those are the depth ranges in which 95 to 100 percent of the particular species were found, and that is just to eliminate a number of zero observations. We also cut the soak time off between 45 and 150 minutes; because in general if the soak time is less than 45 or more than 150, something probably had happened during sampling, so we want to make sure that we don't include those samples.

Our time series is 1990 to 2012. We generally don't use the first two years of the data, because we were still developing the method. What is important to realize is 1990 was the year after Hurricane Hugo, so that may explain some of the data points in that year. What we generally do is calculate CPUE in number of fish per trap per hour soaked.

What I did here is with the help of Dr. Joe Ballenger and Dr. Tracy Smart, who have done most of the analysis, is provide a nominal CPUE in a Delta-GLM standardized CPUE. You may

remember last year I provided an overview for black sea bass and red snapper, and I explained in detail those two methods.

But what it basically means the nominal CPUE is a geographic mean of all traps, and there is no correction for variability in sampling. For instance, over time we sampled different areas. As I showed you earlier, currently we have a very good coverage of the area, but that may have been different in the past. There is no correction for location temperature.

The good news is that all chevron trap data can be used. For the Delta-GLM it is a technique that is commonly used in fisheries research to model CPUE. It allows us to correct CPUE for that variability in sampling such as location, depth, date, et cetera. The problem is that if you're missing depth or temperature data, you have to eliminate those catch data from the analysis, so you run the risk that you have to throw out some data.

The graphs that you will be seeing are all in a similar format. Blue graphs are the nominal and the black are the Delta-GLM CPUE. They are all normalized to a long-term average, and that is to compare those two methods in one graph. The error bars are plus or minus one standard error. I want to make sure that we all understand the caveats of what I'm presenting here. It is a summary of our CPUE only. It is not a stock status update, and that is important to realize.

Such a stock status update would require updating all the indices that are available, including fishery-dependent indices. It would require an update of age and/or length compositions for all the data streams. It also would require an assumption that other parameters remain the same as in the last assessment or you would need to make changes to those parameters.

Also, the constraint stratification and the methods that we are using for the CPUE calculation and analysis may be different than those used in SEDAR. Currently a number of other methods are in development. Many species have not been assessed or recently updated through that SEDAR process, and all presented trends that I am presenting here have been discussed in the SEDAR framework.

The overview in the next couple of slides is a selection of the species that we have available. In our annual report we report an overview of 23 species; and if you are interested I have I think data for 18 species available today, but I only show you a number of species of importance. This is the CPUE for red porgy.

I'll just let you look at that for a little bit. Noteworthy maybe that the recent SEDAR 1 updates, the terminal year was 2011, and we are currently updating and analyzing the life history information for the benchmark assessment for next year. We are doing the same thing for red snapper, which is the next species. I want to note that the disproportional increase in nominal CPUE, the blue line in the terminal year, is an example of the changes in regional sampling efforts recently.

The black line is the Delta-GLM CPUE, and that corrects for the changes in sampling efforts and sampling location. In particular is that true for sampling in Georgia and Florida is vermilion snapper. I think the vermilion snapper was updated in terminal year of 2011, so those were the years that were used in the last SEDAR update.

This is an example where maybe the 1990 data may have been affected by the fact that 1990 was the first year after Hugo. This is white grunt. Some of these species were in the presentation that Dr. Barbieri presented to you yesterday as part of the ORCS series. For white grunt, in particular, we were quite concerned because a number of the recent years the CPUEs were the lowest in the entire time series, and we've seen a little bit of an uptick in the recent years.

This is scamp, knobbed porgy, tomtate. As I've said, I have a couple of other species so let me know if you are interested and I can pull them up. Snowy grouper, I do. If you allow me to finish the presentation, I will look up the snowy grouper slide. The plan for 2013 is the sampling season is actually underway. We started in late April.

Our regular sampling season runs from May through September. The gears we are using are the chevron trap with two video cameras and then the CTD and the hook and line; the hook and line for the diet studies. We are planning about 40 to 50 days per vessel this year. If necessary, I can provide a similar update around April of next year if you are interested.

Because of the partial restoration of funding, we are discussing to potentially do a short bottom longline, but it doesn't look like we will be able to resume the long bottom longline survey. I hope to discuss this with our partner programs very soon. I would like to acknowledge MARMAP, SEAMAP, and SEFIS staff and students in particular. As I mentioned earlier, Joey and Tracy Smart who have done a lot of the analysis, and also Todd Kellison and Nate Bachelor and his staff at Beaufort. I can answer some questions, but let me first see if I can look up the snowy grouper for you.

DR. DUVAL: I'm going to let Marcel bring up some of those other slides first.

DR. REICHERT: Now, for snowy grouper you have to realize that is a species that we mostly catch on our short bottom longline. The catches in our trap are generally relatively low. The lower right-hand panel is the same type of graph that you have seen in the other graphs. The upper left one shows the CPUE in blue and the average length of the fish in our samples in red.

DR. DUVAL: Anna, you had a question?

MS. BECKWITH: I did. This is about a little bit more information on the traps. You guys set up about 1,400 traps, each with two video cameras that are being soaked about 45 minutes.

DR. REICHERT: About 90 minutes.

MS. BECKWITH: About 90 minutes; that is an amazing amount of raw data. Can you go through a little bit more about how you guys process those videos.

DR. REICHERT: The video processing is done by Todd Kellison's group. I feel uncomfortable detailing that, because I do not do that analysis myself. Bonnie may be able to answer that question in a little more detail, but I believe that they look at a set number of frames and identify and count the number of fish in those frames. Bonnie, maybe you can answer that question.

DR. PONWITH: Right, they have got a protocol that they have generated, and the protocol takes a look at a sub-sample of the video and uses the sub-sample to expand out for the rest of the

time. That way it is not an absolute census because that would take many, many, many hours; especially when you're doing it for all the species. But, yes, that is kind of a simple overview of how it is done.

MS. BECKWITH: Are they keeping up to date? I ask because certainly when we were at the Science Review, it was brought up to our attention that those videos aren't backed up. There is not any methodology right now or availability to back up those videos. My question kind of stands to are those videos being processed in a way that if Armageddon happened and the videos were no longer available or a virus or whatnot. Is the information that we're using from those videos being capture in some timely fashion that at least the processed information would be backed up?

DR. PONWITH: I'll have to check and see what the time lag is from when the video arrives in versus how long it takes it to get processed. The best answer is that we would be backing up both; that we would back up the raw video immediately upon arrival; and that as soon as those data were converted into sort of a digital format, those would also be backed up. To me that would be the ideal.

The reason is because even if you process those data and came up with a digital description of what you saw in the smaller number of frames, one of the things we're working on is investments in advanced technology to automate the interpretation of optical data; that means still photographs, that means video images. As advances are made in that, we would anticipate being able to circle back to those videos and get even richer datasets from them. We want those data backed up.

DR. DUVAL: Marcel to that point; did you have something to add?

DR. REICHERT: Yes, just so I understand you; you were asking about the backups of the video information or the videos themselves, or both?

MS. BECKWITH: The videos themselves.

DR. REICHERT: The videos themselves. The videos that we collect, they are all electronically collected. Then there are immediately copies made on board after collection. The originals will then be sent to SEFIS. They make copies and they are all permanently stored. That creates a huge challenge, because they are collecting huge and huge amounts of data and video. That will continue to be available if we want to do additional analysis in the future.

I talked with Todd Kellison and he says that he expects or hopes that the analysis of the videos would be available about one year after collection. We are continuing to collaborate with Todd. We are currently assisting him in examination of those videos, because there is an enormous amount of manpower that goes into examination and analysis of those videos.

MR. PHILLIPS: Marcel, you said reconnaissance traps; can you explain how you decide where you are going to put them and how that data fits in?

DR. REICHERT: Reconnaissance traps; we have information available of bottom habitat based on a variety of sources. If there are areas in our sampling regime that we feel may need to be

filled in, we go to that area and drop traps. Then using the catches and the video we can see if that is an area that we potentially would want to add to our sampling regime.

Currently the information off those traps are not captured in our CPUE calculation. However, we are discussing with Todd's group and with Erik William's group to see if we somehow can include that information in CPUE and how that may affect the data, but that means that you will have to be careful in terms of what habitat you are sampling.

That is some of the information that we are currently getting from both the cameras and the video information. Again, Todd Kellison's group is largely responsible for that. It is identifying the live bottom habitat to make sure that you are collecting information from the desired habitat, so your trap is not landing in some area of sand. That is also the advantage of having two cameras on the trap because they are looking at opposite directions. Does that answer the question?

MR. HAYMANS: Marcel, I understand that SEFIS or someone else is analyzing. Just the interesting things that I was picking up is there a species interaction within the trap? I mean who gets there first determines who gets in the trap. I understand that is there an opportunity maybe for some of the work to get farmed out to grad projects other than just SEFIS?

DR. REICHERT: Yes; and as I said earlier, the video analysis is largely done at SEFIS. I am not sure how much, if any, students they involve. We are currently working with SEFIS to have a number of traps that have a third camera that is actually looking inside the trap so we can look at that interaction and see if that is information that we can potentially use in interpreting our CPUE.

MARMAP traditionally has had a lot of interaction with students, in particular the College of Charleston, but also had the University of South Carolina, and a number of student projects were an integral part of what we're doing. For instance, in the most recent gray triggerfish data workshop, we had a student whose thesis project was the life history of gray triggerfish.

We have currently a student who is working on the age validation of wreckfish ages. He used to bomb radio carbon information and was able to validate snowy grouper ages. I hope to have an opportunity to present some of that data in the future. We do involve a lot of students, and it allows us to do some more in-depth analysis that we would otherwise not have been able to do.

DR. LANEY: I am not on your committee, but Anna's comments resonated with me because of the loss of data in the past from different types of storage media. I know that is a real issue, and I just wanted to comment on the fact that it has been of concern I know to me and other scientists because of the rapid changes in technology from one storage medium to another.

I would just suggest that hopefully somebody is looking into the need to, as technology changes, somehow convert your data to something that is going to be of archival quality so it will be available in the future. As Bonnie noted these optical software packages, I know we are using those to count birds now. Large white birds show up very well on aerial photos.

What you used to do by hand in the past you can now just use a scanner to do. It becomes critical to maintain the continuity and accessibility for those data. Many of you may have heard

some of the horror stories. I know that a lot of the LANSAT data from the seventies that were stored on one-inch magnetic tape was lost.

A notice came out in Science a number of years ago where people were begging researchers to send in the hard copies that they had where they had made prints of those data just so they could try and reassemble some of those data. More recently, after one of our local independent film festivals in Durham, I read some comments from one of the independent filmmakers who were reporting the fact that he had pulled out one of his hard drives to access material that he had stored from previous film-making efforts, and the data were gone. It is a concern. I think Anna asked an excellent question about the need. It is not just the need to back those things up the year that they are taken, but also the need to try and as technology changes to move those data to some format that you will find them usable in the future.

DR. REICHERT: Yes, and I absolutely agree, and I think collectively we are acutely aware of those issues. That is part of the research that we are collectively doing, not only the research in terms of getting our biological samples but also archiving. We have similar issues with our otoliths and our histology samples. The volume of those samples has gotten pretty big. We want to make sure that information and that material is available for the future.

DR. LANEY: I agree; and one possible thing you might want to consider is the fact that some of the larger museums may be able and willing to collaborate in terms of providing a storage space for those data as well as curation. I know in a lot of cases the labs and the individual universities just don't have the space or the staff to properly curate things like that. Sometimes you can work out an arrangement with museums that are willing to house those data and especially the hard parts and the biological samples.

DR. REICHERT: On a related note, in particular with the development of the techniques to extract and analyze DNA, our long-term sampling of in particular otoliths and also the sample collections that are available; the other science centers have become an invaluable source for DNA information.

Increasingly, our colleagues are using our otoliths to scrape off DNA and do analyses. Another graduate student of mine recently, in collaboration with Dr. Tanya Darling, has completed a study on red porgy, looking at changes in genetic diversity in red porgy. He was able to use our otoliths and some otoliths from Jennifer Potts to do that study.

DR. DUVAL: I have John Jolley and then I would like to ask a couple questions.

MR. JOLLEY: My question was along the lines of Doug's, looking critically at behavior patterns of entering or not the traps.

DR. DUVAL: Marcel, I was curious. I know that with some of the loss of funding and that you have had to cut back on the short bottom longline and long bottom longline, and you mentioned that you may be able to do some short bottom longline now that you have gotten half the cut approximately restored.

My concern is that some of these species that are targeted here, snowy grouper; some of the tilefish species, you could consider them to be more data poor than some of the other species that

we have. I'm wondering if you all have put together any alternatives for trying to maintain some data collection for those species through collaborative or cooperative efforts with fishermen in terms of the bottom longline stuff. I'm just really concerned about snowy grouper; I'm concerned about blueline tilefish and just having that dataset get chopped off, golden tilefish, all those species that Marcel mentioned.

DR. PONWITH: As are we. We are gravely concerned about this, and this is a less than ideal circumstance. We did a peer review of the data collection and the data collections that we are doing are good. That was the one that was deemed the one that if we were faced with a cut would have to be cut. It was an agonizing decision, because we all value those data.

The good news is that staff from the Beaufort lab is working in consultation with the AP to begin some discussions about generating a cooperative research project that might be able to get us back into the bottom longline collection, specifically looking at some of those deeper water areas where we are not able to effectively sample with the traps. Those discussions have begun. We are interested in it. The chief scientist has been involved in the discussions with me to encourage us to look at this as an alternative to continue some collections in those difficult to sample areas.

DR. DUVAL: Thanks for that, Bonnie, I appreciate it. I think it would be a great effort just in terms of involving the fishermen in the data collection process. I know we've had multiple conversations about that. I think just with budgets being the way they are and being so uncertain, we need to be a little more flexible in the types of platforms that we're using to collect those data. I appreciate that.

Then the only other question I had was kind of getting back to the readers for the videos. I know of at least two or probably more folks at the Beaufort Lab who read the videos. I am just wondering, Marcel, you said that you were helping SEFIS with some of the video reading. What is your sort of stable of folks who are available to read the videos? I mean, clearly, that is a very labor-intensive effort to do that. I was just wondering how many folks are available to do that.

DR. REICHERT: In our lab there are currently two people available to help and very soon we can increase that to three. I'm not entirely sure how many people are available at Beaufort. You have to realize that this is not something that you can do seven hours a day, five days a week.

Everyone who is reading video also has other responsibilities, and in particular in the summertime which is our main sampling season. A lot of those people are also on board collecting the data or have other responsibilities such as data management. I'm not sure if Bonnie knows how many people are available in Beaufort.

DR. PONWITH: I've got a number of people working on it, and I think it is four, five; but it is intermittent, like you say, because it is not something where you can do it straight through the day. I've just put in a question to staff to find out where we are in the processing of the video that we have accumulated thus far, particularly in preparation for red snapper. When I get an answer to that, I will let you know.

It is laborious. Even with the sub-sampling routine that we have for it, it is as you can well imagine laborious. The project that I talked to you about, this advanced technology for reading optical data, is tackling that very question. It is happening at a national scale, because we are not

the only ones struggling with this. It is faster to collect the data this way, but then you create a new bottleneck, so we're tackling that new bottleneck. The answer is not going to come tomorrow but we're working on it.

DR. DUVAL: I appreciate that, Bonnie, and I actually collected video data for my own dissertation, which was 15 years ago. I very much appreciate and empathize with the fact that you just cannot sit down and read this for multiple hours a day. I would even argue just a couple hours is plenty. More questions? Wilson.

DR. LANEY: Well, one is a comment and then a question for Bonnie. The comment is that it is not only for individual species stock assessments that we need all these data. If we're ever going to hope to move to an ecosystem-based approach to management, it is important to have information on all the components of the ecosystem.

To the extent these programs it gets cut, it not only affects the individual assessments, but it also affects our ability to move in that direction, which a lot of folks seem to want us to move in but it is a real challenge. Then the question to Bonnie is you just alluded to the optical scanning technology.

Can you give us an idea of how close we are to being able to take those video tapes or whatever data there are and submit them to the computer for analysis, because that would then free up all these staff that are having to sit there for hours and hours. As a person who historically sat in a closet looking at inclinometer, this is way back in the dark ages.

You young folks don't appreciate what you have today. But, we had current data – when I did my dissertation with Ed Pendleton, the only way we could get current data from the tidal creeks we were sampling was to use these gadgets called inclinometers. What they did was they had, what, 16 millimeter I think it was, John, movie film in them and they took a frame like every two or three minutes and you got the tilt on the thing and that told you what the current speed was.

I sat in closets for long periods of time going frame by frame recording those data. I have a great deal of sympathy for those folks that are having to count all these things. I also have a great deal of frustration that we have all the information captured; but because of time constraints, we have to subsample it when in fact the record is there if we had some way to do it by computer, so hence my question to Bonnie. How far away are we from being able to do that?

DR. PONWITH: Long question, short answer; far, and allow me to elaborate on this. It is difficult to project when we're going to be able to run that feed through a computer program and spit out an answer. We saw 16 of this species in these size class bins. The reason is I would treat this as an innovation science effort. As you know, innovation science progresses in a way that is nonlinear. You can invest a lot of time and make tiny incremental progress, and then suddenly there will be a breakthrough and the problem is solved.

It is a nonlinear process, can't say when we will be at that, but you imagine the challenge. It is like we're learning from things like face recognition software, which is very well advanced. But some of the challenges are if you take a laterally compressed fish who is perpendicular to the camera, it looks completely different than when all of a sudden it says, oh, what was that and points its head to the camera. It is a very different image that you get. You have to train

software to be able to recognize the aspect of the fish and take that into consideration when it is trying to narrow down what the species is. It is challenging but it is not impossible. We've done harder things.

MR. HARTIG: A couple of things; on red snapper, on the increase in sampling, it is now nine species and that is really great to hear. Your data could not be used in the assessment last time, because you didn't have enough fish to actually go into the assessment to have any impact on it. Do you have a feeling that you are collecting adequate samples now that will be appropriate for assessment use?

DR. REICHERT: That is difficult to say. That is a decision that will have to be made by the data workshop. I think in addition, the video, in combination with our trap catches, is probably going to be the biggest change in that. I think it is a combination. The increase in the red snapper is a combination of increase of relative densities as well as increasing our sampling area in particular off of Georgia and Florida. I am not sure if and how the index ultimately is going to be used. As I said; that is a data workshop discussion.

MR. HARTIG: Yes, that was the other question I had is how much is SEFIS and are you guys seeing the same things in MARMAP as far as the increasing numbers of red snapper. I had asked you this question in black sea bass and you said, yes, SEFIS is seeing more but we are also seeing more.

DR. REICHERT: That is true for red snapper, also. It is not only that we are catching off of South Carolina and North Carolina; relatively speaking we are also seeing some more red snapper, but we haven't done that detailed analysis just yet.

MR. HARTIG: That is great news. And one more question for Bonnie, if I may Madam Chairman, on the longline survey that was so important for golden tilefish, from my perspective it wasn't that big a deal that we lost one year. Maybe depending on what you are looking to get out of that, you may look at it as a multi-year survey methodology, where every two or every three years do it biannually – well, yes, you do it however many years, two or three looking predominantly – yes, your catch-per-unit effort will suffer, but you will still be getting your age and size structure from those samples. I know you are going to lose some, but how important is it to do it every year?

DR. PONWITH: That is a simple question. The answer is complex; because, of course, this is multi-species. What we need for each species can be very different. For a species that is only captured using this gear, an index of abundance is pretty critical. If you had a long time series that was done annually and then you suddenly had to go to biennial, the impacts of that would be less bad.

If you have very sparse data to begin with and you go biennial, it takes a long time to connect the dots to see what you have for trends for an index of abundance. In terms of age composition, anything we can get in fishery-independent collections will be helpful. More frequently is better, but every other year, every third year is better than nothing.

From that standpoint, that is why we're really exploring this cooperative research approach. As Michelle very clearly pointed out that we need the data, we need to be exploring, we need to be

innovative, collaborative, and exploring every means we can to squeeze more data out of the shrinking resources we've got available to do that.

DR. DUVAL: To that point; I was wondering if those conversations about collaborative research have also included really geographic coverage. I am so happy that since SEFIS came on board, we've been able to expand the geographic range where our independent sampling occurs. We're up to Cape Hatteras now and Florida down to south of Cape Canaveral, but that still leaves a good chunk of real estate that is not covered by fishery-independent sampling.

I know that just the independent sampling efforts from the Northeast Science Center are mostly trawl based, and so they are not going to capture the species of interest for us. Bonnie, I didn't know in your discussions of collaborating and being more creative in our sampling if you guys had talked about that geographic coverage.

I mean that is a concern that gets brought up during stock assessments. It is certainly a concern that I have. I'm sure some folks from Florida may have that as well. I'm not as familiar with other sampling programs that the state of Florida might have that could add into that. I didn't know if you might be able to address that.

DR. PONWITH: The issues that we grapple with when we're trying to balance the sampling budget versus the sampling demands are looking at the spatial extent of the sampling, the granularity; how close your stations are to one another; the periodicity, do you do it twice a year, once a year, every other year, every third year.

Those are some of the considerations and the tradeoffs you have in making the decision on how you set up your regime relative to the amount of resources that you've got available. Certainly, expanding so that we have an even fishery-independent regime throughout the geographic range where we are responsible for would be ideal.

That would be ideal; but expanding using some of these other means, again, it is the question do we expand the spatial extent or do we increase the sample size within the current footprint is a statistical question that is a tough decision to make, but we would rely on statistics to answer where we are going to get the biggest bang for the buck.

DR. DUVAL: I guess I would just definitely encourage you all as you move through those conversations to keep that in mind with regards to full geographic coverage. Are there any other questions for Marcel? Marcel, thank you so much for providing this overview. I think this is something we would like to do annually I think as we discussed.

I think it is a great sort of checkup for us. I know that previously you had hoped to be able to have all the data in the format to present this to the council in March, but that was not possible. Do you foresee this being more of an annual March or an annual June update?

DR. REICHERT: I think for the CPUE, that data we usually have available. This year was a little different because staff was heavily involved in the black sea bass update, so that delayed some of the other things that we did. But normally I can provide an update at the March meeting, if you would like me to do so.

I will continue to collaborate with Todd Kellison and Nate Bachelor to see at what point we could potentially include some of the video information. I will discuss that with Bonnie also. But, yes, in terms of our trap CPUE, we are in the fortunate circumstances that shortly after the sampling season we have all our data available. We can do the analysis and that's it. As you heard earlier, that is a little more complex for the video information.

DR. PONWITH: I know we are all eager to understand what the patterns we're seeing in these data are. My request is that if we were going to spend time analyzing the data, we make our biggest investment in the analysis. That is the one that really counts, and those are the actual assessments. I am always interested.

You saw the caveat page associated with interpreting or how carefully we need to be interpreting those CPUE trends. The real quantitative task of the status of the stock relative to those data are the stock assessments, because they take these data in conjunction with all the other data and use that to actually model the change.

I wouldn't want to get into a do-loop where we were doing sort of the analysis light at the expense of really focusing on the analysis that is going to tell us the definitive answer of the status of the stock. My request would be – certainly I think these updates are useful; what has changed, are we sampling more, less; you know, the quality of the data. But be careful about sort of the updates on the CPUE; be parsimonious on those so we can really put the effort where it counts.

DR. DUVAL: Point taken. Are there any other comments or questions for Marcel? If not we've got two more committee reports or AP reports that I would like to get through before lunch; and the first of those is from our Snapper Grouper Advisory Panel, and Robert Johnson is here to walk us through that. He will also be around, I assume, for the rest of our committee deliberations. We may be referring back to Robert for some more of the specifics on the advisory panel conversation. Robert.

MR. JOHNSON: The Snapper Grouper Advisory Panel met in April. Dr. Barbieri gave us an update on the ORCS. We had a lot on our table so I am just going to go really briefly through what we covered. On Alternative 3, on the black sea bass we didn't have near as much discussion as I would have liked.

We did choose a preferred; and after we did that, there were several of the members expressed a little bit of remorse about; I don't want to say playing it safe, but they felt like they might have wanted to go with a higher alternative on the black sea bass. I think since then the council has come up with another alternative that sort of split the difference.

We sat through a presentation by Pat on VMS and by Scott Baker on electronic monitoring. There was actually a public comment period that night, and so I requested that the AP stay and listen to what the public had to say about VMS. Then a motion was made the next morning on Amendment 30 to urge the council to vote no, and that was approved by the AP.

I did go around and let different AP members explain their positions because there were some in favor and some opposed, and I thought it was fair just for the record that everybody got a chance to explain why they were for or against VMS, so we did do that. We went into Amendment 14

and the AP is in favor of not modifying the commercial fishing year for greater amberjack. That was approved.

We looked at changes to the measurement method of gray triggerfish; that was also approved. I heard some discussion yesterday on the visioning process. The AP wants consistency between state and federal regulations for several reasons. It is easier for law enforcement; it just takes away a lot of the gray areas, so that was the desire of the AP.

We also looked at increasing the minimum size limit of hogfish. That was approved by the AP, going to 14 inches. We looked at the trip limit on black sea bass for establishing one for the hook-and-line sector. That was approved also by the AP. We also looked at the commercial fishing season for vermilion snapper. The desire of the AP was to not modify that; to leave it as it is.

Also we looked at – I am going through this real quick and I will give you a chance to ask questions – we looked at the aggregate grouper limit. There was a lot of discussion about that. The recreational ACL I think has been about 52 percent. After a lot of discussion, the AP did approve to not modify it, to leave it as it is.

We looked at the Alternative 4, which was to modify the recreational accountability measure for vermilion snapper, and that was approved nine in favor and four opposed. That was pretty much it. If you go down in your document to the vision and strategic planning for the snapper grouper fishery, we went through all that as well. If you have any questions, I would be glad to answer that. Tom.

MR. BURGESS: On the recreational black sea bass season; that also seemed to be pretty agreeable amongst the group to start it in April.

MR. JOHNSON: That is correct. I'm sorry, I overlooked that. The AP was in favor of an April 1st start date for the recreational black sea bass season.

MS. BADEMAN: I had a question about hogfish. I know there had been some concern from some of the AP members and people down in South Florida about increasing the hogfish size limit. Can you talk about that discussion at all?

MR. JOHNSON: The discussion was that some of the members from South Florida felt that for some reason or not they just never saw the larger hogfish.

MS. BADEMAN: From 12 to 14?

MR. JOHNSON: Yes, from 12 to 14, and then that turned into, well, you are not seeing them because you are harvesting them before they get to be 14. There were some comments made about in some of the protected areas down there, there were larger hogfish. That is sort of how that discussion went.

DR. DUVAL: Are there other questions or comments of Robert? Several us were actually at the AP meeting, I think, and these AP recommendations are also all included in the draft decision

document for Regulatory Amendment 14. We'll revisit those when we go through that amendment.

I will say that the conversation with regard to changing the aggregate grouper bag limit did get a little bit involved. I think the AP felt as though there was some miscommunication of what they wanted to see in terms of specifically black grouper versus what was actually included in this particular action item.

If you recall, we had a pretty lengthy discussion at our last meeting with regard to, well, if we increase aggregate grouper bag limit from three to four; and then within that we develop some options to either hold the gag limit at one gag, increase it to two; and then we clarified that we thought that black grouper should stay at one.

Apparently, some of the members of the AP who were interested in seeing this move forward were actually interested in seeing an increase in the black grouper portion of that bag limit as well. I went through some of the draft minutes from our March meeting and noted that I had probably been responsible a little bit for some of that, because I had noted when we got to the discussion of that action that the black grouper ACL had almost been reached for 2012. I just made mention of that on the record, and I'm sure we'll get into more discussion once we get into Regulatory Amendment 14 after lunch. Myra.

MS. BROUWER: Just to follow up with what Michelle was saying; the AP members that brought this motion forward for the AP to discuss had been looking at the information that is publically available online. At that time, when they queried the datasets, the ACL for black grouper was well below – or the landings, I should say, were well below the ACL.

They were confused as to why the council had not discussed allowing the black grouper bag limit to go up. It turns out that when the council discussed it in March, the landings of black grouper were substantially higher. The reason for that difference was because the information from Monroe County had not been post-stratified, and so that created the difference in the two landings that the AP saw and then what the council saw in March.

DR. DUVAL: Thanks for that clarification, Myra. Are there any other questions or comments for Robert? He'll be around here the rest of the day, like I said.

DR. LANEY: Robert, I noticed that you all passed a motion that the council explore a snapper grouper stamp. Would you elaborate on that a little bit in what sort of data you would be looking to get from that?

MR. JOHNSON: We were just looking for something we could use to balance off the MRIP estimates as far as – I know they have gone to a saltwater angling registry. It was our desire that they maybe took that a step further so they didn't waste time sampling someone that only fishes for trout and flounder in the Intercoastal Waterway. It would just seem like it would narrow down the sampling universe, and that would be a good thing just to give the managers a better idea who actually was targeting reef fish.

DR. DUVAL: Are there any other questions? If not, I am going to ask Dr. Barbieri if he would mind coming forward to take us through the SSC report. Thanks a lot, Robert.

DR. BARBIERI: I think I actually put together a summary instead of going through the actual report just because it is easier to go through in summarized format that way. Thanks again, Madam Chair, for the opportunity to address the committee. What I am going to be talking about today is giving you an overview of our SSC report, all the topics that we discussed back in April.

This is going to be a very brief report, because a lot of the items have already been discussed and some of them will be discussed during other committee meeting. That is the list of pretty much everything that the SSC discussed back in April. SEDAR activities, you discussed yesterday during the SEDAR Committee, so that has been covered already.

John Carmichael presented to you what the recommendations and suggestions from the SSC had been, so you are aware of those. The ABC Control Rule revisions for the Tier 4 and the Tier 5 that involved the ORCS, application or the ORCS methodology; that was the presentation yesterday afternoon, and you have seen that as well.

We also did some stock assessment reviews for the black sea bass update, and that has been already discussed during that additional council meeting held through the webinar, so that is done and over with. Then for SEDAR 28 we reviewed the assessments of Spanish mackerel and cobia. Those will be discussed tomorrow during the Mackerel Committee meeting, it is my understanding.

The council annual research priorities were also discussed yesterday, and you had discussion about that. We reviewed a number of regulatory amendments and actions. All of those have already been reviewed by you or will be reviewed and discussed this week, and staff will be presenting to you any suggestions or recommendations that came out of the SSC. They are outlined explicitly in the SSC report.

The only thing that is left for me to talk about is this assessment peer review process, which has been a major priority for the council, and the SSC discussed in detail at this last meeting. I am going to go over some of the highlights here with you. The process has to do primarily with the review by the SSC for your consideration of stock assessments, quantitative stock assessments or analytical products that are put forth by third party analytical folks that are not part of the Science Center or are not engaged in the SEDAR process.

Those the committee thought that would be better to be reviewed by the SSC according to a policy that specifies that process in more detail. The SSC is actually proposing that the council adopt a policy that set the main guidelines and the structure process for review of those third party assessments. The details of that proposal with all the specifics on the guidelines I actually outlined as an appendix in the SSC report, the PDF of the SSC report at the very end.

I hope that you have had a chance to look through that during your review of the briefing book materials. I am going to provide you here with some of the highlights, and I can pull up my iPad and go through details if you have some specific questions you want to go into more detail than what I have here.

The guidelines basically were put together by the committee. Initially we formed a subcommittee that was chaired by Dr. Steve Cadrin and involved a number of SSC members.

That committee didn't really have a chance to make much progress in putting together a document. A draft by Dr. Steve Cadrin, and we appreciate his work in putting that forth, outlined the main points of the proposal.

The SSC this past April during our meeting actually went through those and made a number of decisions and recommendations and beefed up that document. Then we provided a summarized version of the proposal in our reports and appendix to our report. The guidelines proposed include guidelines for submission of a proposal.

Whenever a quantitative stock assessment analysis conducted by a third party not part of SEDAR and not part of the Science Center will be brought to the council and the council would like the SSC to review, we suggest that there is a proposal that is put together and submitted to the SSC hopefully ahead of time, meaning before the analysis starts, so the SSC has an opportunity to make comments on the types of data that are going to be used and on the types of analysis that are going to be applied.

The SSC will then, having seen this proposal being submitted, will review the proposal, depending on the situation, by a subcommittee of the SSC or through the full committee, depending on the length and the extent of the proposal being submitted. The SSC would review that; and then after that have the opportunity to provide some feedback, some comment back to the analytical team that is proposing the analysis.

Then after the submission of the completed analysis, there would be a review process for the completed work that involves a number of steps that formalizes and structures that review. The intent of this from the committee was really to make sure that the analysis encompasses all the relevant data and that there is proper documentation of the analysis being conducted and the process of the assessment that is being put forth.

With that in hand, then the committee will provide a review, just like we review any of the other stock assessments, and make a recommendation to the council. In a very summarized form, those are the main components of the proposal. Again, I have in my iPad the actual reports, and actually I can probably pull it up here and go over the details if there are more specific questions.

DR. DUVAL: Thanks Luiz; and just for everybody's benefit; the SSC Report is Attachment 5 in the briefing book; and where the details of this proposed review process begin, the preamble is on PDF Page 27, but the actual nuts and bolts of that take place on PDF Page 28. It outlines how the proposal shall be submitted to the SSC, the items that need to be addressed; the data, the data sources, the scope of work.

I think an important component in that submission is acknowledgement of the SSC's peer review process that anyone who is coming forward with a third party or outside assessment is committed to participate in that review and to also be able to provide some of the additional analyses that is often requested when the SSC reviews an assessment, a timeline, et cetera. It is a pretty comprehensive set of I think items that would need to be included in a proposal.

It then outlines a timeline for a review process, whether it would be reviewed via a conference call or a webinar or during a regularly scheduled SSC meeting and when that might happen, given sufficient time on the SSC's agenda and submission of a proposal in a timely fashion, et

cetera. I just wanted to make sure that the committee had the opportunity to see sort of the nuts and bolts of that within the report, and if anybody has any questions of Luiz regarding the discussions. Doug.

MR. HAYMANS: I just want to make sure I understand, Luiz. A third party needs to let the SSC know in advance that they intend to do a third party assessment before the SSC agrees to review it and whatnot. If one comes in after the fact and says here is an assessment and they haven't pre – I won't say preapproved, but pre-acknowledged, that we're not going to look at it.

DR. BARBIERI: Correct. That will be our preference, and, of course, the committee functions at the will of the council. If there is an assessment that you want the SSC to review, of course, we will review that document for you, But this would be a preferred set of guidelines, and we would really encourage you to adopt this policy.

That way I think it protects the councils from receiving assessments that are either incomplete or poorly documented or for which there are no follow-up analyses that in many, many cases, most of the cases are necessary. As Michelle pointed out, doing the projections afterwards; sometimes assessments are reviewed and actually often it is the case that reviewers come up with a number of recommendations for changes and corrections and revisions, and that assessment has to be revised accordingly and then projections put forth. Sometimes those need to be corrected as well. It is a whole long process that entails multiple steps, and we want to make sure that all of those are covered so you get the best information available in your decision-making process.

DR. DUVAL: I think just to add a little bit to what Luiz said, there was a lot of conversation around the table about, well, what if somebody has already started down the road of doing something, maybe there is a student who has performed some kind of assessment, I think as long as those folks are willing to still go through this kind of proposal-writing process instead of just giving you a peer-reviewed journal paper to look at, then – and don't let me put words in your mouth, but I think that the SSC was okay with that as long as they were willing to maybe take that work that they may have already started, put it into this proposal form addressing all of these items that the SSC feels are necessary to be addressed before moving forward. I see Bonnie has her hand up.

DR. PONWITH: And I think that is actually a really good description of the state of play to be easy to think about third party as being a plus-up. We have what we can do; we all agree what we can do isn't fast enough or enough, we want more; and it would be easy to think of third party assessments as being the way to get that more.

The catch is that we want to be very careful to make sure anything that we use to make critical management decisions meets the test, the scientific standards and our expectations for those scientific standards, so it is going to require review. The catch-22 is if you have your SSC and the Center and your CIE reviewers working flat out on your regularly scheduled sanctioned SEDAR peer reviews. you want to be very careful that you don't disrupt that process and say I want you to take a month off and peer review this interesting assessment that came from the outside.

My view in general is that looking at the hard work the SSC went into weighing the cost and the benefits, they've found a way that manages that balance to not close the door to third party, but

to open the door to third party in a way that it doesn't actually cause the existing capability to unravel.

DR. DUVAL: Are there any other comments or questions? I do have a question. I assume that if this draft set of guidelines for third party assessments is acceptable; that it would be during the Executive Finance Committee that we would formally adopt that or approve this document.

MR. CUPKA: Well, it does need to be approved. It wasn't on our agenda for SEDAR yesterday, which in a way it is a SEDAR issue, but at some point we will have to approve it, and Executive Finance would be a good place as any. I know there has been a lot of work that is going in to this, a lot of thought.

It is not going to help us with the situation we're currently in, but in future situations it will. I hope everyone has had an opportunity to look it over and is satisfied with it. It needs a little bit of editing, some fine tuning, but we understand how it was put together, and there wasn't really time for the SSC maybe to review it in the detail that they would want to. But, again, I don't think there is anything major wrong there. It is just minor technical edits that need to be made to it. We will certainly put it on the agenda for Executive Finance Committee.

MS. SMIT-BRUNELLO: Luiz, I would really like to thank you and the SSC for spending your time to develop this. I think it is very good. I'm sure that it will benefit everybody, so please take my thanks on that. I have a question on Section 4. It is entitled the "Peer Review Process for Completed Work", and it has to do with how the peer reviewers are appointed, I guess.

Let me read what is in the report and then I can ask you that question or do you need time to pull it up. It says, "The peer review will be conducted by a panel of reviewers appointed by the council." Then A states, "The appointment process shall be similar to that used to appoint participants to SEDAR Review Workshop panels; B, because this is not a SEDAR Review Panel, reviewers need not be members of the SEDAR Review Pool.

It is that particular item that has my question; because if these are going to be reviewers appointed by the council, it seems to me that they should be part of some Council AP in some fashion in order to comply with the Magnuson Act and then with FACA. Right now the Act says, "The Federal Advisory Committee Act shall not apply to the Councils, Council Coordination Committee, the SSC, or other committees or advisory panels established under Subsection G."

Maybe I just need some time to talk about this with Bob, but I'm not sure right now. If we have a stock going through SEDAR, at some point I believe that the ultimate report is reviewed by someone or maybe some people from the Center for Independent Experts. I thought in some fashion, Bob, we addressed how those CIE people would be treated. Does their review require them to be members of the SEDAR pool so that they can then review the report? Maybe this is just laying the ground for some future discussion.

I went on the council's website and SEDAR Pool Advisory Panel members are listed. I don't know that any CIE people are listed, so maybe we've already determined that the CIE is outside of this process, in that they are not appointed by the council. My question then, given my discussion here, is that if someone is going to be appointed by the council to review this, I'm not

sure the council can appoint somebody if they are not part of some advisory panel. Maybe it is not appropriate to have them be part of a SEDAR Advisory Panel, I don't know. Maybe you want to create a new advisory panel for third party stock assessments. I'm not sure so I am just kind of throwing this out there for some discussion.

MR. MAHOOD: Monica, we've never appointed the CIE guys. We thought they had special credentials to participate. We never know who they are going to be in advance. It is a last-minute thing and they are drawn from all over the world. I don't know how we would factor that in. Now maybe Bonnie can answer.

MS. SMIT-BRUNELLO: To that, just before Bonnie jumps in; then that is fine because I kind of thought that's the way it is, because they are peer reviewing the developed peer-reviewed report. They are like an extra peer review or something like that. Maybe we just need to figure out in this particular step where it says whoever is going to review this third party assessment is going to be appointed by the council, so CIE people are not appointed by the council. Maybe we need to tweak that somehow and think about how to deal with that in this proposed draft process from the SSC.

MR. CARMICHAEL: I think your explanation of that fits with what I understand about having been involved with SEDAR and the Advisory Committee Act and why we set those APs up. What you say should probably trump something that is in there from the SSC discussion, because they weren't thinking necessarily about the Advisory Committee Act at that time. They were thinking about a distinction between this and between SEDAR.

DR. BARBIERI: I'm sorry, Bonnie, I am jumping ahead, but this is to the point. Monica, the intent of the committee here was really to either have – that is my recollection – either have SSC members, which are obviously already appointed by the council, or CIE reviewers. Basically we wanted to expand the pool of reviewers to go beyond the SSC in the case that we would get involved and some CIE reviewers as well.

It is just something – I am glad you pointed it out, because this will give us an opportunity to perhaps go in and edit this a little bit and clarify. It was simply something that we wanted to have there to go beyond just the SSC being the reviewers and now adding the CIE members as well.

MR. HAYMANS: It is exactly to that point; that was my question then with the CIE. Is it my understanding that the council does incur some cost when we use the CIE to review assessments? There is no cost involved in that?

DR. DUVAL: Bob is shaking his head no.

MR. HAYMANS: Okay. then my question is moot, because I wanted to make sure whoever the third party was paid for that process, but, okay.

DR. PONWITH: I was simply going to explain the CIE; but if that is overtaken by events, I will pass. If you want to know more about what the CIE is and how it works, I can give you the thumbnail sketch.

DR. DUVAL: Go ahead.

DR. PONWITH: The CIE was created by NOAA Fisheries to create a standing pool of qualified stock assessment and protected resources population assessment type reviewers, very difficult to get reviewers who have the technical capabilities of doing this, and get them in a way that qualifies as an independent reviewer.

If I handpick someone from a university because I know them and I like them and I think that they will be fair, it creates a perception that I may have gone for friendlies as opposed to someone who is going to really scrutinize. That is the notion of independence, so we created a contract with a university and told them here are some resources to go out and find these experts, prequalify them in terms of what their conflict of interests are, and create a pool much like you have a SEDAR pool, a SEDAR AP for reviewing stock assessments.

They stand out in this pool and when they are called upon for a review, all they have to do is go to the pool and find someone who has the particular expertise we're looking for and who is available during the timeframe, and then they choose. We have no idea in advance who is going to be selected. What that does is creates that sense of independence.

DR. DUVAL: Thanks for that explanation, Bonnie. Monica.

MS. SMIT-BRUNELLO: That's good, and maybe I can talk with Luiz and John and Bob, and we can kind of tweak this item right here in the report. The other thought I want to bring up is let's say we have someone who is going to go through and present – they want to follow this process and present information ultimately to be used by the council, but first present it along the lines of what is outlined here. They want to work with the SSC and do that.

I'm trying to think whether that individual, to be able to work in this fashion under this process, I wonder if they have to be – to comply with FACA, I wonder if they have to be appointed by the council to some advisory panel in some fashion, so that we don't run afoul of the end product not being able to be used, because it wasn't properly set up under the Magnuson Act Rule. I'm just going to think about that for a little bit and maybe we can come back to that after I have a little bit more time to think about it.

DR. BARBIERI: Those are the issues, Monica, that I think the SSC wasn't really ready to address right there and then. That is the kind of guidance and feedback that we need to be able to finalize this in a format that addresses the council's needs.

MR. CARMICHAEL: Yes. I think that is exactly right. The SSC does not write SOPPs and they are not experts in all of these laws. What they have offered here is a framework proposal that they think the council should consider, and they have addressed a lot of the technical issues. I think definitely, as David said, work this out through the Executive Finance and make the kind of technical changes that are necessary under the law; that is probably what the SSC was expecting when they did this.

MS. SMIT-BRUNELLO: I think it's a great work product actually. It is very thorough and I think it covers most all the bases. I just started thinking about it from the council's end, if this information comes through the system in this way, so this is great. We'll bring it up at Executive

Finance and think about it further. If I still think that is a particular issue, I will propose a solution at that point.

DR. PONWITH: One other quick question is how does the SSC envision the Science Center to be involved with the third party? That would be Science Center people other than those who are members of the SSC itself.

DR. BARBIERI: I think that it wasn't discussed in detail by the committee. We can revisit this in October and come back with some feedback. I think the idea at the time was not to be automatically exclusive, because there is so much expertise already in the Center and knowledge and background and they participate closely in a number of other assessments and work closely with the SSC in providing a number of analytical products. We felt that we wanted to leave the door open to be inclusive and not give the impression of exclusiveness.

DR. DUVAL: Other questions for Luiz about the proposed process for third party assessments? Again, we'll discuss this during Executive Finance, and Monica will have hopefully had an opportunity to task some brain cells with this before then. Is there anything else? My clock reads 11:52 a.m. I'm not inclined to get into the discussions of Regulatory Amendment 14 and Amendment 30. I would like to save those for after lunch.

Unless there are any other questions for Luiz regarding the SSC report, at this point I am inclined to recess for lunch and then reconvene at 1:30, because there is going to be lots of hefty discussion for Regulatory Amendment 14 and presumably Amendment 30.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Plantation Room of the Hutchinson Island Marriott, Tuesday afternoon, June 11, 2013, and was called to order at 1:30 o'clock p.m. by Chairman Michelle Duval.

DR. DUVAL: All right, everybody, we're going to go ahead and get started again. The next item on our agenda is Regulatory Amendment 14, which deals with multiple species. Before we get into the meat of the actions here, I would like to discuss these actions in a slightly different order than the order in which they are presented in the amendment. Specifically, I would like to discuss all those actions that have to do with a fishing season change or something like that first. I'm looking at Actions 1, 4, 5, 6 and then I also threw Action 8 in there as well, which deals with grouper gag trip limit measures. I would like to discuss that suite of actions first.

Again that is Actions 1, 4, 5, 6 and 8. Then once we finish with those, we'll circle around back to the remaining actions, which would be 2, 3, 7 and 9. I want to preface that by saying one of the things that we have heard from the public and that I would like to remember as we discuss these actions is looking at aligning some of our fishing seasons, some of the start dates of the fishing years.

I think in order to address this more holistically, it makes the most sense to look at those actions as a group instead of jumping around from a fishing year action to a bag limit action, et cetera, et cetera. That is the order in which we are going to discuss those actions. The other thing that I wanted to call folks attention to is this was an Excel spreadsheet that was e-mailed around to everybody, but it is called "Fishing Season Calendar Commercial".

This is something that Amber put together that may assist us as we go through our deliberations. Myra has got this displayed up on the screen, but it just lays out what the current fishing years are. This is only for the commercial sector, unfortunately, but we have one action where we are discussing the recreational fishing season.

I just wanted to preface our discussion on Regulatory Amendment 14 and ask folks to sort of view changes to the fishing years with that in mind and requests from the public that we look at aligning fishing year start dates so that we can reduce regulatory discards. With that said, I think I am going to turn things over to Myra to start walking us through with the list of actions.

MS. BROUWER: The document that I have up on the screen is the decision document that I'm going to use to walk you through this. Underneath each action I have the PDF page that corresponds to the document that you all have in your briefing book. The first thing that we should do is look at the purpose and need, and that is on PDF Page 2.

Here the IPT is making two recommended changes to the language of the need for the amendment. The need would read, if you accept the changes; "The need for action is to modify AMs for gag and vermilion snapper for consistency and accuracy and modify management measures for greater amberjack, gray triggerfish and hogfish, to enhance those economic benefits to fishermen and fishing communities that utilize the snapper grouper fishery and ensure overfishing of these species does not occur."

Underneath that highlighted text is another proposed change to the language for the need statement. That was proposed by an IPT member, and it is a little bit more specific, "Ensure commercial harvest of greater amberjack occurs during March of each year" -- because that is the reason why the council was asked to consider this change -- "allow for consistent management of gray triggerfish off of South Atlantic states, reduce harvest of hogfish and allow harvest of black sea bass and vermilion snapper to occur during times of the year when harvest of co-occurring species is occurring; allow recreational harvest of gag to increase to achieve optimum yield, and ensure overfishing of gag and vermilion snapper does not occur."

It is just a little bit more detailed as opposed to the previous. The first thing that I would ask the committee to do is to give us guidance on how they would like to modify the need statement for this amendment.

DR. DUVAL: I think what we would be looking for is a motion from the committee to either accept the proposed modification that Myra just read or the previous modifications that are highlighted on the screen.

MR. HAYMANS: I guess my question is I don't think we typically get into that level of detail on a needs' statement, do we; specifically the months and whatnot of what we're attempting to do? It just seems more detailed than most needs' statements.

MS. BROUWER: Yes, it does. I think what this language is trying to address is some comments that came from the NEPA side of the world.

DR. DUVAL: Are there other thoughts on the two different sets of needs' statements, whether you prefer something that is a little bit more general in nature or go with the specific language.

MR. HARTIG: Well, I didn't have any problem with the wording as it was changed. It really specified why we wanted the amberjack, for sure, in that one and the change that they made, which we didn't have before. I don't have any problem with it being a little more specific. If we're going to run into a problem with NEPA, we need to change that now and deal with it if that is going to come up again in the future. **I would make a motion to approve the new IPT wording for the Purpose and Need Statements.**

DR. DUVAL: We have a motion by Ben Hartig and a second by Charlie Phillips. Discussion?

MR. HAYMANS: I just want to make sure that is not a recommendation of the IPT; that is a recommendation of an IPT member. I want to make sure there is no problem there.

DR. DUVAL: That is a good clarification, Doug, that this is a recommendation of one IPT member. Other discussion on this motion? Seeing none; is there any opposition to that motion? Seeing none; that motion stands approved.

MS. BROUWER: The next thing I've got is a statement from the SSC. I will go ahead and read it. This is included in the report that you all have and something that Luiz already touched on, but I would like to just go ahead and read this into the record:

"The SSC noted that not all the proposed changes provide socio-economic benefits. They felt that it was not possible to get a good grasp on the actual socio-economic benefits to the entire snapper grouper fishery when there are some people for and some opposed to proposed actions. Due to this schedule and the amount of analyses required, the SSC requests a final opportunity to review this amendment after analyses are completed.

"Specifically, the SSC suggests that the socio-economic panel be given the opportunity to review in more detail via e-mail. Additionally, the SSC recommends that socio-economic issues of this nature be prioritized in the South Atlantic Fishery Management Council's Research Priority Plan, given the increased need for this type of information and the high degree of uncertainty in socio-economic analysis due to short timelines with regulatory amendment preparation as well as the relatively large number of changes in the management process."

That is what the SSC had to say about this amendment. I'll just remind you of the proposed timeline for it. At this meeting we are scheduled to approve it for public hearings, which would take place in August. It would come back to you in September for final approval. Unfortunately, the SSC is not meeting until October and so whatever review would have to be done remotely. Are there any questions about that?

Okay, so then jumping into Action 1 and that is on PDF Page 4, the action reads modify the fishing year for greater amberjack. The question we have here is we were not sure whether you meant this to apply to just the commercial sector or if it was something the committee wanted to consider for the recreational sector as well. That is the first clarification that we would need.

The Snapper Grouper Advisory Panel recommended no action for this, so continue to have the fishing year begin on May 1st and end on April 30th. I am not going to go through in detail the summary of effects unless there are things I would like to point out. That is how I am going to go through things unless you have a question.

DR. DUVAL: I think right now we also have a spawning season closure in April for this species. Again, this is taking sort of the holistic approach. One of the reasons I wanted to group all of these fishing year actions for our discussion; we do have a couple of actions dealing with black sea bass and vermilion snapper looking at changing the commercial fishing year.

There are a few options there for looking at May or June, but I think the first thing we need to clarify is was it the committees intent that this just apply to the commercial fishery or the recreational fishery or both? Ben, do you have some input on that?

MR. HARTIG: It was the commercial fishery that actually came up and made the suggestion. It was not my intent to change the recreational fishing year. As I have the microphone, I would just say as we look at trying to align these fishing seasons, we may look at the actual bycatches that occur in the different fisheries, because some of these fisheries have relatively small bycatches, others have large bycatches.

Amberjack is one that is a low bycatch fishery. The season alignment is not as critical for amberjack as it is for a number of other species unless you are just trying to get a suite of species on one trip. But usually the trips targeting amberjacks, where we are they are predominantly amberjack trips and we have very little bycatch of anything else.

DR. DUVAL: That is great information Ben; definitely I appreciate it and a good point that really has been the intent. What we have heard from the public is in aligning these seasons; what you are trying to do is actually achieve fewer regulatory discards. If this is one of those instances where we don't have that, it is important to get that point out there.

MS. BROUWER: I'll just add that Alternative 2 is the one that would benefit South Florida the most because it would take the harvest into the Lent season, and so that would definitely benefit that part of the region the most.

DR. CRABTREE: Well, if we were going to change the fishing year and particularly change it to January 1, why wouldn't we change both sectors, change the whole fishing year? It seems to me getting one fishing year for commercial and one fishing year for recreational, and they are different, is just going to complicate things in terms of ACLs, TACs, projections out of stock assessments and the whole thing. Is there any downside if we change the fishing year? Would it have any negative impact on the recreational fishery?

DR. DUVAL: That is not a question that I can answer. I would be looking to Ben and maybe – I don't know if Robert is still around, if he could provide a little bit of input. Robert, do you mind coming up to the front and maybe providing some input there?

MR. HARTIG: If we had catch levels to see if they were even approaching their ACLs – and I don't think they are for amberjack from my recollection. I can't tell you specifically. But, if they're not, then it probably wouldn't have any major consequences on the recreational fishery to make the two seasons the same.

I understand Roy's comments and considerations. From his monitoring standpoint, it is a little more difficult I guess that they don't start on the same time. But, we may end up in certain

situations where we may want to specifically have different seasons, though. In this case I don't think there is an overriding concern.

MR. JOHNSON: Amberjack, I agree with Ben, there is no reason you couldn't have them both start at the same time.

MR. HAYMANS: From Table D2, it looks like to me if it were Alternative 1, which is no action, the recreational side met the ACL or met whatever quota on two years, '08-'09 and '09-'10, if I read that right. I had a question with regards to if we did back up the recreational; we're still talking only a closed season in April for greater amberjack for commercial, right? The recreational season is still no closed, period. It just starts the clock at a different time.

DR. DUVAL: That is correct. To that point, Ben.

MR. HARTIG: Yes, I think a pertinent question to ask is whether or not they met the ACL. Would they have met it when we increased the ACL based on the MRIP numbers that we have? Are those numbers based on looking at the numbers that it would have been under the MRIP scenario that we're fishing under now? That is the question I would have about if they met those numbers, because remember we made an adjustment between commercial and recreational and increased the recreational share of the amberjack allocation.

DR. DUVAL: Ben, you are specifically referring to the MRIP re-estimation methods in Regulatory Amendment 13?

MR. HARTIG: Actually, I was just looking at – well, yes, part of it was the MRIP re-estimation, yes. Part of it was.

MS. BROUWER: Well, greater amberjack actually was not included in Regulatory Amendment 13 because it is an assessed species, and so that adjustment did not apply to amberjack.

MR. HARTIG: Well, then where did the adjustment come for greater amberjack? I can't remember exactly why we made that adjustment between the commercial and the recreational sectors, and we did make one and we got less fish out of it.

MS. BROUWER: I think that – and I don't recall, but maybe Jack can fill in the gaps – it was something that happened during the publication of the codified text for the Comprehensive ACL Amendment. Something got left out. I'm going to let Jack.

DR. McGOVERN: Greater amberjack was included in the Comprehensive ACL Amendment and the allocations were adjusted just like all the other species in the Comprehensive ACL Amendment, and it is just based on historical catch for the two.

DR. DUVAL: I guess two things to consider here; one, would you want this action applied to both sectors. If so, that needs to be clear in the wording of this action. Then the next thing would be to choose a preferred alternative to go out for public comment.

MR. HARTIG: I can't speak to why the availability is different in southern Florida in particular, southeast to southern Florida. Those fish migrate all the way from the Carolinas. Tagging has

shown that those fish migrate into that area during March, April, and May. It is a spawning migration that they make in that way.

There are actually fish that come around from the Gulf as well in that general area. When they leave, there aren't near as many amberjacks to be caught in that part of the state. You will be giving recreational people, if there is a closure, at least a chance in South Florida to participate in that fishery if it wouldn't have been open in January through March in other years.

DR. DUVAL: Would we be okay with the wording of the action as it is; modify the fishing year for greater amberjack, just with what Myra has up there on the screen; guidance from the committee that this action should apply to – I guess we need to change that to the commercial and recreational sectors. Is there anyone who is opposed to having this action apply to both sectors? I'm not seeing anyone object. Okay, this would apply to both sectors. The next thing is choosing a preferred alternative. I would entertain a motion from someone to choose a preferred alternative.

MR. HARTIG: After what Myra said about Lent, and that would be important to fishermen outside of our area; they could get some economic benefits from that season. I would go with Alternative 2 as a preferred.

DR. DUVAL: We have a motion by Ben to select Alternative 2 as the preferred under Action 1; seconded by Charlie. Discussion? Is there any opposition? Seeing none; that motion stands approved.

MR. HAYMANS: A quick question about fishing year dates. We have this nifty little table that was put together by staff for us. When I go through the fishing year, in every case it is the same unless it is noted otherwise. Is that not true that for recreational and commercial fisheries the fishing years are the same for almost every species unless it is noted. That is not true?

DR. DUVAL: No, right now we are still, which will hopefully be changing – I mean we've been in a situation where we've had the November through March closure for vermilion, so that has set up kind of an odd fishing year for vermilion snapper.

MR. HAYMANS: That is the only one I see is vermilion.

DR. DUVAL: I think hasn't red porgy been different as well?

DR. CRABTREE: The fishing year for vermilion was January 1 for both sectors and then we had a spawning season closure, but I don't believe we changed the fishing year, did we? I think for most of our fisheries the recreational and commercial fishing year is the same.

DR. DUVAL: Although we do have a split season for vermilion commercially.

DR. CRABTREE: But it is still a January fishing year.

DR. DUVAL: Right, it is still a calendar year.

MR. HAYMANS: My point there is that with the exception of vermilion, everything else is the same year, so we can sort of avoid that discussion as we move forward.

DR. DUVAL: I don't think you can because we have an action in here specifically dealing with the recreational black sea bass fishing year, and there was certainly a lot of support at the committee level the last time we had a discussion in March to look at doing something that was different. I think that is actually the next action we're going to be talking about. Is there anything else on this action before we move on to Action 4?

MR. WAUGH: One question about the committee's intent is presumably as we go forward with this, this would be implemented sometime within 2014. Would the intent be that then this would be retroactive to January 1, 2014?

DR. DUVAL: You're talking specifically about greater amberjack?

MR. WAUGH: Yes.

MR. HARTIG: Well, from an ACL perspective it would have to be. I don't think we have a choice, so certainly on the record, yes, we would have to do that.

DR. DUVAL: That was how the Comprehensive ACL worked when we set everything in place, as well, was all those ACLs were effective retroactive to the beginning of the calendar year. I mean it is a slightly different situation, but, yes.

MR. WAUGH: We will explain this in the document, but we are now in the 2013/2014 fishing year for greater amberjack. We just need to explain this clearly enough in the amendment so people don't think the same fish are counted twice; so just make sure everybody is aware of that and we'll make sure the document is clear in explaining this.

MS. BROUWER: Action 4 is on PDF Page 16. This is the action to modify the fishing year for the black sea bass recreational sector. You've got five alternatives to the no action. The Snapper Grouper AP recommended Alternative 3, which would modify the recreational fishing year to begin on April 1st and end on March 31st.

The IPT didn't have any questions or clarifications that needed to be made here. I included in here Table D-12. It has the results of the analysis that was done to project the closure dates and the season lengths under the different alternatives and using the different projection models, as you see there. The guidance we're looking for this one, of course, is just a selection of a preferred.

DR. DUVAL: I guess in terms of the three different models that were used here for this table to determine closure dates.

MR. LARKIN: Can I speak to that?

DR. DUVAL: That would be great. If you could come to the microphone and just state your name for the record please; that would be great.

MR. LARKIN: I'm Mike Larkin with the Southeast Regional Office. Nick Farmer did this analysis, but the first column there you see, the SARIMA, that takes into account the seasonal structure, but really it is a prediction based on historical landings and then continues further. I guess it would be better if I show you.

What I am trying to say is there is a SARIMA model. then really a prediction model, and then the next column incorporates the June through August data for 2012 and then also uses the SARIMA model just to predict the landings in September to May. Then there is a general linear model. Some things I want to point out, though, there is a lot of uncertainty, a lot of variance if you look at the prediction dates between each one of the models, as well as the SARIMA and the 2012/SARIMA Model.

If you look at the recreational landings, they doubled in 2012, and then they doubled again in 2013, the current season we have now. Really, it is expecting that those landings will continue to keep. If you look at the model – I guess the figure is not in here, but it kind of goes up and up and up. I guess I am trying to point out these caveats to the predictions that the SARIMA model really seems that it is going to keep going up like that; whereas, your general linear model is more, you could say I guess, conservative.

I really just want to point out the high degree of uncertainty; I guess the variance with each one of these predictions. I am trying to give you like a quick Readers Digest version of everything here, but I don't know if I'm doing a good job.

DR. DUVAL: We very much appreciate, Mr. Larkin, you doing that for us. Are there other questions of Mike from the committee regarding any of these three methods that are being used to sort of project when a closure data might occur under the different alternatives?

MS. BECKWITH: These aren't projected based on the new ACL we just approved?

MS. BROUWER: Yes, they are.

MS. BECKWITH: Oh, they are. For an April 1st opening date under Alternative 3, if I am reading that right, we are projecting an August 18th potential closure; is that right?

MS. BROUWER: Under one of the models, yes. It could be as early as July or as late as December.

MS. BECKWITH: Well, as early as June 27th and as late as August.

MS. BROUWER: There you go, as early as June and as late as December, early December.

DR. DUVAL: What I would point out is there are three sub-columns within each of those columns. You have the mean and then, as Mike said, he has done confidence intervals around that mean so that is basically the span of potential closure dates under that alternative for each of the three models.

MR. LARKIN: Really, Nick Farmer did it, but, yes, I agree.

MS. BECKWITH: I'm sorry, just clarify for me what is that 2012 – the middle column; is that a separate model? I have confused myself.

MR. LARKIN: Yes, it uses the June through August data for the first half, actually using the 2012 data. It only uses the model to predict the September to May landings there. It is kind of like, I guess you could say, a half-and-half model there.

MS. BECKWITH: Michelle, could you explain it to me in terms I will understand, please?

DR. DUVAL: Boy, you are stretching me; this is where we need Bonnie. I think based on what Mike is saying that the middle column of numbers uses the actual June through August landings from last year in the model.

MR. LARKIN: Yes.

DR. DUVAL: Whereas, the other two columns of numbers are not incorporating those landings numbers as actual numbers. You are looking at catch rates; those models incorporate the catch rates.

MR. LARKIN: Historic catch rates and you are predicting through time what it would be in the future.

DR. DUVAL: Does that help you out a little bit, Anna? Do other folks have questions about these? There is quite a range of different closure dates there for the different alternatives. I'll just say that the AP, when they made their motion, they did not have this information to look at when they selected their preferred alternative.

MR. WAUGH: I think one thing that we will have to factor into this when you look at these dates, too, is that they all could be earlier. Remember, we've got a situation now where several of our states and South Carolina will soon be another one that will not close state waters. That harvest that is going to occur in state waters after a closure will have to be estimated and then it will be deducted from the recreational and commercial ACLs, as has been done in the past in the Gulf, and so that will affect when your closure will take place. Whichever one of these you look at, you should just figure that likely the real date would be sooner once you make that adjustment for landings that will occur after a federal closure.

DR. DUVAL: Thank you very much for that reminder, Gregg.

MR. AMICK: I would like to make a motion that we select Alternative 3 as our preferred.

DR. DUVAL: We have a motion by Steve to select Alternative 3 as the preferred; seconded by Doug. Discussion?

MS. BECKWITH: Just for the record, go through with me based on Alternative 3 what all the potential closures are; just talk me through it; just with that one alternative. What are our high hopes and our low hopes based on what we've got going on.

MR. LARKIN: It is a personal caveat. If you pick Alternative 3, I believe that splits a wave. Before I get into that, I guess it reduces our accuracy to predict the landings each year. The MRFSS is based on a wave, so you guys are splitting a wave. We're going to have to make assumptions is half of it here, half of it there.

But, anyway, to go into Alternative 3, do you want me to through different models? I'll just go through the means here. Under the SARIMA model, Alternative 3 estimates a season of 107 days. I guess I would call it the half-and-half model there, 190 days; and then the GLM, 142. Based on statistics, you hope that the true number of days fall somewhere between them.

Then there are the confidence intervals if you want to see how much they vary for each one. I can't give you an exact date because of the variability in it, but I like to think that these kind of capture the variability to give you an idea of what you're dealing with. What was your question again? I'm not sure if I really answered it.

DR. DUVAL: I think, Anna, if you were to look at the third column over there using the GLM model, my understanding is that it is actually using a lower catch rate, because your mean date of closure would be later than that very first column of numbers where you are looking at a closure date of potentially July 17th. Then your half-and-half model, which incorporates actual landings for that part of the fishing year that was open until the quota was caught and then applies catch rates sort of retroactively – well, it uses those same catch rates for the remainder of the year.

MR. AMICK: One of the reasons why I think April 1st is a good start date is that because when we start targeting vermilion snapper, there is an incredible amount of discards through the months of April and May until we get to the June meeting. We're going to have a year-round fishery of vermilion snapper, but the number one reason is to get rid of the discard rate.

MR. HARTIG: I had a question of Steve, and I don't know how the fishery is. Where I am, we can pretty much independently target sea bass. For most other – not all, of course, but for most other species we can use the circle hooks and stuff where we were not going to be catching gray triggerfish. We'll catch a few vermilions, but we don't have near the vermilion stock that you guys do either. That is what I was wondering. In your abilities to try and target vermilion and black sea bass, are there areas that if you went specifically to target black sea bass that you could catch most of your black sea bass?

MR. AMICK: Sure, I think it boils down to the experience of the fisherman. Okay, we have a large reef where there is a good mixture where you can't get away from either one. But if you are an experienced fisherman, yes, you can target your vermilions, try to catch your limits, and then you can make a run and target your sea bass. It is possible to target both species, but in general I think if you go to a large live bottom area, it is covered with sea bass and there is vermilion on top of the sea bass, so you have a big mixture of it.

DR. DUVAL: Are there other questions or discussion about this motion? Again, this would be a departure from the existing commercial and recreational seasons being the same, so just making sure that we're all aware of that. **All right, if there are no other comments on this, is there any opposition to this motion? Okay, seeing none; that motion stands approved.** The next action we will get into is Action 5, which is to modify the fishing year for the black sea bass commercial sector.

MS. BROUWER: You will find this action on PDF Page 19. Here we have five alternatives to the no action. One of the problems that the analysts encountered for this action was for Alternatives 3 and 4 the trip limit ends with the opening of the black sea bass pot season, but it does not specify whether that would still be June 1 or whether it would be different. The analysts couldn't finish the analyses for those two alternatives for that reason. First we need clarification on whether you intended that to mean June 1.

DR. DUVAL: We had quite a bit of discussion about adding these two alternatives to this action at the last meeting. Tom, did you have something you wanted to contribute?

MR. BURGESS: Yes, I do. I am not sure exactly where to start so I will just take a stab at it. I am prepared to support Alternative 6 to modify the commercial fishing year for black sea bass to begin on May 1st and end on April 30th. The reason is because of the recent closure of the pot season from November through April, Alternative 3 was brought up to address discards when grouper was open, and then it would remain a June opening. That was last year. but seeing as we've had that change – or Alternative 4, excuse me – so if that clears up anything about when the opening of the black sea bass pot season.

Another reason I was going to support Alternative 6 is because I was looking at the information such as the last information concerning the closures of these fisheries, and that we have a range of closures with Alternative 6 similar to what we just looked at for the recreational fishery. It looks like the black sea bass ACL will not be met when trap fishing is closed November 1st.

It has a wide range of options there or alternatives, however you want to refer to them; to have a year-round fishery or go into May or – excuse me, I think March was in there and December and January. There was just a list of them similar as to the past information. I am going to support Alternative 6, but I just wanted to share a little bit of that information.

DR. DUVAL: Just clarifying that Alternatives 3 and 4, the intent was to open the pot season on June 1st. That is my understanding from what you said.

MR. BURGESS: Well, yes, actually the Alternative 3, I guess so; or Alternative 4, absolutely. I didn't bring up Alternative 3 or make that as a motion, but I am assuming, yes, it would just continue status quo with June 1st under those two alternatives.

DR. DUVAL: I think that was part of the clarification that we were looking for and understand that you are proposing that given some of the changes that we know are going to go into place with Regulatory Amendment 19; namely, the closure to pots from November 1st through April 30th, that you would be supportive of basically just changing the fishing year to start on May 1st because of that shortened season as of right now.

We just want to remind folks that the advisory panel recommended Alternative 3 as a preferred, but they were interested in changing that trip limit from 50 pounds to 100 pounds. Again, we are considering these actions within a broader range of wanting to reduce discards. What we had heard was that when the grouper season opens and folks are out there fishing, that they are having to throw away so many black sea bass.

Having a fishing season that starts May 1st is one way to deal with those discards. We have a similar action looking at vermilion snapper as well that provides a range of dates. I think one of the things we are going to have to discuss here is that Alternative 6 – well, there are a couple things.

First of all, the IPT has some proposed revisions to the way these alternatives are written that are a little bit further down and basically clarifying that the pot season would begin June 1st for Alternatives 3 and 4. There are two different proposed revisions there, two different sets of proposed revisions there.

The first set of proposed revisions maintains the pot closure that goes into Regulatory Amendment 19. The second set of proposed revisions includes subalternatives that would remove that seasonal pot closure. This is where we are going to get into a discussion of triggering a new biological opinion for the fishery.

We pretty much were in a situation with Regulatory Amendment 19 where because of the potential impacts to North Atlantic Right Whales, we had to have a six-month pot season closure included in Regulatory Amendment 19. But, in order for us to get a new biological opinion and to incorporate all the new measures that have been imposed on the commercial sector of the fishery with regard to the pot limits, the trip limits, bringing the pots back in at the end of the trip et cetera, et cetera – we went through this at the last meeting – we would actually need to select a preferred alternative that would remove that pot closure. I just want to kind of frame out the entire situation a little bit more.

MR. BURGESS: Would we be able to add a subalternative under Alternative 6 to remove the pot closure?

DR. DUVAL: Well, I guess I would look to staff for that. I certainly think we could do that. It is included under the other alternatives to do so. Alternative 6 was not one of the alternatives that actually required some tweaking of the language. You only see it right up here where it is on the screen the first time.

MR. HAYMANS: Table D-13 on PDF 22, with Number 6 Alternative there you have got a range from August to no closure. That is assuming a 1,000 pound trip limit currently with the new ACL?

DR. DUVAL: It definitely assumes the new commercial ACL that is in Regulatory Amendment 19.

MR. HAYMANS: Right, you see that at the top.

DR. DUVAL: But I don't know, Mike, do you have any insight on whether this particular analysis in Table D-13 included – well, I guess we are actually looking at that. If you look at those first three columns using 2012 catch versus 2011 catch, because in 2012 we were actually under those new restrictions.

MR. HAYMANS: Where I was sort of going with that was if we went with a May 1 opening for both hook and line and pot, knowing that there is going to be an issue when we get to November

1st, and maybe that forces our hand to close pot November 1st through April 30th, we basically have a year-round fishery then except for that closed period for pot fisheries due to protected resources. What is wrong with that?

MR. LARKIN: I don't mean to interrupt, but, yes, it does include the new regulations and the new ACL; the analysis does. I just heard back from Nick Farmer so it does.

MR. BURGESS: Doug, there is nothing wrong with that but the fishermen have requested a sector allocation to be applied, I guess you would say, to the hook-and-line and the trap fishery, as requested by the fishermen and the AP to do things just like they wanted to as was kind of what the AP spoke of with their wanting to have some fish in January. I think the year-round fishery at this time under Alternative 6, I don't know if we'll get that far; I sure hope so. I feel confident though we won't be able to catch the ACL by November. We're going to be working on that allocation in Amendment 29.

MR. HAYMANS: Maybe I'm reading too much into the table, but it looks like to me Alternative 6 doesn't consider gear; it considers total landings. If you take a closed season on pots from November through April; that is going to make your hook and line run year round. You are not going to exceed your ACL, it seems to me. I mean that is if that analysis doesn't consider a closed season; if Alternative 6 analysis didn't include those closed months.

MR. LARKIN: It does.

DR. DUVAL: It does include the closed months.

MR. LARKIN: Well, closed season for the traps.

MR. HAYMANS: When you read Alternative 6, okay, it talks about a fishing year from May 1 through April 30th. If the analysis in D-13 is May 1 through April 30th and doesn't take into the fact that we know we're not going to have a pot fishery from November 1 through April 30th, it is my assumption that the hook-and-line sector is going to remain open and we won't reach the ACL.

DR. DUVAL: That is what we're saying because this analysis does take into account Regulatory Amendment 19. The increased ACL and the seasonal pot closure; it includes those.

MR. LARKIN: It does.

DR. DUVAL: Basically, that is what is happening is that you are having a year-round fishery because it is being filled out by the hook-and-line sector once that pot closure goes into place. I think what Tom is saying is that he would like to add a subalternative under Alternative 6 that would remove the pot closure, because I think Tom would like to maybe at some point make a motion to select Alternative 6 as a preferred, if I am just kind of reading into your conversation here. Does that help you out a little bit, Doug?

MR. LARKIN: That is what I'm saying, if the pot guys did fish during that November through April closure, the landings would have been much higher, so they are not included in that analysis. They are excluded.

DR. DUVAL: I'll just remind everybody that last year the provisions of Amendment 18A went into place, and that was the reason our season did not start until July 1st commercially so that we could implement the provisions of the endorsement program. That is a 1,000 pound gutted weight trip limit. That is a 35 pot limit per endorsement holder. That is 32 endorsement holders operating within the region. All those things were in effect for the last fishing year.

It lasted through October 9th I think might have been the closure date of the commercial fishery for black sea bass last year, something like that. Again, taking this sort of holistic view of things, one of the pieces of feedback I think that we have been getting was oh, well, hey, look, in 2012 both the black sea bass commercial fishery and the vermilion fishery opened at the same time in July, and we got a little bit of extension of the season, so can we potentially look to do that again but maybe shift things up towards the earlier part of the year?

MR. PHILLIPS: I am a little bit wary of the projections. It seems to be kind of a general consensus we want a hook-and-line allocation; but what we may want to do is this, see how everything shakes out, when the next amendment comes up see how close we get to our ACLs. If we don't make them, then when we can come back and do an allocation, then we may also want to change the trip limits for the pot fishermen.

They may want to go up to 1,200 pounds or something so we're not leaving fish in the water. This is a public resource. They would like to have access to that fish. I'm sure those pot fishermen would like to have access to the fish if the value is there. This may be a good intermediate step until we can shake out and see exactly how it really is going to work out; and then come back and do our allocation and adjust the trip limits on pots at the same time, which tries to get maximum utilization out of the resource.

DR. DUVAL: I will just say we can't do anything with regard to a sector allocation unless it is in a full plan amendment. We couldn't include anything in this amendment in that way. Alternatives 3 and 4 were added last time as sort of a pseudo means of getting to allowing access to the resource only to the hook-and-line sector at the beginning of the year. Where does the committee want to go? I think we have clarified Alternatives 3 and 4.

Tom has proposed adding a subalternative to Alternative 6 that would – or at least I guess it would be a couple subalternatives; one to keep the seasonal pot closure from November through April, and then the other subalternative would be to remove that seasonal pot closure. Does the committee want to do that? Does someone want to make a motion in that regard? Ben, were you just looking to make a comment?

MR. HARTIG: I had a question about how this is actually going to work. I agree with Charlie; this is an interim and there are a lot of discussions to be had about what direction we go, and increasing trip limits, adding fishermen and another plan amendment. The question I had is, okay, whenever the season starts for the hook-and-line fishery and we have a 50 pound or 100 pound trip limit; when the pot season opens, it goes to the same trip limit they have. Then what happens if we hit the whale season at that time? What does the hook-and-line-trip limit do; does it stay at 1,000 pounds? Okay.

DR. DUVAL: I think it would stay the same. There is nothing else in here that would modify that.

MR. WAUGH: I have had a couple people ask me if we can simplify this some, because it is very confusing. To me, if you add a subalternative under Alternative 6 that considers keeping or removing the pot closure; the pot closure really will be a part of the no action alternative; because once Regulatory Amendment 19 comes online, that will be the no action. We'll have that pot closure in place.

DR. DUVAL: Are you suggesting simply adding another alternative that would just blanket remove the seasonal pot closure?

MR. WAUGH: Or do you want to make Alternative 6 to change the start date to May 1 and get rid of the pot closure. I'm not sure why we need Alternative 5 in there.

DR. DUVAL: Yes, I think Alternative 5 would need to be moved to the considered but rejected appendix.

MR. HAYMANS: Madam Chair, I would make that motion.

DR. DUVAL: There is a motion by Doug **to move Alternative 5 to the considered but rejected appendix**; seconded by Charlie. **Discussion? Is there any opposition? Seeing none; that motion stands approved.** What Gregg is suggesting is to simplify this is to just add language to Alternative 6 that would modify the commercial fishing year for black sea bass to begin on May 1 and end on April 30th and remove the November 1 through April 30th seasonal pot closure; or something in that regard. Is that correct, Gregg, just to simplify it so that you are not dealing with multiple subalternatives?

MR. WAUGH: Yes.

DR. DUVAL: Doug looks confused.

MR. HAYMANS: I know I am understanding this – remove the black sea bass pot closure in November; that doesn't jive because it has got to be closed. You explained this a moment ago when 19 comes online; but I don't want it to be confused here, which I'm confused.

DR. DUVAL: When Regulatory Amendment 19 comes online, which will be sometime I guess maybe early September is when we're thinking things might publish, maybe – when it comes online, that November through April pot closure will be the status quo. That will be the Alternative 1, no action.

This is going out to public hearing in August, and we will be stuck with a pot closure for this fishing year is what we're saying. If we want to have the opportunity to remove that pot closure for future fishing years, then we need to include it in here.

As we discussed at the last meeting, we would need to have a new biological opinion for the snapper grouper fishery that would incorporate the new management of the pot fishery; all the effort limitations that have been put in place that reduce the potential impacts to North Atlantic right whales during that time of year.

MR. HAYMANS: Now I understand. I had already been beaten into submission that we were going to have the pot closure, because that was the way Protected Resources was going. But we're looking to have a new environmental impact assessment, or whatever it is, done on that to determine whether or not 32 fishermen times 35 pots constitutes a threat to right whales. I got it.

DR. DUVAL: You did good; is that clear to folks? We are going to have a November 1 through April 30th pot closure that is going to be implemented sometime later this year. That was a requirement in order for us to get this increase in the ACL through. The concern was that with more than doubling your ACL and with a start date of June 1; that your fishery was going to be extending into the right whale calving season.

In order to give some fish back to the public, we needed to include that pot closure in that regulatory amendment. Everybody understands that, okay? In order for us to ever remove that pot closure, we need a new biological opinion that is going to incorporate the new management measures and take those all into account. Everybody understands that?

MR. BELL: What is the timing and the process of the new biological opinion? What is involved in that; how long does that take?

DR. DUVAL: How long does a new biological opinion take and what is the process for that?

DR. CRABTREE: It will probably take four to five months or so; and exactly when we start work on this I guess would normally be when this is submitted to us at that stage. It will definitely slow this down quite a bit.

DR. DUVAL: I think Jennifer Lee from the Office of Protected Resources is here, and, Jennifer, if you don't mind coming up to the microphone and perhaps from the horse's mouth addressing some of these questions; that would be great.

MS. LEE: Sure; and just to remind you during your PR Committee, you did ask for this to be one of your topics. I can speak a little now, but keep that in mind you also have an opportunity to learn more about some of the particulars of the issue then. That will obviously be before your Full Council.

But, yes, if an action was taken where you were proposing to remove the closure, once you have selected that as a preferred alternative, at that point our Sustainable Fisheries Group can request that PR reinitiate consultation. As Roy mentioned, that would be a lengthy process. I do want to note that the last snapper grouper consultation was in 2006.

Things change and we haven't reopened that consultation since that time. If we were to reinitiate consultation because of this whale issue, just keep in mind we would also be redoing our analyses of every other species that is affected, so looking at our sea turtles and things like that. It is not just a one-topic biological opinion. The whole thing would have to be redone.

That is something to think about. Then also I know you are most familiar with the biological opinions dealing with sea turtles. Right whales are a lot different just in terms of their endangered status. When we talk about sea turtles, you are used to biological opinions that

maybe even have hundreds of sea turtles being impacted. With right whales, obviously you can't do that; because that is all there are out there are hundreds.

What the outcome of that consultation would be, I guess we would just have to evaluate that and who knows whether or not we would be back here again, depending on the outcome, with some type of reasonable and prudent alternative if it turned out to be jeopardy. We never know until we actually do the consultation, but just something to think about.

DR. DUVAL: Jennifer, just to clarify, because it is an opinion for the entire fishery, you would be addressing all gear types in the fishery, so both the pot and use of hook and line.

MS. LEE: Yes; because that consultation was done in 2006 my guess when it came time to reinitiating and updating, we have a lot of updating to do.

DR. DUVAL: Okay, Gregg, did you want to say something before we get to some of the other questions around the table?

MR. WAUGH: Yes, just with that clarification; so if you made this your preferred and then on Friday the council approved it, then they could start the process.

MS. SMIT-BRUNELLO: Well, remember that this closure for the pot fishery doesn't exist yet. You took action at your last meeting in May to require that from November 1 through April 30th the commercial black sea bass pot component of the snapper grouper fishery is closed. The proposed rule hasn't even gone out yet.

You are picking a proposed alternative for something – it is just odd because the rulemaking hasn't been completed. I have no trouble with you proceeding down the road as if the final rule for Regulatory Amendment 19 will be issued, because you have already dealt with Regulatory Amendment 19 and you are moving down the road. I just want to remind you that rulemaking hasn't even started on that. We're going to get the public comments, and there won't be a final rule, if there is a final rule, until we get the public comments.

DR. CRABTREE: If I could; we'll be approving this to go to public hearing. We won't start the biological opinion until we're essentially at the final action stage. We wouldn't start working on it at this stage.

MR. PHILLIPS: I just hope you explain this in the text for the public.

DR. DUVAL: Yes, that is a consideration.

MS. BROUWER: Not to jump ahead, but one thing the committee might want to consider is to put the actions dealing with black sea bass in a different document because it sounds like it is going to create a good bit of delay. If there are other actions in that amendment in Regulatory Amendment 14, as it currently is; that you would like to see go through, then you might consider that as well.

DR. DUVAL: I think I would probably recommend only moving this action dealing with the commercial fishery into another amendment, if that is the way that the committee chose to go.

MR. HAYMANS: Is there no other mechanism to ask the National Marine Fisheries Service for a BO? I mean, can council not send a letter requesting them to review that type of action without it going through a plan amendment? Is there any other mechanism?

MS. SMIT-BRUNELLO: Well, I don't have them in front of me, and Jennifer could speak to it, but there are like four, I believe, re-initiation triggers – four kinds of triggers that will trigger a new biological opinion. I am not sure other than you taking – for the snapper grouper fishery specific to black sea bass, I'm not sure there is any other mechanism for you to request a new biological opinion other than you taking the action in this case assuming Regulatory Amendment 19 goes into effect that you would take the action to remove that closure.

I would think that Protective Resources staff back at the Regional Office, knowing that could be a likely outcome will start marshalling many different facts, documents, information that they would need to get together to perform the biological opinion. But they, too, just like Sustainable Fisheries staff at the Regional Office, they have a lot of other things that are going on. They probably want to wait somewhat until they were certain that you are going to go ahead with that preferred action before they would actually really start working, but they work for Roy and not me. I'm just throwing my two cents out there.

MR. WAUGH: Monica, we're confident that the rulemaking will catch up to us before too long, but it isn't like you could not implement that. We put that closure in there because we had to in order to get the amendment approved. Yes, we have to wait but it is not like you won't implement that. We know that is going to happen.

When we did spiny lobster, we didn't wait until we were ready to approve the amendment to start the review. The review was done and we were presented alternatives. We are getting out of whack here; because if they do the review and there are some alternatives that the council consider, then we might be able to put them in this amendment.

If we wait until we are giving final approval, then the determination is going to be, well, you have to do something and so you have got to take it out. We're getting kind of tied to a whipping post here to where you will never get there to get rid of this closure or to get the consideration of getting rid of this closure.

DR. CRABTREE: Well, number one, you've been at this long enough, Gregg, to know that we're not going to say that Amendment 19 will necessarily be put in place. We've got to go through public comment period and all of that. Number two; that closure was not put in Regulatory Amendment 19 solely to expedite things. It was put in there to protect right whales.

Now if by your review you say can we find out from PR what they think of this and what it might do, yes, you can ask for some information. We've done that in other fisheries, but you aren't going to get the biological opinion until we get to the final action stage on this amendment.

Now I think on the face of this, any analysis is going to show if you eliminate that seasonal pot closure, it increases threats to right whales. If you want to ask Protected Resources do they think that is the case, you could do that. If you wanted to ask them, well, what is the chance that you

could increase threats to right whales and get a positive biological opinion; you might could get to get some input on that.

But as Monica said, we're under a huge workload with biological opinions. It is probably worse than the workload that you have for amendments here. A biological opinion is not going to come quickly, and it is not going to be done until we get to the point of taking action on this or after we've taken action. Now I think the idea of splitting this action out of this amendment and dealing with it separately is a very good idea, because I don't see why you would want to hold up all the rest of these actions waiting on this. It does seem to me to make sense to deal with it separately.

MS. BECKWITH: This is for Roy; if we reinitiate consultation on this; are there any other outfalls that we should be cognizant of?

DR. CRABTREE: Well, it is on the fishery of the whole, and I can't predict to you what may come up. There have been some species listed I guess since the last consultation, correct, Jennifer? Sturgeon comes into mind, corals; whether those are going to have any implications in all of this or not I don't know.

MS. SMIT-BRUNELLO: But to Anna's question as well, we have had some new listings of different species since 2006. I think critical habitat for the deepwater corals went in. It is not like we haven't considered those. Behind the scenes back at the ranch, when you all send these in to the Regional Office, the Service has to consider the effects of the fishery on those newly listed species or new critical habitat.

Those kinds of things, so far we've been able to address the concerns without needing to do a biological opinion because the effects really – I can't remember what they exactly were, but they were very small, if any. We haven't been ignoring those new listed species of critical habitat designated under the ESA. We've been addressing them along the way.

MR. HAYMANS: Madam Chair could we possibly not add the subalternative under 6, move forward with this action but have whatever those intended subalternatives be the new plan that we are going to basically look for.

In other words, can we move just the removal of a closed season to the separate plan and not the entire action? In other words, let's go ahead and if we want to move the sea bass start season to May 1st, let's go ahead and do that now and tackle the closed pot season by itself.

DR. DUVAL: Yes, I see what you are saying; actually just have a separate action that would just remove the pot seasonal closure. I'm sure there would have to be some maybe alternatives in there to shorten it or lengthen it or whatever, but that would certainly be a way around this.

MR. PHILLIPS: Well, if you do it that way and you know it is going to take a while, then that might be the time to consider your allocations.

DR. DUVAL: What are folks' thoughts? It sounds like potentially we could leave the wording of Alternative 6 the way it is, which would simply incorporate the pot closure that we assume is going to go into place under Regulatory Amendment 19, and then we could direct staff to

develop an amendment to remove the seasonal pot closure. I guess that could be a regulatory amendment because it is dealing with the season change. Clearly, it would trigger a new biological opinion and an EIS.

MR. HAYMANS: Madam Chair, I would make a motion to remove Alternatives 3 and 4 and move them to the considered but rejected and then have a follow-up motion to that.

DR. DUVAL: There is a motion by Doug to remove Alternatives 3 and 4 to the considered but rejected appendix; seconded by Charlie. Discussion?

MS. BROUWER: Let's get some rationale.

DR. DUVAL: I think I would like to have a little bit of discussion as to why you all would want to remove those two alternatives. Alternative 3 was the preferred of the advisory panel, and I think it would be good to provide some rationale on the record for why we're removing that.

MR. HAYMANS: Based on Charlie's suggestion a moment ago that if we move forward with a pot opening/closing in a separate amendment and we look at the allocations at that time, we would have left Alternatives 1, 2 and 6, which is May, June and July; enough alternatives to decide between this. We move on with the year and we look at allocation and pots in the next amendment.

DR. DUVAL: If you wanted to look at allocations, that would be a full plan amendment; I'll just remind you of that. Folks are good with that. Does that help you out, Myra? **Are there any other comments on this motion? Is there any opposition to this motion? Seeing none; that motion stands approved.**

MR. HAYMANS: Madam Chair, I make a motion that we select Alternative 6 as our preferred.

DR. DUVAL: Motion by Doug to select Alternative 6 as the preferred; seconded by Charlie. Discussion on this motion?

MR. BURGESS: The idea is that we will address the closure in a separate amendment?

DR. DUVAL: I am seeing heads not around the table that would be the intent; that we would direct staff to begin development of another amendment to consider removal of the pot closure as well as a sector allocation between the pot and hook-and-line sectors. Other comments on the motion? Robert.

MR. JOHNSON: I just wanted to make a comment. The AP's intent was without having a full plan amendment to give the hook-and-line commercial fishermen a chance to harvest some of these sea bass. If you see what the pot landings were last year and you double that ACL; they are still going to catch that ACL before the right whale calving season kicks in most likely. When you do this, you are basically – I mean that was the intent of the APs alternatives; the ones we chose as our preferred. I wanted to clarify that. That was the reason.

DR. DUVAL: Thank you for that input, Robert. Are there other comments around the table on this?

MR. HARTIG: That changes my thought patterns on removing Alternative 3, for sure, if that was the intent. As this is an interim measure in this document, it would benefit the hook and line without having the allocations in place yet and it would allow them to participate in the fishery a little bit fuller than they have in the past, given the increase in the ACL, which I think we should do if we can in this interim time period.

MR. HAYMANS: Ben, in that Table D-13, I go back and I continue to – it looks to me like the season is at least open from May through September, possibly even October or December. There is hook-and-line fishing occurring throughout that entire period with a 1,000 pound trip limit. What more can we do? If I'm wrong, tell me.

MR. BURGESS: Bonnie, I have a question. I was under the impression that, of course, that the season would remain open after the closure, and that is due to fishermen's behavior similar to last year. But let's say, for instance, it does close prior to November 1st if we continue along these lines; to what degree would you be able to monitor the fishery to close the pot fishery down when X percentage is left to remain for hook and line?

DR. PONWITH: That is very doable. The new system is specifically designed so that if you have special cases or special questions or special considerations you want to enter into the way the data are collected, those can be accommodated. If you wanted to change the way fishing happens at some percentage and you want to know when that percentage is hit rather than when the ACL is hit, that can be factored in.

MR. BURGESS: I do have a followup. I think that the historical participation of the hook-and-line sector is I would say 15 percent or something like that; something to that degree. I think that I would be willing to offer up a motion, if this motion passes, to close the pot fishery down with a certain percentage left.

DR. DUVAL: Tom, I think if this motion passes, which would implement a May 1 start date, that you would follow up that with another motion assuming that May 1 start date to close the pot fishery when a certain percentage of the ACL is reached.

MR. BURGESS: That is correct.

DR. DUVAL: I guess I am just trying to clarify that your intent in this future motion would be to have a May 1 start date, and Tom is nodding his head yes. We have a motion on the table to select Alternative 6 as the preferred. We've heard from the AP Chair regarding the AP's rationale in choosing Alternative 3 as their preferred to allow for some specific access to the resource by the hook-and-line sector.

Tom Burgess has indicated a desire if this motion passes to offer up something that would provide for that access for the hook-and-line sector by closing down the pot fishery when a certain percentage is reached. What do folks want to do? We have a motion on the table.

I think we need to vote this motion up or down and then proceed from there, whether that is moving forward with something like Tom said where you are closing down the pot fishery when a certain percentage has been reached; or if the committee would want to reconsider its previous motion and add Alternative 3, I guess back into the mix. Are there any other comments on this motion to select Alternative 6 as a preferred? Mel looks deep in thought.

MR. BELL: Well, I guess my thinking about this kind of depends on if we can do what Tom is suggesting. It is sort of like trust me, we can do this, but I don't know.

DR. DUVAL: I think what Bonnie has indicated is that, yes, the commercial landings monitoring system does have the ability to monitor the landings as they are coming in to give you that projection trigger of when a certain percentage of the ACL is going to be met and then you would institute other management. It is kind of like what we had for golden tilefish originally where when 75 percent of the ACL was met; then we dropped the trip limit down to 300 pounds.

MR. HARTIG: Look how well that worked.

DR. DUVAL: Well, I know, but we had a different system in place or not a system in place.

MR. HARTIG: I agree with you totally; I'm sorry.

DR. DUVAL: According to what Bonnie has said, that is a possibility. Now if you are asking Tom to be more specific about what he has in mind, then please do so if that is going to affect your vote on this motion.

MR. BELL: I would feel better if Tom would be more specific about what he had in mind perhaps before I voted on this.

MR. BURGESS: Okay, well what seems appropriate; I would like some discussion around the table. The fishermen want to have that access and I completely 100 percent support it. The reason it didn't come up originally is because it looked like we were going to have a long season with what we had. We are working towards an allocation formula. This could possibly be an interim measure. I would offer up –

DR. DUVAL: Don't offer up a motion right now, please, because I don't want us to get tied around the axle; but I think if you describe what you have in mind, that would be great.

MR. BURGESS: I'm thinking 15, 20 percent.

DR. DUVAL: You're thinking that once the ACL has reached or is projected to reach 80 or 85 percent, that you would shut down the pot fishery and just leave it open to hook and line? Would you maintain the 1,000 pound trip limit?

MR. BURGESS: Well, I am thinking that the idea behind this is to lengthen the season. I think a range of alternatives of 100, 200 or 300 pounds might be appropriate to associate with that.

MS. SMIT-BRUNELLO: Just to ask Tom for clarification; you mean when X percentage of the total black sea bass commercial ACL is met, right? You don't mean when the black sea bass pot fishermen have harvested a certain percentage of the ACL; you mean the total ACL; and you are nodding your head yes for the record. Okay, I understand, thank you.

MS. BADEMAN: It was just a procedural question. If we did something like what Tom wants to do, I just wanted to make sure that we could do it in a regulatory amendment, just to be sure that this wasn't going to be considered some kind of allocation.

DR. DUVAL: No, it is not. That is a great question. This would be basically an accountability measure, really, is what it amounts to.

MR. PHILLIPS: I might be inclined to want the trip limits higher or at least for looking at the analysis to make sure that we're not going to leave any fish in the water. You may want to go up to 500 pounds or something.

DR. DUVAL: I guess we could look – the AP had recommended 100 pounds previously in looking at the other actions within here.

MR. BELL: I was just going to say; when I asked if we could do this, I was thinking like Martha in that we could do this legally, so to speak, and I realize mechanically we can probably pull it off. But also in terms of a hook-and-line trip, I don't really have a good feel for what – you know, is a 500 pound trip an exceptional trip for hook and line? I don't really understand what the average might be in terms of looking at numbers.

MR. HARTIG: To that point; is Kenny in the audience?

DR. DUVAL: Yes, he is, Kenny Fex.

MR. HARTIG: I wanted to ask him to come up earlier, but I have delayed it, but I think it would be nice to have him come up and tell us – someone who actually can target black sea bass with hook and line what levels of harvest you can actually have.

DR. DUVAL: I agree. Again just a reminder, the AP's preferred alternative was predicated on that 100 pounds being more of like a bycatch, being able to keep the black sea bass that they were encountering while fishing for whatever else was open during that January through April grouper closure. Kenny, do you mind identifying yourself for the record.

MR. FEX: My name is Kenny Fex. I'm on the Advisory Panel. A rational trip, you have got a diversified catch; black sea bass, 2 to 300 pounds, maybe 400 pounds is reasonable for the trip, because you are still going to have grouper at that time of the year. I could see that as a rationale. At the beginning, when you upped it up at 100 pounds versus that 50, the reason that was is because 50 pounds isn't much.

We are just trying to get the fish on the market. You are catching them – we're offshore in the wintertime, trying to avoid the fish, the coldwater fish, and black sea bass is a cold water fish. Those 100 pounds was just more of a bycatch, because they are moving offshore. They are out

on the break now. It is really hard to avoid them. It was just an alternative. There is more than 50 pounds. Fifty pounds isn't really realistic. That was the rationale behind that.

DR. DUVAL: Does anybody have any other questions for Kenny while he is up here? Ben, you look like you might have a question.

MR. HARTIG: Kenny, have you made any, in the past; specific trips targeting black sea bass?

MR. FEX: When June opened we did; we went to targeting – they're inshore fish. We try to avoid them in the wintertime, because they are inshore. But, yes, we will target them but it is really not our major forte. It has always been a trapping thing. It is just more now – they are making more of abundance throughout the realm of the fishery.

MR. HARTIG: When you are targeting on a trip, will that be the predominant catch of your trip or are you still going to try and catch other species?

MR. FEX: Yes, it is only when the opening opens. It is like we target them then, but, yes, predominantly we are not targeting them and they are just like a bycatch species.

MR. HARTIG: When you are targeting them – this 2, 300, 400 is in the range of your catch when you target them or is that more of a bycatch?

MR. FEX: Two to three or four hundred pounds would be a realistic thing to let it last longer. If you did what you were talking about, I could see that working. That way it would last a couple more months and that would be a good idea, because it is really, like I said, not a targeted fish. It would help, though.

DR. DUVAL: Are there any other questions or concerns? Thank you very much, Kenny. I appreciate your input. We have a motion on the table to select Alternative 6 as our preferred, which would modify the start of the black sea bass commercial fishing year to May 1st.

Tom Burgess has indicated a desire, should this pass, to offer up another motion that would close the pot fishery once 75 percent of it or some percentage of the ACL has been reached, and with a range of trip limits for the hook-and-line sector. It would be my preference that we just go ahead and vote up or down this motion, and then we can move into crafting another motion that might address that. Is there any other discussion around the table? Mel, you look confused again.

MR. BELL: I do that well, don't I? Tom's wording would become an alternative to six or a modification of six; what would that be? Would that be another alternative then at that point?

DR. DUVAL: I think that would actually have to be – it might have to be another action or an alternative, because it would – I think trying to word something like what Tom is talking about such that it is dependent on this other alternative would be a little nutty. It might be that if we were to do that, we would then want to go back and select that as a preferred alternative.

MR. PHILLIPS: Well, the action is to modify the fishing year; and if we go back and just do 75 or 80 percent, whatever; that wouldn't really fall under the fishing year. It seems like we're going to need another action.

DR. DUVAL: Well, here is a couple potential means of doing this. We could put together a few subalternatives under Alternative 6 that would establish what that percentage might be and the various trip limits. You might want to do it one subalternative – if you guys can settle on a percentage, and then just have the subalternatives be the various trip limits, maybe 200, 300, 400 pounds; that would be one way to do this.

If you can't settle on a percentage, then you are working into multiple subalternatives and you might want to consider a different action. If it would be the desire of the committee to modify Alternative 6 to include that, I think we could do it, but I am going to look to our parliamentarian here.

I might suggest that we would want to probably withdraw this motion first in order to modify that alternative. Joe, we've had a lot of discussion on it, and I know that at this point it would have to be with the consent of the entire committee I think to withdraw that motion.

MR. GRAHAM: You could withdraw it; and then during a recess, you could write out the motion.

DR. DUVAL: That is kind of what I'm thinking. What do folks think around the table? Would you be willing to do that? We need the consent of the committee if the motion is to be withdrawn in order to add some subalternatives and then bring it up again. I'm seeing some heads nodding around the table. **Okay, with the consent of the committee, the motion is withdrawn.** I'm going to suggest that we take about a 15-minute break and come back, and we'll finish up our discussion on this motion and keep moving forward.

DR. DUVAL: All right, everybody, we have some potential language up here for a modification to Alternative 6. What we did was talk to Mike Errigo and asked him if he could quickly provide a breakdown between landings from the pot and hook-and-line sectors. Mike did some averaging over I think like the last 10 years versus the last 20 years. I think over the past ten years the proportion of landings from the hook-and-line fishery was 15 percent, roughly. I've asked Mike if he could just come up here and quickly outline what he did.

DR. ERRIGO: Yes, I just took the landings by gear and I just got the percentage in each year for pots and hook and line and then I averaged. I did it both for 20 years and for 10 years. The past 20 years; that is from 1990 to 2010, hook and line caught approximately 20 percent of the landings for hook and line. If you average from 2000 to 2010, that is more like 15 percent of the landings are for hook and line.

DR. DUVAL: I think just to clarify – and I will just read the language here that if someone cares to make a motion once we've had a little bit of discussion on this, but it would just be to modify the commercial fishing year for black sea bass to begin on May 1 and end on April 30th. Prohibit harvest of black sea bass with pots once 80 percent of the commercial ACL has been met or is projected to be met.

Then you have three subalternatives under there, which would establish either a 200 pound, 300 pound or 400 pound trip limit for the hook and line sector. This provides some, I think, access for the hook-and-line fishery. And in speaking to Monica during the break, she has indicated that this is kind of like a gear restriction, and the council does within a framework amendment

have the ability to provide gear restriction. I would just want to let Monica say a couple words about that.

MS. SMIT-BRUNELLO: Well, that's right. There were some questions raised by Mel and Doug and others I think about whether this could be done via a framework process. In looking at the framework right now as it is set up, I believe this could be considered a gear restriction, which you could do via a framework measure. My question goes to this motion, and does the trip limit for the hook-and-line sector kick in once the 80 percent of the commercial ACL has been met and the black sea bass harvest with pots is closed or does this exist all year long?

DR. DUVAL: Just when it closes. Until this 80 percent of the commercial ACL has been met, both the pot sector and the hook-and-line sector would be under the same 1,000 pound trip limit. Does that make it clearer? Myra has added some language; establish a 200 pound trip limit for the hook-and-line sector after the black sea bass pots closed.

MS. SMIT-BRUNELLO: We can figure out the wording, I think. You could maybe even put it up in the actual alternative so you wouldn't have to put it in each subalternative.

DR. CRABTREE: You need to be clear that it doesn't apply during the November 1-April 30 closure, though. If you got to November 1, but 80 percent was not caught, pots would close, so does it apply during that closure?

DR. DUVAL: I see what you're saying. Okay, does everybody understand what Roy has said? If we haven't reached that 80 percent trigger by the time the pot closure would be triggered on November 1st, that this 200, 300 or 400 pound trip limit would then not apply. Roy, I just talked myself into confusion; please help me out here.

DR. CRABTREE: Well, what I was getting at is the way it was written. It only applies after pots are closed because the trigger has been hit. It doesn't apply if pots are closed because the seasonal closure is in place I think is what you mean, although I'm not sure whether it applies any time pots are closed. That is what you need to clarify; I guess it could go either way.

MR. BURGESS: I guess it could apply either/or when the seasonal closure or the in-season closure, we'll call it, prior to November 1st, something like that; is that what you're referring to?

DR. DUVAL: Yes.

DR. CRABTREE: Yes, I'm just saying it is not clear the way it was written or at least it wasn't clear to me.

MR. PHILLIPS: I think what you're trying to say is when we hit 80 percent, it doesn't matter if the pot season ends or not. When you hit 80 percent of the ACL, it just changes. That would be the trip and not even worry about when the pot season ends or when it doesn't. It might be cleaner.

DR. CRABTREE: It could be you are in the November closed period; and that then the 80 percent hits so the trip limit would kick in the middle of that. I think if you specified it kicks in when the trigger is hit, just as long as you are clear about it.

MR. CUPKA: The 80 percent is based on the 20 percent that has been historically taken by hook-and-line fishermen, right? But if the season opens to both gear types and closes when it hits 80 percent, won't you actually be giving the hook-and-line fishermen more than 20 percent of the ACL?

DR. DUVAL: We talked about this; and looking at Mike's analysis I think if you look at the numbers from 20 years ago, the hook-and-line sector used to take 25 percent and it has gone down – well, even up to 30 percent. It has gone down over the years. I think as the season was constrained, then the hook-and-line landings kind of fell out from there.

But, yes, you are correct in that you have got both sectors fishing on the same ACL until this trigger is met, and then you are actually allowing more access. However, this does not disallow pot endorsement holders from continuing to fish using hook and line. To that point, Ben.

MR. HARTIG: Not only that; what Tom has said in conversations we've had is that when the pot fishery closed and if there is fish on the quota left, they want to go hook-and-line fishing for black sea bass.

DR. DUVAL: I think we just need to clarify this language regarding when the required closure goes into effect if these trip limits would apply as well.

MR. BURGESS: First off, what we are discussing now as far as the language goes, I was wondering about the benefits to all of the hook-and-line sector if this trip limit went into effect on November 1st, say just for this conversation, and kind of an either/or type of a situation; and that would be to stretch out the season; and there is no telling how long it will last.

It is according to the trip limits. We've kind of been working in this direction with the 75 percent accountability measures with vermilion snapper and with gag grouper. The idea is to lengthen the season and eliminate discards. I wouldn't have a problem with that regardless of whether if it 60 percent November 1st or 50 percent. Those are a little low, but just to make a point.

Then the other part about David saying they are going to be fishing hook and line throughout the whole timeframe regardless of the numbers there; I think when they are out there and we have traps out there, too, and the water warms up, they are not so bunched up; and I am not sure what type of an impact that hook-and-line sector will have on that ACL during that timeframe, but it seems like it gives them some access to this resource that they sure have asked for. I support it as it is.

DR. DUVAL: I understand that. but I think there is still some confusion as to if you don't hit that 80 percent of the ACL until after the seasonal pot closure goes into place, until after November 1; would these trip limits still be triggered? I think that is what we are trying to clarify here.

MR. BELL: There is something just to think about, I guess the big picture is what are we trying to achieve? Are we trying to achieve a fishery that is open in one capacity or the other or both throughout an entire year? If that is so, is there one of those that would give us a better chance of

doing that like say shifting to the lower limit when it is shut down not because you hit 80 percent but because of the closure.

Is there an advantage to doing that to allow the hook-and-line fishery to work at a reduced level and stretch the fishery even further? Then in terms of – this is something I am sure we don't know the answer to, but kind of looking big pictures at black sea bass, if there were going to be possibly a closure; is there a time of the year from an overall market standpoint for that product that if you had to be closed; is there a good time to be closed?

In other words, if there is another region with a much stronger portion of the market; is that better to not be worrying about it then? Do you know what I'm saying? That is a little bit bigger picture question. I don't know that anybody has the answer for that. I don't understand the overall sea bass market. That is just another thing to think about I guess is how this fits into the bigger picture.

DR. DUVAL: Right; and so there was some discussion of that at the AP meeting with regard to market impacts and season opening. Generally, the Mid-Atlantic fisheries are opened more in the winter through the spring as you move from Virginia north. For example, North Carolina, we have a commercial black sea bass ACL for north of Hatteras or commercial quota for north of Hatteras.

Generally our fishery is closed by the beginning of April. I have actually put out some e-mails to some other state directors just asking – like New York and New Jersey; they've got some significant amounts of quota, Virginia, when their markets sort of peter out up there. I've gotten one response from Virginia.

They are slightly different, though, because they have taken their share of the black sea bass quota and turned it into an ITQ program. That makes things a little different I guess in addressing that. But I think in terms of spawning, they spawn more in the spring. From a biological perspective, that might be better.

MR. BELL: I remember having a conversation with someone years ago about market conditions, and I know we could get much better prices for sea bass coming out of our region when that northern fishery was shut down. That was kind of a benefit to being able to plug that hole in the market right there and take advantage of higher prices, but that would be the wintertime, I guess.

DR. CRABTREE: It just seems a little bit to me that we're just trying to do too much too fast in this fishery. We just put in place an endorsement system and a bunch of gear restrictions. Now we've just put in place a quota increase and everything. Here we are sitting here talking about changing fishing years and trip limits and triggers and all these. It just would make sense to me to step back a minute and let Amendment 19 go in place.

Let's let the fishery operate under the higher quotas and see who catches what and when things actually close and what happens, and then come back in and talk about changing things. I just have the feeling we're just changing too many things too fast. It is hard to know what is going to happen, because we haven't even gotten the last amendment on black sea bass in place yet. My advice would be to slow down a little on this.

MR. JOLLEY: I agree with Roy 115 percent. This is an abomination this thing we've been going through. I've read through this script here about a dozen times, and I still don't understand it very well. I think stepping back and proceeding a little slower might make a lot of sense.

DR. DUVAL: Well, I'll just remind the committee that we have been requested to consider aligning some season openings when it made sense to do so in order to reduce regulatory discards. That is why this action and the following action are in here. If folks feel like this particular alternative would be too much, we don't need to add it. We already have an existing Alternative 6 that would just modify the commercial fishing year to start on May 1st.

We've already had discussion about directing staff to begin development of a new amendment to consider removal of the required seasonal pot closure that may or may not pass in Regulatory Amendment 19, and then include some sector allocation between the pot fishery and the hook-and-line fishery in there.

It is up to the will of the committee as to which way you all want to proceed, but I will remind you that these actions are included in here as a means of trying to do a little bit of season alignment and elimination of discards. That is why we started going down this road.

MR. BURGESS: Just briefly, I do strongly support the alignment of seasons, black sea bass with gag grouper that are caught hand in hand. Fishermen have been known to speak on the radio in past years about throwing nice, beautiful sea bass overboard when they are catching gags. That is where I think one of these alternatives came in about giving the hook and line from May and then opening in June.

We've also had some things come onto us as far as no more winter trap fishing. The way it is looking to me personally that will go through or it has to go through now because it triggers a biological opinion and that will take time. I don't know if that will even be ready for the 2014 season.

This action started off with just that idea of seeing how things go because of the projections that we had how long the season was going to last. We had comments at the table about the frustrations of the hook-and-line sector about being cut out of all this fishery for so long. This adjustment is to address those concerns and to hopefully accommodate a sector or our fishing community. I support it for those reasons. I would like to see it move forward.

I know it is a lot to do, and it is fast and everything like that; but I guess the fishermen out there, not this season but next season they will have the opportunity to harvest some sea bass for next year after the pot fishery has closed. It could be a real benefit to them. I know it is difficult and tough to move forward so fast and all, and it seems like a knee jerk reaction, but I think the fishing community really wants it.

DR. DUVAL: The committee could choose to add this as an Alternative 7. Well, it wouldn't be 7 anymore with the removal of two alternatives previously, but you could add this as an extra alternative to this action and still maintain the existing Alternative 6.

MR. PHILLIPS: To Roy's point, I agree with him. If we leave it alone, we are going to try it and see how it shakes out. If we do this, we are going to try it and see how it shakes out. I am

inclined to think this is closer to where we are going to end up. Maybe we want to go ahead and do this and hope it is closer to where we want to be than leaving it where it is presently. Either way, we are going to have to see how it shakes out and we are probably going to come back and tweak it some. I would like to get as close as to where I think we want to go in the long run sooner rather than later.

DR. DUVAL: Other thoughts around the table? I've presented you guys with a few different ways to move forward. You can maintain your existing Alternative 6; you could add this as an Alternative 7; clarifying that these trip limits would go into place even if that 80 percent trigger occurs after the November 1st closure of pots. You could choose to not add this. There is no motion that has been made to do so.

MR. BELL: You answered my question; we could add that as an Alternative 7 or a different number.

MR. CUPKA: I also strongly support trying to align these seasons to reduce some of the waste and discard and all, but I also tend to agree with Roy. I think we are trying to do too much too fast. We've done this in the past. We've ended up creating more work for ourselves and for staff having to go back to correct things that nobody foresaw, because we didn't give them a chance to shake out, as you say.

I don't have any problem with the original Alternative 6, but I think once you start doing some of this other stuff, I just don't feel comfortable. When the season first opens, it will be available to all fishermen, whether they're hook and line or pot. If the ACL is not caught before it has to close to pot fishing; the pot fishermen would still be able to hook and line. The hook-and-line people would still be able to fish.

Unforeseen, if you get – well, not with this date change, but the way it was originally, conceivably you could have some pot fishing when it reopened, but it is not going to happen with this date change. I just feel real uncomfortable about trying to do much at one time, and I've seen it happen too many times where we end up paying a price. I don't think we're shutting anybody out if we go with the original Alternative 6.

DR. DUVAL: What are people's thoughts? Is there a motion to add this as another alternative or not? We've heard support for doing so and lack of support for doing so; that we might be trying to add just a little bit too much to this particular regulatory amendment.

MR. HARTIG: I am in a fall-back position now. I agree; we had this discussion amongst ourselves when we were trying to do this. I think especially from David's perspective, as long as he's looking back on the council, it occurred to me in the middle of doing all this, it just seemed like we were trying to do too much. Maybe the fishery and the fishermen would be better served to be going underneath the alternative we have already approved. That is where I am headed back to.

DR. DUVAL: Just to clarify; we actually did not approve that as our preferred alternative. We withdrew that motion to potentially craft this new alternative. I will just remind folks of that.

MR. BELL: If we don't add this, then we don't have anything that – you know, the AP recommended 3; we took 3 off the table. We're kind of back to the situation for the hook-and-line guys where there is not really anything that addresses that original concern. That is why we started kind of playing around with this one. If we don't do that, then we are kind of not listening to I guess one of the concerns of the AP.

DR. DUVAL: What we can do – and I talked to Joe about this earlier – if the committee does not want to add another alternative to do what is up there on the screen, we don't have to do that. If you did want to go back and add back in one of those two alternatives, basically Alternative 3, which I think was the preferred of the AP, we would have to have a motion to reconsider.

We would vote on that motion to reconsider. Once that motion to reconsider was approved, we would need a new motion to add back in Alternative 3 to the mix of alternatives under this action. I'm just explaining to you the process.

MR. HAYMANS: I didn't think that we could contemplate three or four because there wasn't enough information given to fully analyze those, and therefore we couldn't pick either one of them as a preferred because they weren't fully analyzed.

DR. DUVAL: The reason they weren't fully analyzed was because we were not specific in saying that the pot season would start June 1st. We were specific in our conversation since then that the pot season would start June 1st. That is the reason those analyses were not filled in is my understanding. Even if we add back in one or both of those alternatives; that does not obligate us to choose one as a preferred. It just puts it out there as an alternative for public comment.

MR. PHILLIPS: Madam Chair, on an effort to expedite things I would like to make a motion to add an alternative that says open the black sea bass commercial only to the hook- and-line sector on January 1 with a trip limit of 100 pounds. The trip limit ends with the opening of the black sea bass pot limit.

DR. DUVAL: I think your motion is out of order, Charlie, because that is basically the same alternative that we just moved to the considered but rejected appendix. But there were subalternatives – okay, my apologies, because I was looking at the IPT suggested language, which would have had subalternatives of 50 pounds and 100 pounds under a rewritten Alternative 3. Charlie's motion is to add an alternative that would open the black sea bass hook-and-line sector on January 1st with a 100 pound trip limit until the pot season opens on June 1st. David, are you seconding that motion or do you have a comment?

MR. CUPKA: Well, I will, but I thought the first time he mentioned it he didn't include the opening date for the pot fishery on June 1st, which is where we got in the problem in the first place.

DR. DUVAL: Okay, so a motion by Charlie and a second by David to add an alternative that would open black sea bass harvest with hook and line on January 1st with a trip limit of 100 pounds until the pot season opens on June 1st. Discussion?

MR. BELL: A hundred pounds would be sufficient for that period? I know Kenny was saying two, three. I don't know if a hundred is adequate is all I would be asking at this point, because they would be a little bit more targeted at that point since grouper is not open or anything.

DR. DUVAL: No, based on what I think the AP commented on is that 100 pounds is just letting you keep your bycatch in the places where the fish are at that point. It is not necessarily where they are focusing their fishing effort.

DR. CRABTREE: In this motion does the fishing year remain June 1?

DR. DUVAL: Yes, and that was a question that the IPT had. If the fishing year remains June 1, then that kind of complicates the accounting.

DR. CRABTREE: What would their fishing year be under this motion?

MR. PHILLIPS: The fishing year would have to be January 1.

DR. CRABTREE: And why would the pot season open on June 1? It seems to me then it would open on May 1 when the seasonal pot closure ended.

MR. PHILLIPS: We can open. We can change this to open it on May 1, which is what they have been wanting to do. I guess that probably would be – Yes, I think they would like to have the pot fishery open on May 1. If it is okay with David, it is okay with me.

DR. DUVAL: David, is that okay with you?

MR. CUPKA: Yes.

DR. CRABTREE: I think you ought to be more explicit to indicate that the fishing year is being changed to January 1.

MS. BECKWITH: There are so many thoughts running through my head right now on this. I was concerned about the May 1st. Is there a different way of wording this that wouldn't require us to change – so we were looking to change the fishing year to start on May 1st. Is there a way of wording this so we're not necessarily changing the fishing year to January 1st, but allowing the hook and line to open up after – to close when the pot fishery closed to 2 or 300 pounds but then to remain open through April 30th. Does that make sense?

DR. DUVAL: I understand what you're trying to do, because the hook and line sector would be restricted to a 100 pound trip limit from January 1st until April 30th, and then would not be able to go to that 1,000 pound trip limit until May 1st. You feel like they are not necessarily getting their fair shake at the whole.

MS. BECKWITH: Well, I think we can accomplish this same thing. Can you guys show me Alternative 6 real quick? You could almost accomplish what you guys are doing by also adding – I don't see Alternative 6. Right the new Alternative 6l we're doing this May 1st through April – hold on; let me think about this for a second.

Okay, when the pot fishery potentially closed on November 1st and you guys allowed, say, 400 pounds – I know we're not talking about this but it is all related – and the pot fishery say took 300 pounds until the ACL was met, which would be April –

DR. DUVAL: It's a confusing topic. I think according to the discussion we had, it seemed like everybody felt that this new alternative was a little too much to bite off within this regulatory amendment, which is why Charlie made his motion to add an alternative that would open sea bass harvest with hook and line on January 1st, which would basically change the fishing year back to the calendar fishing year. That gets us back to having something that was more closely aligned with what the AP had recommended, having a 100 pound trip limit when groupers are closed.

DR. CRABTREE: Well, it seems the simpler way to state this would just be that the commercial fishing year begins on January 1 and there is a trip limit of 100 pounds on the hook-and-line fishery.

DR. DUVAL: But I don't think the intent is to have that 100 pound trip limit in place forever.

DR. McGOVERN: That's the way it reads.

DR. CRABTREE: So when the pot fishery opens on May 1 under this, the trip limit goes away until January 1?

DR. DUVAL: It would be the same thousand pound trip limit that is already in place.

DR. CRABTREE: Okay, you need to clarify that. Then I think you have a NEPA problem here in that I think you have got to have a reasonable range of trip limits if you are going to do this, unless you're going to make the case that 100 pounds is the only reasonable trip limit.

MS. SMIT-BRUNELLO: They've got 200, 300.

DR. CRABTREE: Well, that is in a different alternative and not in the one we're doing. I think you need some additional trip limits to look at.

DR. DUVAL: Perhaps an alternative that would move the start of the fishing year to January 1st, and then you could establish a hook-and-line trip limit of – and you could have subalternatives of 100 pounds, 200 pounds, and 300 pounds. Would that make you feel better, Roy?

DR. CRABTREE: You need to specify that the trip limit only applies January 1 to I guess –

DR. DUVAL: April 30th.

DR. CRABTREE: – until April 30th.

DR. DUVAL: I think what we're trying to do here is just put up on the screen something so that people can see what they would want to do. The motion that Charlie made is going to be

substantially different than what Myra is typing up on the screen. At some point, if this is what you want to do, we are going to need a substitute motion.

I think what we are trying to do is establish some language that starts the fishing year January 1st, establishes a trip limit for the hook-and-line sector until harvest with pots opens on – don't you want that to be May 1st?

DR. CRABTREE: Then what happens on November 1st when the pot closure goes in? Is there a hook-and-line trip limit then or do they fish without any trip limit until January 1, and then they get the trip limit?

DR. DUVAL: Charlie, was it your intent that smaller trip limit that is less than 1,000 pounds would only be for that January/April timeframe as kind of per the original alternative?

MR. PHILLIPS: Without making it too complicated.

DR. DUVAL: My recommendation would be to not make it complicated and that if you would like to establish some trip limit specifically for the hook-and-line sector during January through April, you might want to add some language until harvest with pots opens on May 1 – you would want to clarify that on May 1 the trip limit becomes 1,000 pounds gutted weight for all sectors or something like that. That gets to Roy's point.

MR. PHILLIP: Yes, I think it would probably be simpler to leave it once it opens to 1,000 pound trip limit, it stays at a 1,000 pound trip limit. I think that probably the pot fishermen are going to catch the remainder of it; but on the offhand chance they don't, then just leave it at 1,000 pounds so we make sure that we don't leave any fish on the table.

DR. DUVAL: I think if you turn around and look at that screen and you like what you see, someone is going to need to make a substitute motion to do just that. What is on the screen is change the commercial fishing year to start January 1; establish a trip limit for the hook-and-line sector until harvest with pots opens on May; consider trip limits of 100 pounds, 200 pounds, and 300 pounds. On May 1 the trip limit would be 1,000 pounds for both sectors.

MR. HARTIG: I will make that as a substitute motion.

DR. DUVAL: If everyone could take a look at what is on the screen right now and what I just read, and make sure you are cool with it. Nobody has any further comments on that language?

MR. HARTIG: Madam Chairman, I would introduce a substitute motion. The substitute motion would read add an alternative that would change the commercial fishing year to start January 1; establish a trip limit for the hook-and-line sector until harvest with pot opens on May 1st; consider trip limits of 100 pounds, 200 pounds and 300 pounds. On May 1st, the trip limit would be 1,000 pounds for both sectors.

DR. DUVAL: There is a substitute motion by Ben; seconded by Charlie. Is there any discussion on this motion? Is there any objection to this motion; Doug. The motion passes with one objection. The substitute motion passes. This now becomes the main motion and we need to vote again. Is there any discussion on the main motion? Is there any objection

to the main motion? Seeing none; that motion stands approved. We still have not selected a preferred alternative for this action.

DR. CRABTREE: We just added alternatives. I don't think we have any analysis of this; do we? I'm not sure you have enough to really select a preferred right now; do we?

DR. DUVAL: We don't have to select a preferred if we don't want to. It is always helpful for the public.

DR. CRABTREE: Then the question is going to be can we get enough analysis in this in time to go out to public hearing so the public can make a reasoned comment on it. I don't know the answer to that one.

DR. DUVAL: Well, there wasn't any analysis included for the alternatives that we moved to the considered but rejected appendix. Those blanks were not able to be filled in. This new alternative is quite similar to those previous alternatives that were in there. Roy, are you advising us to not choose a preferred alternative?

DR. CRABTREE: Generally your choice of a preferred alternative is based on the results of the analysis. If you don't have any analysis, it is hard for me to see how you make a good choice on a preferred, but it is up to you.

DR. DUVAL: Is there any desire on the part of the committee to choose a preferred alternative at this point? Silence means no. All right, so moving on, the next action we're considering is Action 6, which would modify the commercial fishing seasons for vermilion snapper.

MS. BROUWER: That is on PDF Page 25. Your no action is the fishing year starts January, and there is a split season for the commercial sector; each one of six months. The ACL is split equally between the two seasons. The Table D-14 shows you what the ACLs would be taking into account Regulatory Amendment 18, which would increase the ACL for vermilion.

Alternative 2 would put 100 percent of that increase up in the second half of the season. Then we have subalternatives that would start the season; would remain July 1st, would move up to June 1st, or move further up to May 1st. Table D-15 shows you what the ACLs would be under that scenario.

Then finally Alternative 3 would split it 25/75; and again with consideration of various start dates for the season. Table D-16 shows you what those ACLs would be. The Snapper Grouper AP recommended no action for this. They had a good bit of discussion, and then ultimately they decided that it would be best to just split it equally between the two seasons.

MR. PHILLIPS: Myra, do you have any projections on when the seasons would end under these various alternatives?

MS. BROUWER: Charlie, I would have to look back at the main document, and I don't have that in front of me. If you give me a second, I can do that.

DR. DUVAL: I see a staff member coming forward to the table. I think what we're trying to figure out is if there has been some analysis done to determine when the seasons would close under those different scenarios. Myra is looking around to see if something was added. Dr. Cheuvront is going to help us out a little bit here.

DR. CHEUVRONT: Well, I'll probably give a little bit of help not a lot here, I think. In doing the economic effects for this action, I was looking around for a table just like the one Charlie was asking about, and one had not been developed to that point so I went ahead and did it.

But then, of course, when I had done it, it hadn't been reviewed by anybody yet; and during the course of the review it was determined that – and it was true I didn't take into account the trip limit in the analysis, because the data that I had did not allow me to have that level of resolution to be able to do that. Mike, I think you told me earlier that approximately 20 percent of the trips had about more than 1,000 pounds.

MR. LARKIN: Yes, let me look that up real quick though; but, yes, it sounds about right but let me confirm that.

DR. CHEUVRONT: What we're looking at is probably the number of days would exceed the number of days that I have here in this table; but by how much, I'm not really sure, but I am not going to imagine that it is going to be a huge amount. What I did was I took what the ACL was at that time and the average number of pounds landed per day, and that would have been in the 2012 season that I used.

I then calculated out how many days it would take to reach the ACL for the different ACL levels that we had for all the different alternatives and subalternatives in this action. For example, if you look at Alternative 1, it shows that the dates that the ACL would be taken in 2013, it would have been March 2nd, 2014; February 25, 2015; and 2016, February 24th.

Now that is the day that the ACL was taken. It was always closed later than that in the previous seasons because we always had overruns, but I can't predict how far it is going to overrun or how to predict to the ACL. It actually gets not very pretty when you start looking at some of these other scenarios. If you start looking at I believe Alternative 2 was you give all of the increase to the second season. Alternative 3 was 50/50.

MS. BROUWER: No, it was 25/75.

DR. CHEUVRONT: Okay, 25/75. Under Alternative 2 all the subalternatives had the same closure date and basically the season would last 42 days. Then under the second season under Alternative 2, depending on the percentages – well, they actually stayed the same, but the amount of the ACL changed from one year to the next.

Remember giving more fish in the beginning and getting fewer fish as time went on. You can see that in 2013 under Subalternative 2A in the second season, the season was expected to last 68 days. That would mean it would close on September 6th. If you look at all of the scenarios, 68 days is as long as it gets.

Now remember I did not include that thousand pound trip limit in there, so you could see these extend by a number of days, but it is not going to double the amount of days because only 20 percent of the trips actually went over that amount, but we don't know exactly how many at this point yet. That is the best estimate we have.

MR. LARKIN: I just want to comment real quickly to followup; you were asking about the number of trips that exceeded the thousand pound trip limit. It was an increasing trend; it was about 7 to 8 percent from 2007 to 2009, but then in 2010 and 2011 it actually jacked up to the 20, so just the average percent number of trips for 2010 and 2011 is 26 percent, so that was well before. I just want to point out that trend of the increasing number of trips exceeding that thousand pound trip limit for vermilion.

MR. BURGESS: I thought we did something with the 75 percent step-down in the trip limit to 500 pounds. Did we do that; 75 percent when the ACL is met? Didn't we do a reduction in the ACL?

DR. DUVAL: Are you thinking maybe about an action that is included in here? Isn't that the gag action that it would be a thousand pound trip limit with a step-down once 75 percent of the ACL is met? Maybe that is what you are thinking about, Tom, that is an action further out here.

DR. CHEUVRONT: I think it has been considered in other amendments that didn't go through.

DR. DUVAL: I think all we did in Regulatory Amendment 18 was implement a thousand pound trip limit.

MR. PHILLIPS: Yes, and the reason I asked, Madam Chair, is we are trying to align seasons and eliminate as many discards as possible. I have talked to some of the fishermen and they tell me that they can target vermilion and not have a lot of bycatch; but if they get further offshore, they actually do have bycatch of scamp and other things.

I am concerned about them throwing grouper back because when the grouper spawning season is going on, but it doesn't look like it is going to change it a whole lot, unfortunately. The fishermen have learned to modify the way they fish, so the trip limits don't seem to be slowing down the derby fishery.

I am at a little bit of a loss. Again, I think I would like to see alignment of the seasons, the start dates, and it will help. I am a little disappointed that it may not help as much as I would like to see.

DR. DUVAL: I think you are probably not the only one, Charlie. Given the different alternatives that we have here and the analyses; does the committee wish to choose a preferred alternative to go out for public comment?

MR. HARTIG: Madam Chairman, are you looking for a preferred on Action 6?

DR. DUVAL: I am, indeed.

MR. HARTIG: I would move Alternative 1.

DR. DUVAL: Motion by Ben, seconded by Doug to select Alternative 1 as our preferred under Action 6.

MR. HAYMANS: Madam Chair, for the record; I would have made the motion but I didn't want to have another one withdrawn so I'm holding back. (Laughter)

DR. DUVAL: Don't be gun shy.

DR. CRABTREE: Well, given the complexity and number of actions in here, if we're going to go with status quo, do you want to take this action out of the document so that it doesn't have to be further analyzed?

MR. PHILLIPS: Well, I am going to vote against the motion, because I would like the second season to start May 1 when grouper start. I know we can save some discards doing that. If this motion actually by chance doesn't pass, I would be more inclined to try Alternative 3 with Subalternative 3C and try to eliminate as many discards as I can or we can without disrupting things too much.

DR. DUVAL: Thanks for that input, Charlie. Are there other comments around the table? Roy, you look thoughtful.

DR. CRABTREE: Well, we've been talking about the importance of aligning the seasons, and here we're deciding not to align the seasons. I guess the question is why?

MR. PHILLIPS: I'm not sure. I have forgotten my parliamentary procedure, but it would be in line to make a substitute motion –

DR. DUVAL: You could indeed make a substitute motion.

MR. PHILLIPS: – for Alternative 3, Subalternative 3C.

DR. DUVAL: There is a substitute motion from Charlie to select Alternative 3, Subalternative 3C as the preferred; seconded by David. Discussion?

MR. HARTIG: Well, this changes the intent more than just changing the fishing year. It changes the intent to the different percentages, if I'm not correct. Well, I guess there is not a fishing year in it either. Yes, it is. I would be fine with it if it didn't have the 25/75 in it.

DR. DUVAL: Ben, would you prefer to see all of the ACL increase in one of the 6-month seasons or another?

MR. HARTIG: No, I just want to see even split between the two seasons.

DR. DUVAL: Got you, okay. Charlie.

MR. PHILLIPS: Then to that point, I know the AP voted for a 50/50 split. Again, I think we can save a few more discards by moving a little bit more to the back. The grouper closed; so if you interact with grouper catching B-liners, they are discards. If you interact with pinkies, they

are discards. At least on the second half of the season you can keep them. It is more economically feasible for those fishermen to be able to keep those fish while they are working for vermilion. It may not be a lot, and it is not going to change it very many days, probably a week or two at the most, but it will help with some discards.

MS. BECKWITH: I would be interested in seeing this go out to public comment. I would like to see what folks outside of our AP; some additional public comment on this.

DR. DUVAL: Other comments around the table?

MR. HARTIG: Anna, what was your comment specific to AP? I missed it; what was the –

MS. BECKWITH: That I know how the AP voted on this, but I don't want to see this action removed. I would like to see this go out to general public comments, to hear comments outside of just our AP on this one.

MR. HARTIG: Yes, I was just going to comment that the AP had a lot of discussion on this. At one time they were favoring the different percentages and the different time periods. I don't know what to do.

MR. HAYMANS: My question was to Robert, since he came to the table – and I apologize for not reading the minutes of the meeting; I looked at the overview – but was there discussion around the ACL breakdown with regards to the May 1st Alternative 1 that you have got?

MR. JOHNSON: Well, we had a lot of discussion. A lot of it hinged on Phil Conklin talking about he wanted some fish available for Lent; and he felt like if you had that 50/50 split, that first season would probably carry those fish into that timeframe. The problem with the earlier start date, like Charlie is talking about; then you are going to end up having B-liner discards later in the season or something, because you are obviously going to reach that ACL before you are now if you start it earlier.

We looked at a bunch of different rationales for doing one or the other, and we just sort of fell back, you know, maybe we just need to add the increase as it is and let it go for a couple years and see how it works out. Then if we need to come back in a couple of years and look at this again, that is what we should do. That was our rationale.

MS. BADEMAN: Yes, just so I'm clear; if we change the start date for the second half of the season, the start date for the first season stays at January 1. Okay.

DR. DUVAL: Doug, did you have a followup?

MR. HAYMANS: Well, just a comment that it sort of feeds into what Roy was saying earlier about with the black sea bass. Let's not make too many changes right off the bat; if we simply bump the ACL equally on both sides and let it ride for a couple of years.

MR. JOHNSON: That is correct; that is sort of what we ended up with, and we did give this quite a bit of discussion.

DR. DUVAL: **We have a substitute motion on the floor to select Alternative 3, Subalternative 3C as the preferred. Is there any other discussion or comment on this motion?** Do folks feel like they are ready to vote? If this passes, it will become the main motion. If it does not pass, then we are back to the original motion, which is Alternative 1, no action.

MR. PHILLIPS: Robert may remember, because I was at the meeting, but I specifically asked him to talk about discards and they really didn't. They talked about splitting the seasons, but I don't remember talking about discards. It is a matter of where you are going to have the most or the least discards.

Personally, I would have rather had all of it at the end of the second half. To me, this was a compromise with what the AP talked about. They had a lot of conversation. I think they bounced around a lot of stuff. I seriously think we need to consider discards, and I don't think it is going to stretch into Lent far enough to help Phil very much. I sell fish in Lent, too. Like I say, these guys are turning these fish faster and faster. They are learning how to do back-to-back trips. The more fish we get with the more species open, the longer I think it stretches everything out. I'll leave it at that.

MR. JOHNSON: I just want to clarify are you talking about like grouper discards; shallow water grouper discards during the vermilion season. When you are talking about dead discards, cutting down on discards; is that what you're –

MR. PHILLIPS: The first half of the year.

MR. JOHNSON: Okay, they are pretty different fisheries, grouper and vermilion fisheries. I'm sure there are some discards, but I don't think it is that significant.

DR. DUVAL: Again, I think what we need to remember is trying to align seasons; and that if we make some modification to the black sea bass season, that is going to have impacts on vermilion discards and vice versa. I'll just leave that out there, but does anyone else have any comments on the substitute motion?

Could I see a show of hands of those in favor of the substitute motion? That is five in favor. Opposed, five opposed. Abstentions, one abstention. The motion fails doesn't it, Joe, for a tie? I'll vote in favor of the substitute motion, so the motion carries. The substitute motion becomes the main motion, which means we need to vote again.

I would again like to see a show of hands of those in favor of the main motion now, which is to select Alternative 3, Subalternative 3C as the preferred, six in favor; Opposed; five opposed. Roy, are you abstaining; one abstention. The motion carries. You all aren't done; we still have about 30 minutes. The next action that I wanted to discuss was Action 8, which currently reads modify the trip limits for the commercial sector for gag, but I think Myra is going to take us through that and there are some suggested edits to that.

MS. BROUWER: Action 8 is on PDF Page 30. Actually, I believe the action currently reads modify the accountability measure for the commercial sector for gag. The IPT suggests

changing accountability measure and substituting that for trip limits. Your Alternative 2 would modify the trip limit for gag and reduce it to 300 pounds when 75 percent of the ACL is landed. Alternative 3 is actually what you see on your screen under the IPT recommendations. Initially you had approved including this alternative pending some trip limit analysis to figure out the range of appropriate trip limits to analyze. The regional office did conduct that analysis and we came up with the subalternatives that you see on your screen.

We would modify the trip limits for gag and reduce it when 75 percent of the ACL is landed. Then you have options for 50 pounds, 100 pounds, 200, 300, 400, and 500 pounds. We would need you to approve the wording that we're suggesting for this alternative and approve changing "accountability measure" and putting "trip limits" instead.

DR. DUVAL: I guess we're looking for a motion to accept the IPT's proposed changes to the wording of the action and the wording of Alternative 2 and its subalternatives.

MR. HARTIG: So moved, Madam Chairman.

DR. DUVAL: Excuse me,; that is supposed to be Alternative 3 and not Alternative 2. Motion by Ben; seconded by David. Discussion?. Just to clarify, in the decision document that we got, the new alternative with the subalternatives there should actually be Alternative 3, and it actually says Alternative 2; so if some people are confused, that might help clear it up. I know it confused me.

The motion reads accept the IPT's suggested language changes to the action and alternatives and accept the IPT's suggested wording for Alternative 3. Is there any other discussion on this? Monica.

MS. SMIT-BRUNELLO: I have a question. Can we go back to no action? The IPT's recommendation is to have Action 8 read that it modifies the trip limits for the commercial sector for gag, and, Myra, you are shaking your head yes?

MS. SMIT-BRUNELLO: Yes, and I realize now that that would entail changing the wording of the no action alternative.

MS. SMIT-BRUNELLO: Okay, because there is a thousand pound trip limit, I believe.

DR. DUVAL: Good catch, Monica. The no action alternative would just need to be reworded to indicate that there – well, the existing trip limit is actually 1,500 pounds. The 1,000 pound trip limit was included in Regulatory Amendment 18 so that has not –

MS. BROUWER: For gag?

DR. DUVAL: Oh, sorry. Okay, there is currently a 1,000 pound trip limit in place for gag. My apologies for confusing this with the pile of other amendments that we have going on. Are there any other comments on the motion?

DR. CRABTREE: It seems to me if you add this alternative, then Alternative 2 is duplicative and goes away and this becomes Alternative 2, correct?

DR. DUVAL: You are so smart; yes.

DR. CRABTREE: Thank you, Madam Chairman.

DR. DUVAL: It's nice to hear that every once in a while; isn't it?

DR. CRABTREE: It's quite rare.

DR. DUVAL: All right, so Roy is correct, this would eliminate the need to have Alternative 2, and so these suggested wording changes would actually become Alternative 2. Okay, everybody understands this would eliminate an alternative. We would have no action and then we would have Alternative 2 with a range of trip limit step-downs. **Any objection? Seeing none; that motion stands approved.** There is a closure analysis that has been done that may help inform the committee's selection of a preferred alternative.

MR. HAYMANS: I was just going to ask if Alternative 3 needs to be moved to the considered but rejected. No?

DR. DUVAL: I'm being told no just because it was a place holder until that trip limit analysis could be done.

MS. BROUWER: If you look at Table D-20, this is where you will see the analysis for the various trip limits and how far the season would extend under each of them. Because Regulatory Amendment 15 has not been implemented, the current ACL for gag is 352,940 pounds gutted weight.

Regulatory Amendment 15, if implemented, would put an ACL for gag and would reduce it to 326,722 pounds gutted weight. You have the analysis under both ACLs. Just to remind you, the AP had recommended the original Alternative 2, which would now be Alternative 2, Subalternative – the one with 300 pounds, 2D.

MR. HARTIG: Myra, they didn't have the advantage of looking at this analysis as well.

MR. JOHNSON: Yes, the AP's intent was because of the shallow water grouper that are open now, scamp and red grouper are going to be – gag is no longer a trigger, our intent was so when the guys are out there fishing for those species, if they did catch a gag they would be able to retain it and it wouldn't be wasted. Just keep that in mind that was the intent of the AP.

DR. DUVAL: Does anyone have any thoughts on selection of a preferred keeping that in mind? Looking at what the AP chose without the benefit of this analysis as a preferred, using 2012 data it would be a mid-October closure.

DR. CRABTREE: Myra, when we're looking at how many more days do they gain; are we comparing the 500 pound and assuming that is no impact to the trip limit or when would this close without any trip limit step-down? Because just looking at it, if you went with 300 pounds, you don't gain very much. It stays open maybe two weeks longer. I'm assuming the 500 pound trip limit doesn't have much effect at all, but it looks like to me you don't get very much out of doing this.

MR. PHILLIPS: When vermilion are closed, we pretty much tie up. When grouper are – I think if the trip limit was below 500 pounds, again we pretty much tie up in our neck of the woods. It is hard to go make a trip on jacks and triggers in 2 or 300 pounds of grouper. Sometimes the scamp bite and sometimes they don't.

More often than not they don't where we are. I understand trying to stretch out the season, but I also understand having it where it is profitable to go fishing. If we're not going to stretch the season out very much, I don't see the point of having the bycatch at 75 percent. At 75 percent, if you do 300 pounds or less, you are going to have a lot of people that are just going to have to tie up then unless they are small boats or short trip boats.

MR. HARTIG: Well, you've got scamp and you've got red grouper open. You've got a variety of other species of groupers open. I think if we went with 100 pounds of gag you could keep the bycatch of 100 pounds, extend that season all the way to the end, and allow at least a bycatch limit of fish to be caught, which is what the fishermen have been telling us all along that we should be trying to stretch this season as long as possible and reducing bycatch.

I think even though it is lower than what the AP wanted; but looking at it realistically, that is the one that is going to get us closest to the longest season. I think the hundred pounds makes a lot of sense to go to that and still have access to those other groupers and cutting down on discard mortality of gag.

DR. DUVAL: Is that a motion?

MR. HARTIG: That's a motion.

DR. DUVAL: There is a motion by Ben; seconded by Anna to select Alternative 2, Subalternative 2B as a preferred under Action 8. Discussion?

MR. PHILLIPS: I think you will pick up a little bit, a day or two, a few days with people targeting vermilion instead of grouper. I don't think that is figured in this analysis.

DR. DUVAL: Other discussion on this motion? Is there any objection to this motion? I see one objection. Seeing no others; the motion passes. Now we're going to circle back around and come back to Action 2, which was an action to change the measurement method for gray triggerfish to have consistency between state and federal waters. Right now there is only a minimum size for gray trigger in the federal waters off of east Florida, and there is an inconsistency in between how the fish is measured, either total length or on the fork, between state and federal waters. Just reading the no action alternative under this, it says the minimum size limit – okay, so it is fork length in Florida state waters.

MS. BROUWER: Yes.

MR. HARTIG: Well, that is nice to know that all these years after I have been throwing back my triggerfish in federal waters that were legal to keep.

DR. DUVAL: There are a couple other alternatives that Myra is going to take us through.

MS. BROUWER: First of all, the original intent, as I recollect, for this action was to simply be consistent in the way that gray triggerfish are measured between state and federal waters. The alternatives as they are written, especially Alternative – well, actually both alternatives would actually specify a minimum size limit where there isn't one currently.

If that is still the intent of the committee, then we would suggest rewording the action itself to reflect that this would impose a minimum size limit for gray triggerfish. The other thing I wanted to remind the committee of is that when we scoped for CE-BA 3, there were actions included in the scoping document to modify the minimum size limits for both gray triggerfish and hogfish.

When you all reviewed the comments during the March 2012 meeting, you approved the motion that I have up on the screen which says wait to consider measures for hogfish and gray triggerfish until after the 2013 assessments. I am just putting that out there so that you remember that was your rationale then.

The Snapper Grouper Advisory Panel did recommend Alternative 3, which is the one that would actually impose a minimum size limit of 12 inches in federal waters off North Carolina, South Carolina, Georgia and East Florida. I believe the rationale was because they are concerned that gray triggerfish is experiencing high fishing pressure since there has been so many other regulations on other species.

MR. CUPKA: I hate to go back, Madam Chairman, but I think on that last action, Action 8, that the last motion was to select that as a preferred, and I'm not sure the motion reflected that.

DR. DUVAL: Thank you, David. .

DR. CRABTREE: A couple of questions. Martha, you recall at the Gulf Council we went through all of this fork length/total length; are we using fork length in the Gulf and on the West Coast of Florida now?

MS. BADEMAN: I believe we are. It is fork, but I think we have a different size limit on the Gulf. I think we're 14 and not 12; just another variable in the mix.

DR. CRABTREE: I'm not worried about the different size limit, but it would be nice to all of us measure the same length, because we have had terrible compliance with triggerfish size limits. I think some of that may be over confusion. My next question would be I guess for John Carmichael. When are we expected to get the triggerfish and hogfish assessments?

DR. DUVAL: Gray triggerfish is going on now – that is SEDAR 32 – and we discussed this a little bit yesterday in that there might be some delay that would necessitate a desk review of that particular assessment. It is due to be completed by the end of the year, I believe.

MR. CARMICHAEL: Yes, so we would anticipate it getting to the SSC at their April meeting. And hogfish is underway in Florida; when do you expect we will have that Luiz?

DR. BARBIERI: Same time.

MR. CARMICHAEL: April?

DR. BARBIERI: Yes.

MR. CARMICHAEL: April 2014 for hogfish, also.

DR. CRABTREE: When are we planning to take final action on Amendment 14?

MS. BROUWER: September.

DR. CRABTREE: We would be delaying a couple of meetings taking this up again. I'm not sure the best thing to do with both of those isn't to hold and get the new assessment and then deal with triggerfish and hogfish at once.

MS. BADEMAN: I'm definitely okay with that for hogfish. This one; we can if it is only going to be a couple of meetings. To me, it is more just to eliminate a confusion issue rather than changing a size limit. Whatever the committee wants to do, I think we can live with it. It has been inconsistent for as long as it's been so what's a few more months?

DR. CRABTREE: I think if all we want to do is change the metric; but understand that going from total length to fork length is in fact an increase in the size limit, and particularly if we choose to put the size limit in place in states that don't have one now. It is not that we're changing how we're measuring it. If we were doing that, we would calculate what's the equivalent fork length that corresponds; so we're actually changing the size limit. I don't have any great discomfort with doing that now.

DR. DUVAL: I think that was the concern of the IPT was that this actually the alternatives within this action don't necessarily reflect the title of the action; that it would just be to change the measurement method, because we have an alternative in there that would actually establish a size limit where there is none.

That would be more appropriate, as we had indicated previously, to do once the assessment is in. If it is just a matter of making things consistent in Florida and the committee wants to go ahead with that; but in terms of any size limit changes, it would probably be preferable to wait until the assessment results are in. Your options are to continue moving forward, but perhaps remove Alternative 3 where you're specifying a size limit in places where there is one or you remove this action from this amendment and bring it back to a different amendment once we've got the assessment results in. That might be recommended, as Roy stated, for the next action as well, Action 3 dealing with hogfish.

MR. JOLLEY: I'm for waiting and bringing it in after the assessment.

MR. AMICK: It is not clear to me if the measurement of the triggerfish applies to both sectors, commercial and recreational. Off of Georgia, we have never had size limits on triggerfish.

DR. DUVAL: Well, there is no size limit anywhere else except for off of East Florida right now. The whole intent was to just make the size limit that is current – the measurement method that is

currently in Florida state waters consistent with the measurement method that is currently in federal waters off of Florida.

That was the original intent. Now there has been included an alternative, Alternative 3 that would set up a size limit for the rest of the states. I think what we're trying to say is it would be more appropriate to hold off on doing that until we get the results of the stock assessment, which might give us more direction in terms of setting up a size limit. There is nothing specifying that this is just for one sector or another, so it would be for both in terms of the analysis.

MS. SMIT-BRUNELLO: And it is for both right now; I just checked the regulations, so the size limit applies to any commercial or recreational.

DR. DUVAL: But in Florida only. What's your pleasure? Do you want to hold off on this action? Do you want to move forward with some piece of it? Mr. Jolley has indicated his desire to hold off. John, was that a motion?

MR. JOLLEY: Excuse me, I'll make that a motion, yes, Madam Chairman. What do you need?

DR. DUVAL: I think if we just remove this action from this amendment, we can always bring it back in a future amendment, just noting that our intent is to reconsider this action once we have the gray triggerfish assessment. The motion would read remove Action 2. Is there a second to that motion; Charlie.

I think we would probably want to indicate that it would be our intent to take it up again once the assessment is complete. **The motion reads remove Action 2 from Regulatory Amendment 14. Is there any other discussion on this motion? Is there any objection to this motion? Seeing none; that motion stands approved.** We're getting short on time. We have got about three minutes left until our scheduled adjournment.

We do have a public listening session that starts at 5:30. We do have just a few more actions. It would be great if we could zip through those pretty quickly before we start for public comment. The next action is Action 3, which is hogfish. David.

MR. CUPKA: I would move that we remove Action 3 from Amendment 14.

DR. DUVAL: There is a motion by David; seconded by Ben to remove Action 3 from Regulatory Amendment 14. I think we would have the same intent there. **Discussion? Is there any objection? Seeing none; that motion stands approved.** That takes us to Action 7.

MS. BROUWER: Action 7 is on PDF Page 28. This action would modify the aggregate grouper bag limit. The current aggregate grouper bag limit is three fish per person per day; and within it only 1 fish can be a gag or a black grouper. Alternative 2 has two subalternatives; 2A would increase that limit from three to four fish; and within that limit two could be gag.

The bag limit for black would remain at one fish; 2B would increase the aggregate grouper bag limit from three to four, and within that limit only one could be a gag, leaving again black grouper still at one fish. Alternative 3 does not increase the aggregate grouper bag limit, but

allows for retention of two gags, and again maintains black grouper at one fish within the aggregate.

Alternative 4 does not increase the aggregate grouper bag limit, but allows for retention of two gag, maintain the current retention for black; and if at the end of any season it is determined that the recreational sector has exceeded its gag ACL, then the bag limit would be reduced to one fish. The Snapper Grouper AP recommended no action.

Your recreational landings and a percent of the ACL that was harvested from 2010 through 2012 are in Table D-17. Then we've got Table D-18, which looks at the present increase in harvest of gag, black grouper and the aggregate as a result of all the alternatives that we just went through.

MR. HARTIG: John, when is the update of gag on the SEDAR schedule? We've got an update next year?

MR. CARMICHAEL: I can't remember if it is '14 or '15.

MR. HARTIG: I think it is '14; I'm pretty sure. That would start approximately when and end approximately when?

MR. CARMICHAEL: It is in '14, and we expect to get it in October.

MR. HARTIG: In time for the SSC to review it?

MR. CARMICHAEL: Yes.

MR. HARTIG: Okay, we expect to get the results in October. I am pretty sensitive to this in the terms for achieving OY. I was looking to go for one more fish for the recreational sector; but since we are so close to having that update and there are – I mean it looks to me like the commercial season is closing earlier and earlier.

That is one indication you have the stock status where fish are more available and the stock is improving; but since we're so close to having an update, I think probably we ought to remove this one from the document and wait for the update and make a decision then.

DR. CRABTREE: I just had a question, Myra, on Alternative 4. If the bag limit is reduced to one fish; it remains at one fish permanently?

MS. BROUWER: Yes, I believe that was the intent, and this was modeled after something the Gulf I believe recently did.

DR. CRABTREE: Well, I think I tend to agree with Ben if we've got an update coming down the pike; I'm not so sure there is any urgency to do this until we get that.

MR. PHILLIPS: I'll second Ben's motion.

DR. DUVAL: I'm not sure Ben made a motion; but if you would like to make a motion, I'm sure Ben would probably second it.

MR. PHILLIPS: I think you made, it Ben, go ahead.

MR. HARTIG: Madam Chairman I would like to make a motion to remove Action 7, modify the aggregate grouper bag limit, from the amendment.

DR. DUVAL: Motion by Ben, seconded by Charlie. **Discussion? Is there any objection based on the conversation that we have had and hearing that we're going to be getting an update soon? Seeing none; that motion stands approved.**

MS. BECKWITH: I think we're done with all the actions. No, okay. Well, I was just going to mention one thing. If you would allow me a few minutes tomorrow morning, because I recognize how late we're getting in time, I would like to touch on some concerns I have with our discussion on Action 4 tomorrow morning, if you would be so kind.

DR. DUVAL: Well, we should probably get that done today then, because I hope to cruise through this last action and then approve the amendment for public comment. Why don't we get through Action 9 and then we'll come back to you. Is that good?

MS. BROUWER: Action 9 is on PDF Page 32, and this action would modify the recreational AM for vermilion. Regulatory Amendment 18 would take away the recreational closure, and so there needed to be a change in the AMs to make sure there would be some kind of in-season AM. I'm not going to go through all these, but basically some of them have a payback.,

One doesn't and then the Alternative 2 is sort of a compromise between the two where the payback would only happen if the total ACL is exceeded. The advisory panel recommended Alternative 4. There is a note here from the IPT do you want to have language similar to other recreational AMs that reduce the fishing season in the year following an overage if there is persistence in high landings? I guess we were just recommending that you be consistent with the language that we have been using for other recreational AMs.

DR. DUVAL: Right now our status quo is without regard to overfished status. If the landings exceed the ACL; there will be a notification filed to reduce the fishing year by the amount of that overage.

MS. BROUWER: That is without regard to overfished status.

DR. DUVAL: Yes, that is without regard to overfished status, so that is what we have in place right now.

MS. BROUWER: Alternative 2 would close in-season when the ACL was met or projected to be met, and then you would have a payback of the overage for the following fishing year. Alternative 3 would not have a payback. It would just have an in-season closure; and then like I said, Alternative 4 would have an in-season closure and then the payback would only come into play if the total ACL; both sectors was exceeded and vermilion are overfished.

DR. CRABTREE: Well, the status quo doesn't make sense, because you only close the fishery if the quota is hit if you are overfished; but then you pay it back regardless of if you're overfished.

We would sit here knowing that an overrun is happening and not do anything, knowing we've got to pay it back; and that is a recipe for a disaster.

We need to change it. It seems to me that Alternative 4 is reasonable; or if you wanted to pull in the language consistent with what we've done in some others with the persistence, you could do that but we definitely need to fix this, because otherwise it is going to create a big problem for us sooner or later.

DR. DUVAL: I agree.

MR. SWATZEL: I would move that Alternative 4 be our preferred.

DR. DUVAL: Motion by Tom; seconded by John Jolley. Discussion? Charlie.

MR. PHILLIPS: I don't think we have payback on the commercial side for vermillion because they are not overfished or undergoing overfishing; and I don't see why the recreational sector shouldn't be treated the same.

DR. DUVAL: This alternative would only require it if they are overfished. Okay, so you're speaking in favor of it, good. Any other comments? More discussion?

MR. BELL: How would we add that or would we need to add that other language in there and change it to make it consistent with the others or can that just be done staff-wise?

MS. BROUWER: The answer is that we would not need to change that language if you go with this alternative as your preferred.

DR. DUVAL: Any other comments? Wilson.

DR. LANEY: I'm not on your committee Madam Chairman, but a very minor editorial change there is that the "of" after the word "reach" in all four alternatives I think needs to be an "or", Myra.

DR. DUVAL: Yes, I noticed that, too. **All right so we have a motion; is there any objection to this motion? Seeing none; that motion stands approved.** Anna, you said you wanted to go back to Action 4, which was the black sea bass recreational fishing year, and just make a few comments before we would take a motion to approve this document to go out to public comment.

MS. BECKWITH: Yes, I think I finally had a few moments to chew on what the analysis details were. I just want to go back and have a quick discussion on it. The SARIMA 2012, I finally got this, certainly for the first half of the year the projections that are giving us the most flowery opportunity for a potential closure with an April 1st start date only used the CPUE for 2012. I understand that now – right, for the first half of the year.

It didn't take into consideration the projections for the increase in effort due to the increase in ACL. It is not taking into consideration the potentially additional effort that we'll see if we implement a three-day opening in July or August for red snapper; that we would see I'm sure additional effort in fishing that otherwise might not be there for folks focusing in on red snapper.

My concern is for an April 1st start date in North Carolina, we certainly would be least opportune to utilize that start date because of poor weather. If that October 8th date is not a realistic closure date because we're not taking into consideration everything else in terms of effort that we might be projecting; if August 21st is a more realistic closure date, then I have real concerns that we would close before Labor Day in North Carolina. **For those reasons, I would go ahead and throw out a substitute motion that we make Alternative 5 a May 1st start date our preferred, because that would be a fairer compromise for North Carolina as compared to Florida.**

DR. CRABTREE: Point of order. I think if we already selected a preferred, then the appropriate motion would need to be a motion to reconsider by someone who was on the prevailing side and then we can revote it.

DR. DUVAL: That is indeed correct, so someone on the prevailing side of the original motion to select Alternative 3 as the preferred would have to make a motion to reconsider.

MS. BECKWITH: I can do that; I voted for the first one.

DR. DUVAL: **Your motion would be to reconsider the motion to select Alternative 3 as the preferred. Is there a second to that motion to reconsider?** The way this works is if we get a second to this motion, then we would vote on the motion to reconsider and then we would have to put forward another motion to provide a different preferred alternative. Is there a second to Anna's motion to reconsider?

DR. CRABTREE: I'll second it for discussion.

DR. DUVAL: Roy seconded for discussion. First we need to approve this. We can't have any discussion on the motion to reconsider.

MR. GRAHAM: She can explain why.

DR. CRABTREE: You can debate.

DR. DUVAL: Okay that is what I wanted to clarify.

MS. BECKWITH: Again, my major concern is if we are going to have a potential closure of the black sea bass fishery before the end of the summer, I understand that the headboats have been in support of this, but are they in support of this because they think that October 8th or the end of September is going to be a potential closure?

Is there real understanding that July up to early August or mid-August is a real opportunity for closing that black sea bass fishery for the headboats? I'm not sure that is the case. I would be fine if we opened April 1st and we had a realistic end date of mid to end September, but that is not the case. That is pie in the sky.

DR. DUVAL: I'll just say one thing before I let Steve go. The AP did not have the benefit of this analysis when they discussed this. A lot of the folks that I have spoken to with regard to the

for-hire sector in North Carolina have been supportive of an April 1 start date. They might feel differently upon seeing this analysis; I don't know.

MR. AMICK: Well, you can look at it in different ways and there are different projections here; but by considering the May 1st start date, you are really only fixing half the problem of the numbers of discards that we go through in that period. Then you look at these, if you look at the SARIMA, you have got a projection of a closure date of 87 days; where you really look, we fished some 90 something days on half the ACL that we will have in 2013.

Realistically, unless the fuel drops down to less than a dollar a gallon and the economy blossoms, the effort will be fairly close to what we had in 2012. If you have, let's say, just doubled the ACL and consider that you're close to 180-day fishing; that gives you most of the season. The strong waves of historical landings of sea bass have been in June and July; and by increasing the ACL like we did, then all four states fish at their prime time of sea bass landings.

DR. DUVAL: Other discussion? We need to take a vote on the motion to reconsider. **The motion is to reconsider selecting Alternative 3 as the preferred under Action 4. Is there any other discussion on this motion? Is there any opposition to this motion? Okay, could I see a show of hands of those who are opposed to this motion? I see nine opposed those. Well, the motion fails.** The Preferred Alternative 3 stands. **The next motion I would like from the committee is a motion to approve Regulatory Amendment 14 for public comment.**

MR. HARTIG: So moved.

DR. DUVAL: Motion by Ben; seconded by John Jolley. **Is there any opposition to this motion? Seeing none; that motion stands approved.** I am going to suggest that we go ahead and recess for the day. We'll reconvene tomorrow morning at 8:30. I thank everybody for your hard work and perseverance today.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Plantation Room of the Hutchinson Island Marriott, Thursday morning, June 12, 2013, and was called to order at 8:30 o'clock a.m. by Chairman Michelle Duval.

DR. DUVAL: All right, everybody, I've got 8:30 on my clock so we are going to go ahead and reconvene. One of the things we did not get to yesterday that I had hoped we would be able to do so before last night's listening session was discussion of Regulatory Amendment 16, which deals with golden tilefish.

If you recall, we discussed this at the last meeting. This looks at implementing some management measures to try to ease some of the derby conditions for the longline sector of the golden tilefish fishery. We had talked about two weeks on, two weeks off; one week on, one week off. I think Myra has got the amendment up here, so I will just let her quickly run through what's in there, and then we will open it up for discussion.

MS. BROUWER: PDF Page 39 of your Attachment 7, I believe, is Chapter 4 of that amendment. It contains the analysis for the one action that is included in here, which is to extend the fishing season for the longline vessels in the golden tilefish portion of the snapper grouper fishery.

There are only two alternatives. One would require vessels to fish for two weeks on and two weeks off beginning January 1st, until the longline ACL is met or projected to be met. The other one would require vessels to fish every other week beginning January 1st. The analyses were done in the region.

Table 4.1.1 shows you the number of vessels that fished with longline for these years. I believe we recently got a number for 2012, and I think that was 29 vessels. Then the Regional Office used two projection methods to predict how long the season would last under the two alternatives. This table shows you the approximate dates when the ACL would be met.

Then the table below it shows how many fishing days the season would last. The season has typically not lasted very long this year, 2013. It lasted until May 5th. It closed before that and then it reopened because the ACL had not been met; but it is probably the longest it has been in a few years. Mike Larkin is here. He is one of the analysts that can explain how these projections were done if you guys have any questions. I know that some of the fishermen who are here were interested in learning more about how this analysis was conducted.

DR. DUVAL: Mike, I don't know if you want to just say a few words about how the two different projection methods were conducted.

MR. LARKIN: Andy Strelcheck did this, but essentially looked at the data from January 1st through February 17th, because I believe the 17th is when that step-down trip limit was applied. Because it is becoming such a derby fishery and changing from year to year, he just looked at the data between January and February 17th, as well as he also used the data when it reopened, which I think it was in March when the season was reopened.

Using the data from up to the February 17th; and then he randomly sampled from those data to really fill in other days. He did it in two different ways projected, so he randomly sampled and did a sample one time and then did it another time. He really used that to fill in the days and then applied; so if the season was open for one week, closed next week, and then opened the next and closed the next and so forth. Really, he just used that to project what would the season be, and then when would the ACL be met based on those landings.

DR. DUVAL: Are there questions? Do folks understand that first method used the actual daily landing; and then that second method uses sort of a random sampling of the daily catches to sort of fill things in?

MR. LARKIN: Both projections are both randomly sampled, because he needed to have some data for the end of February and so forth. He used two different ways to kind of see would one be different than the other. They actually tracked very similar on them. When we actually plotted, the two different projections tracked very similar.

MR. HARTIG: The questions from the fishermen at the tilefish meeting we had on Sunday night were why do we only get six more days when we close the fishery two weeks at a time? From their point of view, it didn't make a whole lot of sense to them. I guess the way that you guys did this – you know, in two weeks I guess a significant amount of fish could be caught, especially in that first two weeks. I guess that is probably what's driving it. Do you have any insight what drives the –

MR. LARKIN: Yes, I think just the high lining per day is causing it to reach that ACL because of that derby fishing mentality or behavior, excuse me.

MS. BROUWER: Just to remind you of the timing of this amendment; this amendment is scheduled to be approved for public hearings at this meeting. Then we would have public hearings on it along with Regulatory Amendment 14 in August. As Ben mentioned, we met with several of the golden tilefish endorsement holders here on Sunday night.

We met mainly to have a discussion with them and ask them whether this would be something that would help them out; if this type of management measure would actually help the fishery. After a lot of discussion, the fishermen indicated that they might probably just want nothing to be done at the moment. They requested that the council consider a stock assessment as soon as possible.

DR. DUVAL: Yes, and I think we heard that during last night's comments as well that folks would like to see at least an update to the assessment, and it sounded like maybe possibly a benchmark; and sooner than what is currently scheduled. I think that was being considered, was it, for 2016? 2015 I think was the update.

MR. HARTIG: Yes, it possible.

MR. HARTIG: I will just follow up a little bit what Myra said. The meeting; if you were a fly on the wall and you listened to the whole meeting, you would probably go away and go man, nothing happened, that was horrible. There were all these guys yelling over each other and had specific things that they wanted to see happen.

Basically what happened in this meeting; there were about 8 or 9 endorsement holders there, but they represented more than that in the number of endorsements that they had. I know one guy had four, and I think there was another guy that had five. It still was a pretty good number of endorsements represented at that meeting.

There were definitely two camps. There was one camp that did not want catch shares or IFQs, and then there was another camp that did. The dialogue started in that direction. It was contentious, because there are philosophical people who believe that we just shouldn't go to them based on philosophical beliefs.

Then there are other people who think that a market-driven fishery for golden tilefish would certainly stretch the season and give much more benefits to the nation overall. It was interesting. The interesting thing I thought was even though in the beginning when people tried to talk over each other, when they were talking about their different viewpoints, there was dialogue, towards the end especially, when people actually listened to what the other sides had to say.

This was the first meeting of these people. I think it was great. We did have some representation. One guy from South Carolina, which I thought was great, we did get him in and their group currently says no changes; we don't really want any changes. What came out of that meeting was we really – based on the low number of days that the analysis showed, that it probably wasn't even worth doing the amendment.

Where we are now is that we could probably drop this amendment, because they don't want to see anything move forward right now. They are going to try – at least the Florida people are going to try to do something amongst themselves since there are only about four or five dealers that handle golden tilefish, so they are going to try that.

This will be the first year under the endorsement system that they will be trying to work it out. They tried to do it last year, but there were still a few people who weren't going to qualify for endorsements that were fishing so it didn't work, but we'll see what happens. I would much rather see industry do it. It would be a much better way to proceed. They could be in charge of their own destiny, and that would be a really good thing for them if they can stretch it out.

They may come back to us if it doesn't work and falls through. They may need something. One of the other interesting things that came out; they want another assessment. They saw the fish – due to the uncertainties in the last assessment that we couldn't take; they think that if we get a new assessment that it will show some things have gotten a little bit better.

There is one good thing in recruitment that we have seen this past year a pretty big year class entering the fishery, which would inform the assessment better on recruitment. The problem with that is it is a market-category-based index that we would try and provide to the assessment, and that has not been considered before. You would have to do a benchmark assessment, John, if I am not right, to even have that introduced into another assessment for golden tilefish.

MR. CARMICHAEL: Maybe.

MR. HARTIG: Maybe. Well, yes, the thing is we need to discuss this. We need to bring the index before the analysts and have them look at what we're trying to show. It certainly showed – even this year there was a new category for tilefish they're called peewees. They were two pounds and less, and we've never had that category before, and there was a significant amount of fish that went in from our area in particular into that category.

Peter Barile has been working on it, and it does show a significant uptick in the market grade of the smaller categories of fish for this year in particular. That may be something that we get to inform recruitment better. Basically the assessment is six years out, because the fish don't fully recruit to the fishery until age 6, so you really don't know what's happening for six years in that fishery, and there is a lot of uncertainty there.

If we could get some of that uncertainty under control, we may get a better handle on the numbers of fish they could actually catch; and they may actually get more fish. I'm never going to be one to say what is going to come out of the assessment. I know better by now, and you never really know because there are a lot of things.

One of the problems we have is that the MARMAP long longline samples weren't done last year. That is a particular problem. We had some discussion with Bonnie yesterday, and I won't elaborate on that; but it was really good to hear that she is looking at possible CRP projects to fill that void. Hopefully, that will proceed and we'll have that information.

Without it; that was a critical part of that assessment, because it showed the health of the stock in the fishery where it wasn't really being prosecuted very heavily. That was pretty important.

That is where we are now. We could remove this amendment; we can drop it right now and it would certainly help the workload of staff considerably, so if you need a motion, Madam Chairman.

DR. DUVAL: I don't know if we actually – well, yes, we probably would need a motion to drop it, but I know I had a couple folks with questions first. Let's go ahead and get their discussion, and then we'll get to a motion.

MR. JOLLEY: like that idea, Ben, less regulation, let people work things out themselves if they can. I could support dropping this amendment; and to relieve staff of some of their responsibility sounds good all the way around.

MR. HAYMANS: Madam Chairman, I'm sorry, mine wasn't a question, but a statement. I was going to make a motion.

MR. HARTIG: Just one thing; after I said that, I said we've got a public hearing that is going to take place, so we may want to at least hear what the public has to say about it and then take that to Full Council and then at Full Council make a decision.

I don't know who is going to come and speak on golden tilefish and how we should move forward in the public hearing process. To me, that would make more sense if we at least waited until we heard from them and do it at Full Council, if that seems to make sense.

DR. DUVAL: We can certainly do that; I agree. There is a public hearing here tonight, so it would probably be good to hear what the public has to say before making any definitive motions in that regard. If folks are okay around the table with holding off on a final decision on Regulatory Amendment 16 until Full Council, we'll go ahead and do that.

Okay, so we have some input from staff that if the committee is actually considering not moving forward with this amendment and dropping it; that it might be better to have a motion now so that is actually on the record. If for some reason through public comment we decide at Full Council to not approve that motion, then we could go ahead and do so. I guess at this point I would look for a motion from the committee.

MR. MAHOOD: Yes, and we established it that way as far as the timing, when the public hearings would be after the committee meeting, because you remember we got criticized last time because we had the public hearings early. They didn't know what the committee or the council was going to do. We're going to have a couple issues I think that is going to be a benefit to have the committee make some decisions before the public hearing. Then the fishermen will know which way at least the committee is going to recommend.

DR. DUVAL: Okay, is there any other discussion or questions on this issue? If not, I would certainly entertain a motion from the committee.

MR. HAYMANS: Madam Chair I would make a motion that we – what is the best way to word this motion – that we table discussions on Amendment –

DR. DUVAL: Oh, you don't want to table things; tabling things is bad. I think recommend to full council that drop –

MR. HAYMANS: That we do not pursue Regulatory Amendment 16.

DR. DUVAL: That sounds good. Does that look good, Doug? **The language on the screen reads as a motion recommend to the council that development of Regulatory Amendment 16 not proceed any further.**

DR. DUVAL: Seconded by Ben. Is there discussion on that motion? Gregg.

MR. WAUGH: Your intent is that we not move forward with any additional regulations for golden tile right now, because we may cycle back and use Regulatory Amendment 16 for another action. You don't want this suspended such that you could come back to it, but we would just stop any work on additional golden tile regulations now and Regulatory Amendment 16 may become something else.

DR. DUVAL: I believe that is the intent, Doug.

MR. HAYMANS: Yes, Gregg, that is for today.

DR. DUVAL: **Okay, is there any objection to this motion? Seeing none; that motion stands approved.**

MR. HARTIG: There was one additional option that the tile fishermen were talking about. They thought if the quota was a bit bigger, that they would like to see the tile fishery split into zones, and that they would have a Florida zone and probably the North Carolina – or Georgia and above zone.

If the quota was big enough, they wanted to have a split season, and that the beginning season the fish could be caught anywhere, but the second opening the fish would have to be caught somewhere north of Florida, which would increase our biological samples and give us some information about that fishery to the north. They thought it was a win-win being able to – if they did get a bigger quota to be able to have that split season, and then have the samples coming from areas that haven't been fished much in the last probably 15 years.

DR. DUVAL: Yes, I think we had actually mentioned probably last year sometime, when we were first talking about 18A, even down the road the possibility of a split season. I think that holds a lot of merit. All right, if we're done with Regulatory Amendment 16, the next item on our agenda is Amendment 30, and this is consideration of vessel monitoring systems and Gregg is going to take us through this. I think the first thing he is probably going to go through are the public hearing comments, and then we'll sort of take things from there.

MR. WAUGH: This is Attachment 8A under Snapper Grouper, and you were e-mailed the summary of the hearings yesterday, and that is what I will be going over. I have that projected now. We got over 333 comments, and those are grouped alphabetically in that document Attachment 8A. What I've done is give an overview of where the public hearings were held, the date.

The number of cards referred to the number of people that signed in and attended those hearings; then the number of speakers and the number in favor or opposed. You can see that all of the speakers at all of the public hearings were opposed. Now in terms of major reasons – and these are the themes that came forward from all the public hearings and all the written comments, which I'll get to in a moment.

But, certainly, to me the two biggest takeaways from the public hearing process were that the technology is not as fully developed, especially for smaller vessels. We have a lot smaller vessels and a lot more vessels that have difficulty mounting these units than in the Gulf. It is a little different looking at the South Atlantic.

They cited lots of issues with generators and batteries and the maintenance in these small open vessels; and some issues with if the units break or equipment breaks, that they can't fish. NOAA Law Enforcement was very clear that they try and work with people to minimize the number of times that their fishing is disrupted, but those were some of the issues with the technology itself.

The second, and to me the more I think bigger and perhaps a surprising outcome, was that the economic condition of the snapper grouper fishery is so dire that the VMS cost will put us out of business. The fishermen are dealing with lots of additional regulations from other requirements; Coast Guard being one of them.

Even as close as we are with the fishermen, it really struck me that there were a number of individuals who have permits or permit holder's, captains run their boats, and they could not afford to get their boat ready for the opening of grouper season, and they are fishing as crew on other vessels. The cost, while for the VMS unit the fishermen would be reimbursed, it would just be extremely difficult for them to front that cost until they do get reimbursed.

Then even the ongoing monthly operational cost for a lot of our operators would be too significant. Other issues cited were security of the data, and Pat O'Shaughnessy helped explain this very clearly that these data are treated highly confidential; but again people are concerned about their information getting out.

There is the Big Brother aspect that they don't want people spying on them. Certainly, we have VMS in other fisheries and in other industries this is becoming a lot more common. There was a lot of support for if I don't have any violations I shouldn't have to do this; it is like putting an ankle bracelet on me; a lot of suggestions for if you have a violation, then have that be a requirement that they have VMS. There was a lot of support for looking at other systems.

I think while you have some concerned about the Big Brother aspect; there was some recognition that you do get additional data and there is utility to this, but that there are less expensive, less intrusive systems out there that we should take a look at. Some issue expressed with just putting this on commercial vessels; that they had the most to lose in terms of breaking the law, and that they should be expanded. If you are going to put it on anybody, put it on all.

Also, we had some suggestions to just put it on a sector. If you have highliners, perhaps that is where you would get your most bang for your buck in terms of data; and pointing out that there is no Magnuson-Stevens Act mandate for VMS, so why is the Council moving forward with this. Again, that is an overview of the public hearing comments.

In terms of the written comments, as I said we had over 333. They are grouped in the document you received, and I will just go over some of this briefly. The information you have here are the PDF pages for that Attachment 8A; so if you wanted to go and see this petition, there are four petitions that had numerous signatures.

The first dealt with I'm a recreational fisherman; oppose VMS for law-abiding commercial, for-hire and recreational fishermen without probable cause. If they break the laws, then require VMS. We had 76 of those. I oppose VMS on commercial, charter or recreational because of the economic burden; 28 of those.

A petition stating that MPAs should be monitored with data buoys or platforms with cameras.; this would avoid the constitutional problems with VMS. We had a number of individuals talk about constitutional issues with requiring VMS. Then there was a petition organized by Wayne Mershon of Kenyon Sea Foods. They opposed VMS for snapper grouper vessels.

There was a space provided for them to write in their specific reasons. Certainly, they fall within those categories that I mentioned from the public hearing, but we had 161 of those. In terms of organizations, Carteret County, North Carolina County Manager, their Advisory Board opposed VMS resolution.

Florida Keys Commercial Fishermen's Association opposed VMS; Congressman Walter Jones opposed VMS due to cost impacts on small vessels and unreliability of units. He cited to help enforcement, but is against any – well, part of the support was to help MPA enforcement, but he expressed his lack of any desire to see any more MPAs. Scott Baker, North Carolina Sea Grant, and Scott gave a presentation to our AP about other technologies.

He provided information that the cost and the burden of VMS relative to the value may not be appropriate, and provided information on other technologies. North Carolina Watermen United, a resolution opposing VMS. There was an NRDC letter in there on CE-BA 3. I just wanted to point out that got in there by mistake. That was my error.

Ocean Conservancy; this is the one organization that we got word from that supported VMS for the reasons cited in Amendment 30. The South Carolina House Resolution opposing VMS due to cost monitoring in state waters, lack of a mandate in the Magnuson Act. Senator Norman Sanders, North Carolina General Assembly, opposed due to cost, lack of mandate and violating the Fourth Amendment. Finally, Southeastern Fisheries Association opposed to VMS and suggests council takes no action.

In terms of the remaining letters in there are from individuals; and in general they fall within those categories that I mentioned before. We did however get four individuals indicating support for VMS for enforcement reasons. In terms of the last bit I want to mention are the advisory panels.

The Law Enforcement Advisory Panel presented a lot of information on pros and cons that are reflected in the amendment and decision document. They did at their last meeting approve a motion recommending that the council consider requiring VMS for the longline sector of the commercial golden tilefish fishery, and that was approved.

The Snapper Grouper AP made several points in their motion – and , and that is included in the decision document – their motion was that the Snapper Grouper AP opposes Amendment 30 and any requirements for VMS on the snapper grouper fishery, and strongly urges the South Atlantic Council to vote no on Amendment 30. That vote was 11 yes; 3 no and 3 abstentions.

We had a tremendous amount of public input on this. I think the only thing that rivals this is the last time we went out with MPAs. I would be glad to answer any questions. Again, you can refer to that Attachment 8A and see all the individual letters.

MR. HAYMANS: Gregg, of course, we heard them loud and clear; but one of the things that bothered me at least in the Jacksonville meeting, and I guess you heard it other places, was the constitutionality.

I don't know where that court case has gone; but I had talked about the trucking association in the previous meeting, so I wound up digging through the Federal Code and I couldn't find it. I called the Trucking Association.

Indeed, there was a bill passed the year before last – it is called MAP 21 – and by 2015 all over-the-road trucks will be equipped with a GPS tracking device. If there is a question of constitutionality, it is going to come to a head real soon, because congress just mandated it. That also may bring prices way down in technology over the next few years, because all trucks are going to have them.

MR. CUPKA: Madam Chairman, I was prepared to offer a motion at this time relative to this amendment; and if we get a second we can have further discussion on it. I think based on for all the reasons Gregg has given us, as well as the fact I just don't think the time is right for it. I think there are other ways to get some of the information we are trying to get at that would be cheaper and just as good. **I would like to offer a motion that we recommend the Council that we not approve Amendment 30 for submission to the Secretary.**

DR. DUVAL: We have a motion by David and a second by Ben to not approve Amendment 30 for secretarial review. I know Monica had her hand up previously. I was assuming that she was going to speak to the constitutionality question that Doug has raised. Then I would like to have some discussion.

MS. SMIT-BRUNELLO: You can read my mind. VMS is not unconstitutional. I don't think there are any problems with that. There was a court case, U.S. v Jones, in which the police didn't get a warrant and they put a global positioning device, GPS on a vehicle. They had what they thought were good reasons; they thought there were drugs involved and all kinds of things.

Anyway, that defendant fought that; got to the Supreme Court and the court said, no, that is unconstitutional, you need to get a warrant and you can't do that without a warrant. There is maybe some spillover in some fishermen's minds, but for VMS it is quite different. You have a permit. As a condition of the permit, you decide that you will keep that permit; and if VMS is a requirement, then you decide whether you want VMS by keeping the permit. In my mind it is not unconstitutional and there aren't any problems in that respect.

DR. DUVAL: Thanks for that, Monica. We have a motion on the floor, and I think it would probably be good to get some committee discussion on this motion. I am guessing there is probably not a lot of folks who would necessarily oppose this motion, but I think it would be good to have some discussion.

There were a number of items brought up during public comment. I know in the discussions with fishermen that I had at our hearing in New Bern, some suggestions were made with regard to I guess the granularity of the spatial data. If we're looking for more refined data than simply the logbook squares, then we should consider revising the logbook squares to be of a finer resolution; suggestions like that.

I think there were a lot of good suggestions that definitely came out of some of the public comments. Certainly, modifications to some of the vehicles that we use for data collection can come up during our Data Collection Committee, but I don't want us to lose sight of some of those. There were some other suggestions with regard to just putting VMS on violators. I don't know what authority there is to do that, but I welcome some input from the committee. David.

MR. CUPKA: Madam Chairman, in my mind there has never been a question about the constitutionality of this, and that is not why I offered the motion that I did. There certainly is a lot of concern I think about the economic impact this is going to have on the fishery. I also think, as I said before, there are other ways to get some of this information we want particularly in regard to where they are fishing at and all that doesn't necessarily have to be real-time data. There are other electronic means of getting that that are a lot cheaper. Even as you mentioned, there are ways that can be gotten at some of this information through the logbook.

I think really the only positive thing about the VMS is that it does give you real-time data, which is primarily an enforcement issue. Again, I don't think we need to do it at this time. They've gone through an awful lot. They are like dying a death of a thousand cuts and this is just one more thing I don't believe we need at this time. I think there are other ways to get the information that we want and that we don't have to go this route at this time. That is some of the reasoning for why I offered the motion I did, Madam Chairman.

MR. BELL: I would certainly be in support of the motion. What led me to that I think was just a lot of compelling testimony from fishermen themselves and particularly the economic impact of this. It was mentioned there are a lot of other things that they're facing in terms of economic impacts that we don't necessarily all see.

One of them was mentioned about Coast Guard stuff, and I started doing some research into the cost of maintaining a commercial vessel for operating in the snapper grouper fishery and what cost is associated with safety equipment and that sort of stuff. There is a lot of regulation and a lot of cost that we don't necessarily even know about or see. That was the main thing I think.

I will say that I think VMS is a useful tool. Just like any tool, there is a time and a place and an appropriate use of the tool. I just don't see right now that there being a compelling need for us to move forward in requiring this tool. We saw on Monday a discussion with the deepwater shrimp and the coral protected areas where it is a useful tool and can actually help the fishermen in terms of when we were talking about moving a boundary just a couple of hundred yards

maybe, and the only reason we could have those discussions and that degree of consideration was because there was VMS being applied in that case.

The tool does have good application and use. We also as an agency went out and actually surveyed our own fishermen. I think we provided you copies of that document. That was an opportunity for them to just tell us what they thought, if there were particular things they were willing to share related to specifics about impacts and if they were pro or con.

We actually did have three individuals in the survey that said they were in favor of it and primarily for efficiency of the fishery and law enforcement issues and things. You didn't see a lot of that at the hearings. Like we said at the hearings, we really didn't see anybody come out and say they were for it.

There are a few people out there that were in favor, but by and large the vast majority of the folks felt that it wasn't time to do that. They had some very valid reasons, and I think that came through. Particularly I found compelling was them sharing details about the economic aspects of this. That is why I would be in support of the motion.

DR. DUVAL: Thanks for that, Mel, and I apologize. I meant to mention the survey that South Carolina did that was e-mailed around to all council members. You guys got a great response rate on that. I am not surprised, but there is good information in there. I appreciate that.

MR. PHILLIPS: I agree with David and Mel, and mandatory VMS is probably not the right answer right now. It may never be; I don't know. But there were some comments about putting them on violators, and it could be used as a deterrent. I see some other uses for this tool. We're looking at, as our fishery management regulations change, into trip limits and smaller amounts for trips, which favor smaller boats, shorter trip boats.

It could be used as on a voluntary basis for the bigger boats that need to make longer trips; and actually the fuel that they would save would probably pay for the VMS. Then you could get some data. There are some things that could be done later, not now. Yes, I am definitely going to support the motion, but I would like to keep in mind there are some good things that this could do and the fishermen can use it, the managers can use it. As we go through our regulations and our regulations change, and the way we fish changes, it may work for some people and actually be a useful tool.

DR. DUVAL: I agree, I think if some flexibility and regulations, as what you are referring to, should there be some voluntary use of VMS down the road, I think that is a very creative thing to explore. I'm glad you brought it up.

MR. SWATZEL: Since I've been on council, this is an issue that has probably gotten the most overwhelming response of any. I do appreciate Chairman Cupka's motion, because I think what is at stake here is the credibility of the council public input process. This is an issue that is not mandated by the MSA. If council is not willing to listen to fishermen on this issue, then what issue are you willing to listen to them on. Certainly, I hope that the committee votes unanimously to approve the motion, and I certainly hope that Full Council does the same.

MR. HARTIG: I think Gregg did an excellent job laying out the public hearing comments. He really encapsulated what I heard through the entire time series of those and all the additional stuff we got. I, like Tom; this is something we don't have to do under Magnuson. I did see value in it for data collection; but then after I saw Scott's presentation what the ping rate would have to be in order to get the detail of the stops that the fishermen were making, it would be significantly higher than an additional cost to the fishermen.

That kind of gave me some pause, too. In order to get the information on where you wanted a finer scale resolution, you would have to increase that ping rate significantly, and that is added cost to fishermen. That was one thing from the data side that really got me. The quality of the testimony, yes, we had a lot of form letters, but the quality of some of those letters was so good in laying out why we shouldn't go forward with the VMS for the economic part of it, I was really impressed with some of the letters.

People took the time to really get into the issue and really show the council the impacts that we would have from going forward. I think that was critical. My decisions maybe in all this; and seeing those letters really swayed me from where I thought we should go. This is a public process and we've heard from the public and they said no. I'm willing to take that advice.

DR. DUVAL: I agree. I had multiple conversations with people on the phone who had clearly thought about this issue and made very well-reasoned points and brought up a number of things that I had not considered; similar to what Mel said, some of those invisible costs that we don't – maybe not invisible, but costs that we don't always see or consider. I think there were lots of very well-articulated comments in that regard.

MS. BADEMAN: Like everybody else, I really appreciate all the public comments that we got, because it was overwhelming. There were lots of articulate arguments out there. At past meetings, we have been supportive of looking forward at VMS, but at this time I don't think that is the case. I definitely would support David's motion.

We haven't in the Gulf, but it is a very different situation over there with the IFQ program, just a completely different set of objectives. The economics are overwhelming the cost to folks. I am interested maybe in some of the other options that we could look at that had been raised, so that would be great.

MS. BECKWITH: My hope is that folks that were impassioned from this issue remained impassioned and remember that we are going through a visioning process. Some of these other technologies that are out there that we could consider to solve some of these data questions and better manage the fisheries should and can come up throughout that visioning process. For all those folks that are listening out there on the webinar, this is your process as well. Thank you.

DR. DUVAL: Is there anymore discussion or comment around the table on the motion before we take a vote? The motion reads do not approve Snapper Grouper Amendment 30 for formal secretarial review. **Is there any opposition to this motion? I see none; that motion stands approved unanimously.** Thank you.

MR. WAUGH: In terms of getting public comment, we tried out a new process where we did an informal question-and-answer webinar. Mike and Amber were very instrumental in doing that.

It was the first time we've done it, and we were very pleased with it and got good feedback. We did a similar thing with Regulatory Amendment 19, and I would envision us doing that more in the future. It is really a way to get the word out and answer people's questions.

We see that continuing in the future. Thanks to both of them. Pat and Otha really helped us a lot in terms of putting together the information on VMS. We can see that being very useful down the road. Again, the folks in the Regional Office; Rick DeVictor was the co-lead on this, and they did a super job putting this material together. I think we had a good analysis of what the impacts were, and that was very helpful to people to understand and incorporate in their responses. Thanks to all of them for their help in this process.

DR. DUVAL: I participated in that first question-and-answer webinar that Gregg did, and hats off to him and all the staff at the council and regional office who worked on that. I thought the participation was great and that the technology worked really well. I look forward to future use of that technology to engage folks, especially if people are just coming in off the water. They don't have time to travel somewhere. This is a good way for them to participate.

MR. BELL: I was just going to say from a council perspective of where I was sitting, I really appreciate what the council staff did in terms of coordinating this whole thing. I was able to listen to every single public hearing, even though I was only at the Charleston hearing and chaired that one. That was very beneficial, and I know that took a lot of coordination and a lot of use of technology and all, so that was great.

I also greatly appreciate what Pat O'Shaughnessy did in terms of coming back and back and back and redoing his presentation. That was very helpful; and sort of like the human punching bag there related to VMS, but I know he was at the AP meeting as well. We really couldn't have come to I think this conclusion in terms of making it based on really, really good information if it hadn't been for all that support from council staff and others like Pat and all. I really appreciate that.

DR. DUVAL: Thanks for that Mel; I'm sure staff appreciates those comments. Is there anything else under this agenda item before we let Gregg go? Okay, thank you very much. The next item on our agenda is Amendment 29; ORCS and allocation. This is really more of a discussion item, because we don't actually have any materials in our briefing book for this particular item. I am going to let Myra just sort of review this agenda item and then I will say a few things and we'll have some discussion.

MS. BROUWER: I thought I would give you and everybody who is listening in on the webinar a little bit of a background of what this is all about. Some of this information is going to be redundant, but I figured just for completeness I would start from the beginning. In response to the 2006 reauthorization of the MSA, the Fisheries Service established National Standard 1 Guidelines, including the requirement to set an ABC that accounts for scientific uncertainty in the estimate of a stock's overfishing limit.

This was problematic, as you know, for a large number of stocks for which reliable catch data are the only information available. These stocks were termed only reliable catch stocks or ORCS. At the second National SSC meeting, which took place in November 2009, an ad hoc

working group was established to identify, suggest and evaluate alternative approaches for the setting of ABCs for ORCS.

The goal of the working group was to develop an approach for addressing ABCs in ORCS that could potentially be applied in all jurisdictions under a flexible framework. Then in May of 2011, the ORCS report was published. It was a NOAA technical memorandum. It included revisions of existing methods and one proposed by the working group that recommended a tiered approach when setting ABCs for the ORCS, for the only reliable catch stocks.

Our SSC reviewed the ORCS report in November of 2011 and directed that a subcommittee of the SSC convene to consider modifications to the ABC Control Rule. That subcommittee met by a conference call in February of 2012 to discuss the ORCS concepts and their application to the control rule for this council.

The subcommittee then found that the ORCS approach could be applied, as you know, to the SAFMC unassessed stocks with some suggested modifications. That brings us to where we are now. Luiz went over the application of the ORCS method and what the SSC suggested or recommended after they met this past April.

They recommended adopting the ORCS method for setting the ABC for catch-only stocks, and they recommended creating a new tier to accommodate unassessed stocks that do not qualify for application of the ORCS method. Snapper Grouper Amendment 29 would be the vehicle for the council to adopt these recommendations from the SSC and that would change the ABC Control Rule. Then the table that was sent around via e-mail after the second briefing book that we discussed sort of briefly the other day has the actual ABC – the ACL levels based on the SSC recommendations. We discussed the various risk levels.

We put together – and I will bring it up as soon as I can – a table that shows – I believe it was Doug who was asking do we have different examples of what the ABCs would look like with these different alternative risk levels and scalars that the SSC recommended, so we can bring that up. Amendment 29 would be where you guys go ahead and adopt those recommendations and adopt whatever changes need to be made to the control rule.

The other thing that would be included in this amendment, if you choose to include it, is a revision of allocations. In 2008 the Allocations Committee proposed the equation to arrive at sector allocations that has become known as Boyles' Law; and the percent allocation is based on 50 percent of the average historical landings between 1996 and 2008, plus 50 percent of the average recent landings which are from 2006 through 2008.

That is what we've been using for the past few years to arrive at sector allocations. In recent years fishermen and some council members have voiced concern over Boyles' Law. Specifically, they have claimed that the choice of years, especially the recent years, favor the recreational sector. Also the Socio-Economic Panel of the SSC was asked to discuss Boyles' Law at their October meeting last year.

They offered some comments, which I will go ahead and read into the record: "In the broadest terms, the SEP has significant concerns about the use of arbitrary rules to determine allocation

between sectors. It would prefer to see transferability between sectors in which one sector could purchase parts of the other's allocations.

"If that is not an option, the SEP would suggest considering the following options; one, adjusting the starting year of the historic time series to better reflect more recent history – for example, a floating window of 20 to 25 years – and tying the start year to a reasonable biological window for each species such as low multiple of generation time.

"Two; adjusting allocation between each sector on a regular basis based on changes in the relative economic value of each species over time' three, developing a predictive model to forecast an appropriate allocation between species. The SEP recognizes that data and expertise make this option unlikely.

"Four; ensure that allocations for each sector do not exceed the total ACL for the species; five, conduct a pilot study in line with the methodology outlined in the NOAA Technical Memo, Number 115, which is titled "Allocation of Fisheries Harvest Under the Magnuson-Stevens Fishery Conservation and Management Act, Principles and Practices."

This is what the SEP had to say, and you had originally given us at least the indication that you would like to consider changes to whatever changes need to be made to allocations in Amendment 29. That is what we had been thinking about, and I guess what we would need from you is some discussion as to how you want to proceed with this amendment and indication of timing. Of course, as you know, our fall is going to be pretty busy, so this is something that we would begin working on in 2014. I think that is all I have unless you have some questions for me.

DR. DUVAL: One of my suggestions was going to be that we deal with the application of ORCS and revising an allocation formula separately. I just think that given the somewhat controversial nature of establishing allocation formulas and discussing them, that is going to be a much lengthier process than potentially applying ORCS to some of our unassessed stocks. As Myra mentioned, we discussed the application of the ORCS methodology during the SEDAR Committee the other day.

We did have a motion from that committee to approve the use of ORCS for Tier 4 stocks and then establish a new Tier 5 in our ABC Control Rule. We would need an amendment to modify our ABC Control Rule and adopt that approach. We have just – at least the committee has indicated its desire to not move forward with two amendments. If we were to consider allocations in a separate amendment, we do have a couple of vehicles that we could use to do so.

MR. CUPKA: I was going to suggest the same thing, because I think there is going to be a lot more involved in dealing with the allocation issue than there is for the ORCS. As I mentioned the other day during our SEDAR Committee meeting, in order to implement the recommendations from the SSC, which I personally think we ought to do, it would require an amendment, and this would be the vehicle to do that.

I am glad that staff is thinking ahead on that. Also, I just want to point out, too, that the workgroup that worked on the ORCS thing was not only SSC members, but also included

council members and representatives of the AP, and the AP representatives were a very important part of that workgroup. It was more than just the SSC members themselves.

DR. DUVAL: Thanks for that David. Also I think, as Doug had mentioned the other day during the SEDAR Committee, there is still probably a little bit of work to do from the council's perspective in terms of risk policy. The SSC gave us an example of application of a scalar that dealt with management risk.

We need to have some more discussion ourselves about that really before that approach can actually move forward. Amendment 29 would be a vehicle in which to do that. Are there any other thoughts or discussion? Myra, would you prefer a motion from the committee recommending that Amendment 29 only deal with ORCS so that we can deal with allocations in a separate amendment?

MS. BROUWER: Yes, and in fact I think the ORCS changes can be done through a regulatory amendment, because it wouldn't be a full plan amendment to implement that from what I understand. I don't know, Gregg can correct me if I'm wrong, but I think we could adopt the ORCS values in a regulatory amendment and then Amendment 29 could continue to be just allocations; and here comes Gregg.

DR. DUVAL: Yes, and I think we've adopted sort of this somewhat abbreviated process for updating ACLs through Amendment 27, which is going through the process. Using ORCS to update our ACLs would be a regulatory amendment like Myra has indicated. I think where it is a little unclear is modifying the ABC Control Rule, which is what we would need to do to incorporate the ORCS approach, it seems like that might need a plan amendment. But, Gregg, help us out.

MR. WAUGH: You are exactly correct. We were looking at it as this was a recommendation for ABC changes coming from the SSC. If that were simply it, it could go in the framework, but it is modifying our control rule and then applying it to get these values, and so that modification needs to be done by plan amendment.

DR. DUVAL: I'm just trying to think of what we want in Amendment 29 then. Do we want that to be modification of the ABC Control Rule?

MR. CUPKA: Yes, I think we would have to do that first, because we are going to use the values coming out of that and put that in place through a regulatory amendment. I think 29 needs to deal with amending the ABC Control Rule itself as kind of a first step before we move ahead with the other one. I mean they could move ahead simultaneously, but it seems to me that we need to deal with the ABC Control Rule aspect first.

MR. WAUGH: I would suggest once we have the ABC Control Rule change, then we can use the framework; but since we are going forward with an amendment, I would suggest that we modify the control rule and within that amendment then implement those new ABCs. That would save us having to do a separate document.

DR. DUVAL: Perhaps a motion that Amendment 29 be developed to modify the council's ABC Control Rule and then adopt new ABCs and ACLs based on that new control rule. Is there anyone willing to make a motion in that regard once we get something up on the screen here?

MR. HARTIG: Madam Chairman, I make a motion we direct staff to develop Amendment 29 to modify the Council's ABC Control Rule and adopt new ABCs and ACLs based on those modifications.

DR. DUVAL: We have a motion by Ben; second by David. Discussion on the motion?

MR. WAUGH: In terms of timing, this would be worked on next year. The SSC will refine this at their fall meeting and then we would start working on this. This would be something that you all would approve to go out to scoping, and we do that January/February time period.

DR. DUVAL: You read my mind; that was going to be my question was timing of this. Is everybody clear on that? **No one has any other comments? Is there any opposition to this motion? Seeing none; that motion stands approved.** Then we may want a motion to deal with the reevaluation of sector allocations; and that is going to have to be a full plan amendment.

Given that we just voted to not send forward Amendment 30, I am just going to ask Gregg would that be an appropriate vehicle if the council wanted to consider simply replacing all the text and analysis that is in there with something dealing with sector allocation?

MR. WAUGH: Someone mentioned about keeping passions alive and certainly taking Amendment 30 and making it allocations will keep the public interested. Honestly, I think it is a call for you all to make whether Amendment 30 has been so tied with VMS that we want to retire it, or – and Bob is shaking his head yes, which there is a lot of good there. We've done that before; we have had amendment numbers where they just aren't developed, so that is not a problem. It might be cleaner to start with 31 for this.

DR. DUVAL: I think those are all great suggestions. Is there a desire on the part of the committee to direct staff to begin development of a new amendment that would reexamine our existing sector allocations? There was just a recent report that came out about marine fishery allocations; I think a survey of how those allocations were done throughout all the different regions. That might be helpful, but it is the will of the committee. What is your pleasure?

MR. MAHOOD: One of the major items at the last CCC meeting and also coming out of NOAA was they kind of directed they would like the councils to relook at allocations and how they are allocating. I think we're supposed to get some further direction from NOAA. Then George Lapointe just finished that study; I think it's the one you were talking about.

A number of you were probably surveyed on that by George. It was kind of interesting. I'm not sure the outcome was very clear, but there is some move afoot to look to the future relative to allocations. It was pointed out that under the Magnuson Act when we allocate we have to consider past participation.

It makes it difficult if you're going to look to the future and then look back for past participation how you make it all come together. I think traditionally our council has looked primarily at past

participation in the fisheries. The battles have been over which series of years you use to set your allocation on. I think it is something we're going to dealing with and I think it is going to be one of the main issues that all the councils will be dealing with.

DR. DUVAL: We wouldn't be alone. Tom Burgess

MR. BURGESS: Hasn't this council started that with Boyles' Law to look at a combination of the two rather than – it seems like we're working in that direction now. It is just an observation, but I think it just struck me that way.

DR. DUVAL: Certainly, we do have some allocations for some species that are not based on that previous methodology, but I think for staff it might be helpful to have a motion that would express the committee's intent with regard to looking at allocations. I guess based on Bob's remarks; is their intent in doing this for more than just snapper grouper? I think maybe what Tom is getting at is we have a dolphin/wahoo amendment that is looking at several different options for allocation between the two sectors there.

MR. CUPKA: It is certainly going to have to involve more than just snapper grouper. We may want to approach it from the standpoint of a generic amendment that looks at all of them, because I think we are going to have to look at all of them. It is a bigger issue than just snapper grouper.

MR. HARTIG: I concur with David.

DR. DUVAL: Does that mean you all would prefer to wait until Full Council or Executive Finance, if this is going to be bigger than just snapper grouper, to consider a motion that would direct staff to begin development of an amendment to reconsider sector allocations?

DR. MacLAUCHLIN: Just to remind everybody, we talked about this a lot at the Managing Our Nations Fisheries 3. One thing that popped into my head was that nobody was really talking about if you want to look at reallocating; first you need to define your management goal, which is what we're trying to do with snapper grouper. Then make a decision, whatever that goal is, if it maximum economic value or managing for resilience; that whatever the goal is, then you can look at the allocation and say is this allocation leading us towards meeting this goal or not. Allocations are a tool to meet management goals; it is not a goal in itself.

DR. CRABTREE: I think Kari makes a good point, and I think something we ought to do is ask the Science Center to take a look at what stocks could they potentially do a net benefits type of analysis to see if the current allocations are efficient or not efficient. We've done those types of analysis on red snapper and some grouper stocks in the Gulf, and they've at least given us indications of which direction shift in allocations ought to go, although they haven't really been able to tell us what the efficient allocation would be.

I think that is a big part of this is figuring out what our objective is; and then if it is an economic benefit, which based on our visioning discussion, maximizing benefits came up quite a few times; look at what the Center might could do and what timelines we would be looking at for getting at some of those things. Otherwise, I'm not sure how we make a lot of progress and how we move beyond just looking at historical landings kinds of things.

MR. CUPKA: In regards to your question about when and where, I think we could get a motion out of this committee, because it is essentially a committee of the whole – all the council members are on this; but a motion to develop a generic amendment to look at allocation issues. We've done this in the past, tried to, and we all agreed that it would probably be better somehow to make allocations based in part if not completely on economic factors.

The problem in the past has always been that we didn't have the information we needed to do that; so we've historically fallen back on catch information, which was essentially at the time all we had. It might be useful now. I do know the Gulf has looked at it from an economic approach. I think Roy's suggestion is a good one, but I think we could get a motion out of your committee since essentially it is everyone on the council.

MR. PHILLIPS: Yes, I think we're going to have multiple goals. One of them will be economic, but that won't be the only goal. We're going to have to balance these goals and this is going to take a lot of discussion amongst the stakeholders, the public and the council. I know economic drives a lot of it, but it certainly cannot drive all of it. We're just going to have to take that in consideration as we kind of talk our goals out. I guess that will be in visioning. Then we can come back and figure out how the allocation works with our compromise, because I see that is where we are going to be going.

MS. BECKWITH: I personally would like to see us get a little bit further in visioning before we start to even throw allocation out there. I think we're going to get some of the same reaction we got from the community that we did on VMS. I feel like we're putting the cart before the horse a bit.

DR. DUVAL: The Chairman indicated it would be useful to get a motion out of this committee regarding development of a generic amendment to reexamine allocations. I don't think that would necessarily be – that is not going to jump up onto the staff's workload right away. I'm just looking at Gregg to fill us in a little bit on that; Gregg and or Bob.

MR. WAUGH: That's correct; what this would do is flow into your decisions in priorities; and then in December we would be approving items to go out to scoping. I would think this would be one of the items that would go out to scoping. Then at December we will be looking at your work plan for next year.

MR. MAHOOD: I know you won't believe this, but we've done this before. We actually had an allocation committee of the council that dealt with the generic allocation, looking at a generic allocation amendment. We had an expert panel that met for over a year. There is a report, and I will make sure that gets out to all the council members. I don't know that everybody or most of you were here at the conclusion of that process.

As David said earlier, at that time we just didn't feel like we had – well, we didn't have agreement, one, and we didn't have the information that we needed to move ahead. I will make sure that we get that information out to you, and that will give you a little head start on where we've been. Then the chairman may want to consider an allocation committee to deal with a generic type issue, or he may run it through the Executive Committee, or however it works out best. We'll get that information out to everybody.

MR. PHILLIPS: I don't want to depend on the visioning or the amendment. I see this dovetailing together and they complement each other and draw together, but, no, I don't want to hold it up waiting on – I want to be working, because it is going to take a while.

DR. DUVAL: I would agree.

MR. HARTIG: Do you want a motion?

DR. DUVAL: Yes, please.

MR. HARTIG: The motion is that the council develops a generic amendment to reexamine sector allocations.

DR. DUVAL: Motion by Ben; seconded by Charlie. **The motion reads direct staff to begin development of a generic amendment to reexamine sector allocations. Motion by Ben; seconded by Charlie. Is there further discussion on this?**

DR. CRABTREE: Does this mean the dolphin allocation action would come out of the Dolphin Wahoo Plan and go into this one?

DR. DUVAL: I don't know. This isn't the Dolphin Wahoo Committee, so I'm not going to speak for the Chair. I think it's a valid question, certainly, but I could see this process being much longer; whereas, we're at a public hearing stage for the existing Dolphin Wahoo. Tom, do you have any insight you want to put to that?

MR. SWATZEL: I think it's a good point. I think it is something that the Full Council needs to discuss when we bring up the Dolphin Wahoo Report. From my own perspective, it would seem to make sense to take it out, but again that is up to the council. I would like to discuss that when we bring it up. Thanks.

DR. DUVAL: **Other discussion, comments? Is there any opposition to this motion? Seeing none; that motion stands approved.**

MR. HARTIG: One additional thing is when we're developing 29, I think it would be good to put in there a way that we involve the AP in further developing ORCS, you know, however that works, the ORCS system; that we need to insert the full AP in considerations of those in the future; and some kind of review schedule that we set up, where we review these things on a yearly by yearly, tri-yearly, whatever basis, where the AP gets to review these things and come up with the recommendations.

I don't know the timeframe. I don't know what that should be, but I think it was critical coming out of the discussions we had with the group that we had that this system would benefit significantly from a full range of people throughout the snapper grouper fishery looking at these and determining what the different levels should be. I think I would like to see that.

DR. DUVAL: I would agree; that was something that came up multiple times both from the SSC end of things as well as the AP Chairs who were there and council members. I don't know if maybe we could just indicate that it is council's intent that the full advisory panels would be

involved in the review of ABCs developed through the ORCS approach. These are the folks who are out on the water and have I think a better intuitive sense of what the productivity of a lot of these stocks are.

MR. HARTIG: To that end, I am sitting there going; well, we have a localized depletion of one species in particular, but is it just in my area, and I don't know that. Those are things you have to know looking up and down the coast before you really come to where it fits into the categories.

DR. DUVAL: Everyone can see the language that Myra has up on the screen that the council intends to include in Amendment 29 a process whereby the advisory panels would provide feedback on ABCs and ACLs.

MR. CUPKA: I think when Ben made his motion he said ABCs developed through the ORCS process. Did you want to include that; I think it is important.

DR. DUVAL: Well, it is not a motion; it was just a direction to staff that, yes, we had said developed through the ORCS process.

MR. CUPKA: Well, the intent what I'm saying is, yes, through the ORCS.

MR. HARTIG: Yes, it would be nice to have that intent in that direction.

DR. DUVAL: Is this okay? We've added for ORCS onto the bottom of that statement? Okay. Our next agenda item is Amendment 22, which is a recreational tag program for red snapper, snowy grouper, golden tilefish and wreckfish. I'm just going to suggest that we take about a ten-minute break and then we'll come back and address this. Thanks.

DR. DUVAL: All right, everybody, I would like to go ahead and get started. I know that even though this is the last item on our agenda, Amendment 22, there are a number of other items under other business that we will need to address. If we could just focus for one last little bit here before lunch, I would appreciate it. I am going to turn things over to Myra to kind of walk us through the Amendment 22 Options Paper. I think it has probably been several council meetings since we last discussed this. Myra.

MS. BROUWER: Amendment 22 is one that you discussed last fall. I believe the September 2012 meeting is the last time you saw this. This amendment doesn't look much different at all from what you saw in September. What did occur was we requested some feedback from the Socio-Economic Panel of the SSC.

What was included in your briefing book is the original options paper with the recommendations from the SEP that were included. What we will need from the committee today is basically guidance on how to proceed, the timing for when you want this amendment developed, and the actions that need to be included.

The possible actions are four actually. I have them numbered 1, 2, 3, 5. Action 1 would establish a recreational tag program for red snapper and specify criteria for tag use. Action 2 would have all the details of the annual issuance process for the tags. Action 3 would do the

same thing for the deepwater species; and within that is snowy grouper, golden tilefish and wreckfish. Then Action 4 would do all the details for that tag program.

The proposed timeline; we're presenting to you the options paper at this meeting. At the December 2013 meeting you could choose preferreds, if applicable, and approve for public hearings in January. Then we could hold public hearings during our normal public hearing/scoping time during January/February of 2014.

Council could review the public input at the March 2014 meeting and approve for submission in March or June of 2014. The purpose and need have not changed from what you saw in September. For the red snapper tag program, there is a note from the IPT that reads below is a list of tag program elements that were considered as the IPT developed the amendment and alternatives.

Most of the characteristics have been incorporated into the actions and alternatives that are included, but some aspects of the program require further council discussion or are administrative decisions that are going to be addressed at a later time. What you discussed last time, among the things that were discussed is who would be eligible to apply for tags, and you decided that any U.S. citizen should be eligible.

NOAA Fisheries would issue the tags. The tags would be non-removable, one-time use tags that would be issued once per fishing year and designed in such a way that would prevent high grading. The tags would be transferable – at least that is the recommendation of the Socio-Economic Panel – and perhaps you would consider additional regulatory requirements on the tags themselves such as a season. We discussed reporting requirements.

A catch card could be sent out with tags – and I believe the HMS does this – or the data could be entered online. There could be a penalty for not returning information to increase compliance. Then we have just some ideas of the type of information that could be required on this card. We discussed the fees and NOAA Fisheries would have to incur an administrative cost. The estimate for this would be included in any rulemaking.

Then the process would involve a lottery with replacement, as I said, open to all U.S. citizens. We had at this point discussed whether it would be feasible to get a contractor to administer the program, and I have a note here that says that NOAA GC was going to provide some guidance on that.

Here is what the additional guidance from the SEP is – some of these things you have already covered – tags should be transferrable, the lottery should be open to all citizens, and lottery winners would need to own a recreational fishing permit that is appropriate for the fishing destination at the time of the application for the tag.

The recipients would be selected with replacement across years such that if a fisherman receives a tag in the given year, the recipient should be allowed to participate in the lottery in the next year, and one lottery participant would not be able to receive multiple tags while others received none.

Just more details of how this would be done; and then the lottery and tag transfer could be made electronic. The SEP stated also that they are interested in gathering data as part of this program to use to generate a economic value estimates for future management decisions. Okay, and then we have the current regulations.

Of course, this is what was put in place for the 2012 fishing season for red snapper. The current regulations for snowy grouper – note that for snowy, since it is up on the screen, the AM for snowy still contains this three-year rolling average language that you took away during development of the Comprehensive ACL Amendment in that you have been little by little taking away for other species. Well, we still have it for snowy.

Golden tilefish regulations as they have been amended recently and then the regulations for a recreational harvest of wreckfish that were put in place through the Comprehensive ACL Amendment are included as well. Then we get into the action and alternatives. It is not very fleshed out yet.

We're going to have to work out a lot of the nitty-gritty of the details of the alternatives. Mainly what we have here is do we establish a tag program for just the private recreational sector or the private and for-hire sectors for red snapper? Shall we maybe stop there and see if you have any questions or if we need to maybe just discuss these one at a time?

DR. DUVAL: That sounds like a good idea to me. Are there questions for Myra right now?

MR. CUPKA: Not a question but rather a comment. I think when we first started looking at this, we looked at this as a method to manage and control harvest. When the SEP got hold of it and started looking at it, they started throwing out a lot of other things. It is a good opportunity to get additional data, but I guess my concern is that you can almost get to the point where whoever is going to administer this program – and right now we're looking at NMFS – it is going to get much more complex and much more costly to implement some of their recommendations. I am kind of torn on it. It is a good opportunity to do more than just manage the harvest, but on the other hand we have to be cognizant of what additional burdens that are going to result in for whoever is going to end up managing this program.

DR. DUVAL: I agree David, it is a good opportunity to collect data, but it might be better to take that in sort of a step-wise approach. The genesis for this was really the fact that we had such low counts of fish ACLs for some of these deepwater species, and this is one way to manage that harvest.

MS. BECKWITH: Well, to me it seems like we've got a strategy for red snapper that we used last year, we're using this year, and we can continue to use as that ACL gets incrementally larger that allows actual fishing opportunities for folks on the coast. I am not in support of this tag program at all for red snapper. I want to see this pulled out of this amendment, and I think we need to continue moving in the direction that we are with red snapper right now.

MR. PHILLIPS: I guess I am seeing this for red snapper in particular if we have really low catch rates; but if we get the assessment back and there is significant amount of fish, then we probably can handle it otherwise than tags. Do we want to go through the procedure of figuring out what a tag would be if the catch rates are going to remain low?

As far as the golden tile and wreckfish and snowy, those are probably going to remain slow so they may very well need it no matter what. I think we just need to kind of keep in mind the whole – where are we going with this in the long run and what do we think the fishery is going to look like in size of production?

MR. HAYMANS: That was my general line of thought was regardless of the species, I am interested in looking at a program whereby we can manage those extremely low levels, those ACLs. We can get a lot of data. I like the idea of if you've got a tag – we do it for alligators, maybe not to the same extent, but you get an alligator tag, you bring the alligator to the office so that it can be measured and properly aged and all that kind of good stuff.

I like the idea of being able to get more data off of them, and I would like to see us proceed with some sort of tag program regardless of the species. Then all you have to do is to fill in the species blank and whatever the number of tags that may be.

MR. AMICK: I would like to echo what Anna said that we have – we can look at the 2013 season as far as controlling harvest of red snapper, and we have something in place in Amendment 28. Roy will decide on the length of the season to control the harvest. I don't think a tagging program would work for a species that has numbers that could be landed. On the deepwater species, it is a different story. I'm open to consider tags for a low number species.

MR. BELL: I think the discussion of all this obviously started when we were dealing with potential low numbers of red snapper that we would allow to be harvested, and then it kind of evolved into more of a generic tool. Like Doug, I agree, I see it useful to set up regardless of what species. I mean we don't know what we might be dealing with in the future.

I kind of looked at it as sort of like a big game tag or something or like an alligator tag where you have a limited number of animals that you want to allow to be harvested and it was just a means of controlling that. We gave a number of examples in here of fairly low numbers of animals. It could be applied to red snapper, it could be applied to snowies, it could be applied to anything that we felt we might need to in the future. I just sort of viewed it as more of a generic tool that would be useful to have.

MR. AMICK: To that point; I heard an analogy yesterday that considered big game hunting tags. We applied for tags in western New Mexico and you have certain amounts; but applying for a tag in the red snapper fishery is equivalent of applying for tags for dove hunting; the numbers are so great.

You look at the recreational effort that is out there in the federal waters where there is a possibility of landing red snapper; I think in 2012 it was like 1.65 million angler trips. If you were trying to restrict harvest with the number of tags that you want to harvest and the possibility of drawing a tag, it kills the economic benefit of trying to fish for red snapper.

You could ruin a – you know, if you are a recreational fisherman, the chances of drawing a tag is slim. I could see problems with,; okay, you have a headboat, you have 30 or 40 people on the boat, and you may have one person on the boat that has a tag to catch a red snapper. I am not sure that implementing a red snapper tag program is fair and equitable to the recreational sector as a whole because of the opportunity to land.

At least what we have for 2012 and 2013; anybody that wants to go catch a red snapper can. Then we watch the ACL and we saw what happened in 2012. We looked at the landings and then we can adjust the harvest this coming year by adjusting the length of time they can be fished.

MR. BELL: To that point; I agree with you. That is why as a generic tool you wouldn't have to use it for red snapper necessarily. If we find that we have a fairly reasonable number of animals available that we can harvest, then we would kind of make the decision whether or not to use the tool or not. But, then you might find at some point in the future there is another species where you want to apply it. That is why I like the utility of it, just as sort of a generic tool that we would use when we needed it. In the case of like red snapper, if you didn't need to use it, don't use it.

DR. PONWITH: Just a short comment for context, without passing any judgment on either approach, the difference between the tag and the open weekend, is that with the tag approach you know in advance what the bounds of your effort is going to be. With the open weekend, there are two things you don't know. You don't know what the effort is going to be in advance, and you don't know what the catch rate is going to be in advance. Those two unknowns are the things that constrain setting those short seasons.

DR. CRABTREE: Well, a couple of things. I wouldn't assume that the way we're handling red snapper right now is viable for the long term. That really hinges on Florida's ability to do this all-out intensive sampling that they did last year and the extra surveys and things.

That in the end is going to come down does somebody have the funding to pay for that; because without that, we're not going to be able to produce catch estimates. MRIP is just not going to give us viable catch estimates for a weekend season like this. I am hopeful that we'll have the funding to cover that for this year; but if we get in a situation where we can't do that expanded survey, then it is not clear to me that we can proceed with this anymore.

Then the second thing, I'm not sure I agree with you, Steve, that this gives everybody equal access. I mean we open red snapper up for one, maybe two weekends. If you have to work on weekends or have something else like that, you don't get any access at all. I am not sure that an approach like a tag program or something doesn't at the end of the day give more equal access than something where you just choose one weekend, and that is when you get it, and you don't even know when it is coming more than a month in advance. I think there is a lot more goes into this.

DR. DUVAL: Other comments around the table? What do you all want to do with this? There have been suggestions for just a generic tag program as opposed to just deepwater species or red snapper. I guess I'm not really sure how the mechanics of that would work in terms of suddenly sticking a fish into a tag program and making that decision. I am a little unclear as to how that would work. I'm not shooting it down; I'm just saying something to be considered; that's all.

MR. JOLLEY: Well, I'll weigh in just a little bit here. I am thinking of time, money and effort, and I have some serious reservations certainly with red snapper, but I think we've got bigger fish to fry and more important issues to deal with. I would like to slow down on this, too, and maybe bring it back up if council thinks it is that important a little further down the line.

MR. HARTIG: My considerations in reading through all these different things in the tagging program was how to deal with the for-hire sector, because it seemed to me that they would be kind of disenfranchised to some degree by not being able to get somewhere near what their contribution is in this process. That was one thing I had.

The other thing is a tagging program at least for the deepwater complex could inform the MRIP estimation procedures for those species, and that could be a really good thing long term. At least for those two I would like to see it go forward. The part about how long we're going to be on red snapper catch levels, how long will only be answered by the assessment. We're going to have to wait until next year to see what comes out of that. If the levels continue to be low, I think probably we should go ahead with the tagging program for red snapper to inform that as well in the MRIP estimation procedure; Just a couple thoughts.

DR. DUVAL: I certainly share the concern about the for-hire sector and how you would deal with that; but I have equal concerns about the fact that the snowy grouper ACL was overrun three times its amount last year. The same thing has happened with golden tilefish. We really need a means to ensure that we don't overrun those ACLs.

MR. HARTIG: To that point; the tagging program would show you whether those numbers were real or not, and that is the critical question with low intercept species at the sampling stations. Just the rarity of when you sample a species makes that estimation procedure go haywire at time.

DR. DUVAL: Right; and what we see are the point estimates, the mean and then there are error bars on either side of that mean. This would certainly help to clarify exactly what is going on there out there. What is your pleasure?

MR. SANCHEZ: I just wanted to say in Florida we have the tarpon tag, and part of the deal was you get your tag and you have to have one if you are going to land a tarpon. The exchange was to get some information out of it, but nobody turns back any information. If you are going to get any data out of the tag, which I am for; given the overruns and the lack of any meaningful MRIP data for like red snapper, you are just going to have to figure in some way to make it meaningful and have the requirement be something adhered to for getting that information back or you are just going to disseminate tags and that is all you are going to get out of it.

DR. DUVAL: Yes, and I think that is what we're struggling with. We did have some presentations by Luiz Barbieri regarding the tarpon tag and the snook stamp programs, and just the fact that, yes, not very many people actually turn in any information, so what kind of incentive can you provide to get people to do that sort of thing?

DR. PONWITH: I'll tell you one incentive that I would do for people who are hungry to know about the fish they just caught. For something like a snowy, some of these deepwater species, if you did a tagging program for those deepwater species and the people who go the tag had an obligation to submit data, the length of that fish, if they were capable of taking – once they filleted it, of either removing the otoliths, which is asking a lot, or actually freezing that head or pickling that head and sending it to us, I would be willing to see to it they got back a card telling them this is how old your fish was. That is how valuable having some of those data would be.

DR. DUVAL: I think during our previous discussions there were some consternation on the part of the committee of how do you enforce that requirement; how do you police that? That is a difficult thing to do if you have a data submission requirement. We talked ourselves back into, well, maybe we really need to just keep this simple and have it just be a harvest tag program, as the chairman alluded to earlier. I completely agree; I would love to see data come out of this. I am just wondering if it is something that we tackle in more of a step-wise approach. I don't know.

MR. HARTIG: I think in our jurisdiction we have heard so many people talk about data. We get pounded constantly from commercial and recreational sectors about data. If we actually incorporate them into the system to try and do that by the tag system – and it is simple. If you do not put your information in for the fish you caught that we requested, you are not considered for the tag program next year, or whatever you do. It seems to me relatively simple to do that. I don't know how simple it is to look at who got tags and who didn't. I don't know what time that takes and resources to look at that, but sometimes simple things are costly.

DR. DUVAL: Right now this amendment has – we've got red snapper, the three deepwater species, snowy grouper, wreckfish, and golden tilefish. The alternatives for all three are basically the same; establish a tag program for just the private sector; establish a tag program for the private and for-hire sectors; and then subsequent actions to establish an annual tag issuance process. There is no action in here that would require submission of data with the tags. Is that something that the committee would want to add for the IPT to flesh out a little bit further?

MR. BELL: Our agency has a lot of experience with marine game fish tagging programs and things, and they've been very successful. We don't use them to control harvest; we use them for data collection and sort of public outreach. When you get the public involved in the data collection process, they get into that.

You hear a lot of interest from the public in let us be involved in collecting data for you. There is value in that. I know this discussion, as I recall, all started initially about we have X number of red snapper we need to allow to be harvested; how do we do that? Well, then tags kind of logically came to mind as a way of controlling that.

Then we realized, well, we don't have a capacity or program in place to do that. That led us down this road as a kind of harvest control thing, but certainly the data collection is a really great aspect of it, and I think one that would really resonate with the public. I think you could get interest in it.

In terms of making that data mandatory; that might be a little touchy, but we have cards that the public has to fill out for us when they tag a fish or something, and you could follow some similar procedure. Other states I am sure have similar programs. It is not that we haven't been doing those sorts of things in different ways all along.

There is value in the data; but still when you come back to this, whether it is red snapper or it is snowys, or it is something in the future that we determine, well, we have this small allocation we can allow to be harvested; going back to the tag becomes the mechanism you can allow that to happen and you can get data from it.

But it goes back to it would become a federally managed program or whatever so do you want to have that? Do you want to have that capability in the future to be able to act on something quickly? Like if we had had this in place when the red snapper thing came up last year, we could have proceeded down that road, but it wasn't available. Again, I just see it as a useful tool, but it does also have serious data collection capacity as well.

MR. AMICK: I just wanted to comment on as far as the reporting requirement of the data. I think if I am correct, it would be possible to transfer your tags, and you might want to give it to someone else that could use the tag; and to enforce reporting, I think it would end up like the tarpon tagging, getting very little data from them.

It would be great, but to have enforcing the requirement, you don't know where your tags are going to end up or if they were used; the weather was bad and the guy can only go fishing once a year or something and didn't use the tag. It is questionable. I think the main focus of the tags would be to control harvest much more so than data, and data being collection a secondary issue with it, which I agree. I think that is viable for the deepwater species; but as far as the red snapper where you are trading tags or selling your tags, it is questionable in my mind.

MR. HAYMANS: Madam Chair, I just think the action as it is written; really, we need the one action. Do we need to establish a tagging program; and if the answer is yes, the criteria below that; and then another action may be do we want data associated with data reporting; but if it is associated with that, then what elements, and basically get rid of the three actions as they are now. I would like to move forward with Amendment 22, at least as far as seeing some more options.

DR. DUVAL: I think that is a valid suggestion to have an action dealing with data collection, have an action dealing with simply establishing a harvest-based tag program, and perhaps making it more generic. I do think it is good to keep in here the information regarding harvest of these deepwater species; an intent to apply it to those deepwater species as a means to control harvest.

MR. HAYMANS: Sure, those could be the case study species that we use to determine whether or not we really want to do it or not.

DR. DUVAL: What do folks think? David.

MR. CUPKA: Yes; and if it was voluntary, obviously not everyone is going to participate, but you might be surprised at how many people would. When we started a tagging program in South Carolina, we started it with contributions from fishing clubs of anglers that wanted us to do something like that and to be involved in it.

I would guarantee you that you would get some returns. I think any returns we got; any data we got would probably put us ahead of where we are now. I think it is worth looking into. but whether or not we want to make it – we might have a couple options, one where it is mandatory and one where it was voluntary or something.

DR. DUVAL: Yes. that was what I was thinking was you could have subalternatives or different alternatives either requiring it or making it voluntary. I think if we want to go down this road

sort of like Doug has suggested and others to make this a bit more generic to establish a recreational harvest-based tag program and then use these species mentioned herein as case studies, and then add another action that pertains to data collection, I think it would help staff out if we could have some motions in that regard to help frame that. Myra has some language up here on the screen if anybody might be willing to make a motion to that effect to add an action to Amendment 22 to specify data collection requirements.

MR. HARTIG: I would move that we add an action to Amendment 22 to specify data collection requirements.

DR. DUVAL: There is a motion by Ben; second by Charlie. Discussion? I think based on the conversation that we have had here and some of the suggestions that you would have alternatives under this action to either require data collection or make data collection voluntary or not to require it. **Is there discussion or comments on this motion? Is there any opposition to this motion? Seeing none; that motion stands approved.**

MR. HAYMANS: I was actually looking at perhaps removing the species name South Atlantic red snapper from Action 1; the same for Action 2; eliminating Action 3; and where did 4 go – there is no Action 4 – and Action 5; and basically winding up with an action to establish a recreational tag program which would include the parameters for issuance; and the second action would be the data collection that we just did; basically two actions with a lot of subalternatives under each one. That is what I was thinking.

DR. DUVAL: An action to establish a recreational tag program, but then wouldn't you want to keep the Action 2 to establish an annual tag issuance process and then also have an action with regard to data collection?

MR. HAYMANS: Okay, so process could be a separate action. I was thinking process was part of the program. That is the what, the how; all of that was under the program, but we can break it into however many actions need be.

DR. DUVAL: The IPT is clever; I'm sure that they can figure those things out. Are you prepared to make a motion in that regard?

MR. HAYMANS: Can we craft it in such a way that we allow the IPT to go back and come up with the best format for this regardless of species?

DR. DUVAL: I think if we could have a motion to direct the IPT to revise the existing actions in Amendment 22 to create a generic harvest tag program and issuance process, maybe that would get you where you need to be.

MR. HAYMANS: Madam Chair, I so move.

DR. DUVAL: Motion by Doug; seconded by Charlie. **The motion reads direct the IPT to revise the existing actions in Amendment 22 to create a generic harvest tag program and tag issuance process.** Are there any other comments on that?

MR. JOLLEY: Well, just to remind council that we keep developing all of these things for recreational fishermen to have to digest, and they are already – I’m trying to think of the word – they are already exasperated in some cases about so many rules and regulations; and as we go forward, here is another one as though we don’t have enough already to consider. I just worry that we keep interjecting things that are discouraging people from going fishing.

MS. BADEMAN: Yes, I think we need to keep looking at this. My only concern with this motion is that just the perception from someone who is from the public that is not necessarily plugged in; that we are going to all of a sudden create some huge all-encompassing tag program, and it is going to be catch shares for recreational or something like that. I am a little bit cautious about that, but I understand your idea, and that is all good, but, yes, that is my only reservation here.

DR. DUVAL: We could modify the motion to indicate that it is only for species with very low ACLs and indicating that would be the council’s intent. That is why I said what I did earlier about I think it is important to maintain some of the material in here. As I think Doug indicated, these are your case study fish and this is why.

MS. BADEMAN: Yes, I think that is a good solution.

DR. DUVAL: Would adding something to the end of this motion indicating that this would be for low ACL species; would that be okay with the motioner and seconder? They are both nodding their heads yes.

MR. AMICK: I’m just afraid of the term “generic harvest tag”. Does that open a door for a tagging program for black sea bass or vermilion snapper, red porgies? I mean, it is just we went from the deepwater species to red snapper, and this seems to open up the door for a generic harvest tag program.

DR. CRABTREE: I think our intent is we have species for which the ACLs are too low to allow you to manage them with the traditional way we do things. That is the case with snowy; it is borderline the case with red snapper right now. I hope that changes when we get a stock assessment.

But wreckfish; we have fisheries that we simply cannot estimate the catches, and so we can’t tell if we’re going over or not going over with the traditional data collection program. It is probably not realistic to think that data collection program is ever going to be able to capture it, so, no, I don’t see this as being about vermilion or sea bass.

This is about things like snowy grouper where I think the ACL is 500 and something fish; and wreckfish; it is something very low, too. You just can’t manage those through the traditional system, so you’ve got to come up with something different. I’m sympathetic to John’s statements about more regulations and perceptions and all.

I don’t want to get in a place where we’re shutting these fisheries down because we get a catch estimate that is way too high but has a CV of 100 percent over it. I’m afraid that is what is going to happen sooner or later. I think the public will be even less charitable when that happens than they will be towards this kind of idea.

DR. DUVAL: I guess the other thing I would say is that I think spreading such a harvest tag program virally would suck up a lot of resources. I don't think the agency or almost anyone else is interested in that.

MR. HAYMANS: I guess this can wait for after the vote, but part of what I would like to see in the analysis of this is how low is low; at what point; is it 500 fish or is it 9,600 fish or is it somewhere in between?

DR. DUVAL: I think that is excellent; what criteria would you use to determine whether a species would be eligible for such a program?

MR. CUPKA: As long as we're revising the motion as we go here; do we want to add some wording about adding an action to look at data collection?

DR. DUVAL: We have a previous motion that already did that where we added an action.

MR. BELL: Yes, kind of what Doug was saying, how low is low kind of depends on the fishery. There are a lot of other parameters that the IPT would have to look at to determine what makes sense for that particular fishery; how many participants, how is it prosecuted and that sort of thing.

I just envision this being case by case with a particular species that you're dealing with. Going back to it, if we don't have this capability, then we're stuck with depending upon the estimates, and then we find ourselves perhaps exceeding an ACL by 200 percent or so, and then we get into those problems. I just see it as a useful thing.

MR. PHILLIPS: I would see low as being defined by Roy and Bonnie as something that – as Roy explained; it gets to a point where they can't measure the fish properly to know what the harvest levels are. I would expect that would come from them. They know what those levels are more than we do. I would expect that level to come from that side of the house.

DR. DUVAL: Are there any other comments? The motion reads **direct the IPT to revise the existing actions in Amendment 22 to create a generic harvest tag program and tag issuance process for species with very low ACLs. There is some intent language below there that the intent is for the tag program to apply to species for which recreational ACLs are difficult to monitor, because they are so low.**

Are there any other comments on this motion? Is there objection to this motion? The motion passes with one objection. In terms of timing and development of this, I don't know what the IPT or staff was thinking, but I see Gregg walking up to the table. Thank you, Gregg.

MR. WAUGH: I just looked at that in our schedule. We have you looking at options here and September; and then in September giving us guidance on timing and how we move forward; because certainly with six amendments to try to get finished the rest of this year, I don't see a lot happening this year, but the IPT can do some of the background work. The idea was to look at more options, the refinement of options in September, and then lay out your timing at that stage.

MR. CARMICHAEL: With the addition of data collection aspects of the tags, it would seem very good to get SSC feedback on that and they will meet in October. It would be nice if the timing could incorporate that as well to make sure that they get in early on that part in the developing of those alternatives.

DR. DUVAL: I would agree.

MR. HARTIG: To that point about the data collection, I think in order to inform us about that, I think we should look at the number of MRIP samples, the biological samples that are actually collected for the recreational fisheries, so we would have some idea of the samples that are collected. Maybe this moving forward could help us substantially.

The other thing that would be interesting to have is just given the recreational; 523 fish, how many representative samples you have to have throughout the area that the animal is fished that should go into the assessment. What is the number decided in a protocol from that fishery? That would be good. We're going to have a lot more discussions about this later, but it is coming forward now about how we should do that.

It would be nice to know what we should actually be collecting, and then have a report every year about what is collected so you can look, as we're moving from assessment to assessment, to at least that you collect the biological samples you need to do the assessment between assessments. I know back in time it is not going to do us any good, but going forward I think that would be helpful to the council in going that direction.

DR. LANEY: Madam Chairman, I am not on your committee, but, Ben, I think that is already being done through the ACCSP. They annually meet to consider how many samples are needed for various species for both council and ASMFC management purposes.

MR. HARTIG: I'm not going to belabor this committee now on that; we'll have that discussion.

DR. LANEY: I think they track them.

DR. DUVAL: We'll probably get into that a little bit in data collection. All right, is there any more discussion on Amendment 22? Again, we're just in sort of the exploratory phases on this. I'm sure we'll have a lot more to say once the IPT has had a chance to respond to the direction from the committee. All right, so that was the last item on our agenda, but there are a number of items under other business that folks wanted to discuss. Doug, I think you had something you wanted to revisit with Amendment 29, which was the application of the ORCS; is that true?

MR. HAYMANS: Yes, at the break I was simply asking a question. There are other species besides snapper grouper species in the ORCS table that Luiz presented to us; namely, dolphin and wahoo, and does it need to be a joint amendment with dolphin and wahoo rather than simply a snapper grouper amendment? That really is a question.

DR. DUVAL: I would think so if the intent is to apply the ORCS process to unassessed species,, certainly, but dolphin and wahoo are both up for a benchmark next year; 2015, potentially. Yes, the approach would apply to any unassessed species. I think that would probably be something that maybe staff could work out.

MR. CUPKA: Yes, that is why earlier we said we need to do a generic amendment, because there are species other than snapper grouper in there. We would have to look at all those.

DR. DUVAL: Does that help, Doug? I know, John Jolley, you had requested a few minutes to discuss a barotrauma issue.

MR. JOLLEY: Yes, thank you, Madam Chairman. I think before I just comment on that, I will pass along a jewel of wisdom; that government is a lot like cancer, it just keeps growing. In my tenure here the last two years, I have gotten a real lesson in bureaucracy. I really appreciate the intelligence and hard work of everybody, but I think we need to keep that in mind that government does just keep growing like cancer.

I think it is appropriate to follow along with this issue. I'm seeing a partial solution to our recreational discard barotrauma problem with the development of these new techniques that are at hand, especially I am thinking of red snapper immediately. I would like to know how much – I know we've had an update on some of this, especially from the Pacific area, but I would like to know how much research are we getting done and how soon might some of these new techniques be employed.

When I say this, I think back about all that we've done with sailfish over the last 50 or 60 years, and it is really historic because it is not government, it is a voluntary program where we have maintained these stocks in the 4 million square miles of the Western North Atlantic really by this voluntary ethic that we have for releasing these animals.

It took some time, but remember it wasn't easy to convince people back in the '30s and '40s and '50s that you needed to let these things go, because the guy that came to the dock with four or five sailfish that he could hang up, he is the guy that got the next charter. But in fact it is a historic event; all over the world now people let these things go routinely, particularly here in the Western North Atlantic.

I just think there is a lot of potential in this new device and methodology that Rusty touched on last night for this bottom fishing that we're doing beyond 40, 50, 60 feet. I think this avenue of volunteerism would be – if it is done right, it will be embraced by the recreational fishery. If we have done it for sailfish, we can do it for these other fishes, and we ought to be thinking about how we can proceed to encourage that. Thank you.

DR. DUVAL: Thank you, John. We do have one outstanding item that we need to address from black sea bass. If you recall our discussion yesterday around Action 5 to modify the black sea bass commercial fishing year; one of the things that we discussed was removal of that pot closure and triggering of a new biological opinion.

I know that we're going to have some more discussion about this during the Protected Resources Committee meeting, but we never actually – we don't have any actions in Regulatory Amendment 14 right now that would trigger that opinion.

As I think Doug had suggested having an action within a separate amendment so that it wouldn't slow down any of these other changes that we're looking for; so I think the committee would need to direct staff to develop an amendment that includes an action to remove the November 1

through April 30th seasonal black sea bass pot closure in order to trigger that new analysis. That was one thing outstanding from yesterday that we did not take care of. Otherwise, we're left under this.

MR. HAYMANS: Wasn't that a full plan amendment that would be required to do that?

DR. DUVAL: No; seasonal modifications or season closures fall under our framework. Certainly, it would be a regulatory amendment; it would be a lengthy regulatory amendment based on the analyses, but that could be done through a regulatory amendment.

MR. HAYMANS: I would like to make a motion, Madam Chair, if I may, to request the establishment of a regulatory amendment to address – I would like to make a motion, Madam Chair, to direct staff to begin development of a regulatory amendment that would remove a November 1 to April 30th black sea bass pot closure.

DR. DUVAL: Seconded by Tom Burgess. Discussion?

MR. WAUGH: We perhaps would go back and pick up Regulatory Amendment 16 now since that isn't going anywhere. We certainly wouldn't do anything on this until NOAA is finished with the final rule for Regulatory Amendment 19 that established it.

We can pirate a lot of the information from Regulatory Amendment 19 that established it, so I don't see this taking a lot of work. If NOAA gets the final rule done before their September meeting, then we'll bring something to you in September. If not, then I guess the thing to do would be to wait until December.

DR. DUVAL: Sounds good; is that okay with everyone? **Any other comments or discussion? Is there any objection to this motion? Seeing none; that motion stands approved.** I know that Steve Amick had requested to have a couple minutes to discuss an item.

MR. AMICK: I would like to make a comment on what we discussed on the recreational fishing season for black sea bass yesterday. Tom Burgess mentioned that he had a for-hire captain come and he was irate because of the unforeseen closure of the sea bass caused a lot of trouble for him, and his concern with the possible early closure during the tourist season because of not knowing when the ACL would be reached.

Bonnie's concern that despite the technology to have raw data in her hands, it takes a couple months to analyze before we can make a decision and analyze the landings. We had a presentation from the SSC on the projections of when the ACL would be met as far as number of days; on the low end 87 days, and on the high end about 256 days.

The problem is that in all those cases we don't know when the end of a recreational season is. I think the council should be in position to set an end date on these recreational seasons and try to adjust to those seasons to get as close to the ACL as possible. It might take a few years to do; to work it to where we're close.

If council has the flexibility to look at the data after it has been analyzed and see what the landings were during the course of a season, and then the following year adjust the recreational

season on whatever species to the point that maybe lengthen it, maybe shorten it, maybe change the bag limits; but what we're doing now, and if we continue to do it – and I'm thinking of vermillion snapper.

We opened up the fishery year round. We really are not sure what is going to happen as far as recreational landing of vermillion snapper. It is possible that Roy will come and say, well, we're close to the ACL and it is projected to close August 15, and we're in the same situation in vermillion snapper that we are on sea bass.

I think the council should go down the road as looking at not only starting a start date for the recreational season but also an end date where businesses can make plans, the Science Center can analyze the data in a timely fashion, and recreational fishermen can make their vacation plans and trips to the coast without being completely thrown out the window because of a week or two-week notice of a closure.

DR. DUVAL: I've got two hands up, but I will say what you mentioned about using like basically the catch information from the previous year to sort of project for the following year what a season opening date and closing date might be, that is somewhat similar to what the Mid-Atlantic Fishery Management Council has done for its recreational species.

They will set up season dates, bag limits, size limits. Now last year they were unfortunately in a position of having to close their second season opening date for black sea bass because of a potential overrun. But using past information to try to set your season dates and opening and closing dates, there is precedent for that in other regions, I guess I would say.

DR. CRABTREE: I think there are ways we could get to a stable sea bass season. I think we would have to come in and look at the accountability measure. I think it is still right now as an in-season closure, but the stock is rebuilt now. I think we could come in and look at changing that. I think we could potentially come at it from a perspective of we want to put a fixed season in place with an up-front start date and closure date, and we want to try to avoid changing that more than this often to try and bring some stability to the fishery, so that people can plan, like you say, and know what is coming. I think that is something we could look at.

We don't expect to see the – we have been on this real upward trend in population growth and rapidly changing CPUEs and things but presumably now that we're rebuilt, we should have a lot more stability in the catch rates. I think that is a good goal; and I agree with you, we need to bring some stability to these recreational fisheries, and that would work better for most fishermen.

MR. HAYMANS: I was just going to say that this is precisely the type of thing I hope comes out of visioning. That is the kind of tools that we need; but we also have to be willing to accept the fact that if we don't catch them all in a given season, we are going to leave some fish on the table. If we overfish it by small degree, we accept that as well. That is the kind of tool I hope comes out of the visioning process.

DR. DUVAL: Tom Burgess had a topic he wanted to bring up.

MR. BURGESS: Well, the idea of the allocation between the hook and line and traps as has been requested by individual fishermen and also the Snapper Grouper Advisory Panel and exploring that idea; I think I held back a little bit on discussing it during the allocation discussion with the developing an amendment to look at allocations.

I'm sure that would be a great vehicle to put that in. I think also the results of our public hearings and the final vote on Regulatory Amendment 14, and the actions in there addressing the issues on black sea bass and what has come out of our discussion yesterday; I think that in the future when this comes up,; that the council will have more of an informed idea of the harvest levels of black sea bass with this increased ACL and hook-and-line participation.

As I say, what comes out of the public hearing and the response from the public and the vote of the council on how to proceed with a season for black sea bass, with the alternatives in there, it seems like we're well on our way and established a vehicle for that to address that allocation issue at this time.

DR. DUVAL: Tom, are you suggesting to kind of hold back on potentially including an action in Amendment 29 to consider a proportional split between the pot sector and the hook-and-line sector until after we get some of that public comment back on Regulatory Amendment 14?

MR. BURGESS: No, not necessarily. I just was under the assumption that would be discussed at the time. I thought the timing possibly would be that you would go through, of course, the public hearings on 14. I kind of thought that 29 was going to be – if that is the allocation or the allocation amendment that you were developing – would be kind of a little bit after. It seems like it has been put off a little bit, and we might have a season of these new rules. I just didn't bring it up, because I thought it would surface at its appropriate time.

DR. DUVAL: Okay, and I just wanted to make sure that you had the opportunity to talk about this, because I know that this was something that you felt strongly about and had come through the AP. Just to clarify, Amendment 29 is where we're going to be considering the application of the ORCS methodology to our unassessed species.

The motion from the committee was to develop a generic amendment to re-examine allocations. Certainly, it would be appropriate within that generic amendment and could surface at that time. I have one other item under other business, but I just want to see if there were any other items around the table.

DR. CRABTREE: Well, what's your other item?

DR. DUVAL: Well, I'll just go ahead. I did just want to remind the committee that in September we are scheduled to take up a discussion of Regulatory Amendment 17, which is consideration of marine protected areas for speckled hind and Warsaw grouper. We've had considerable discussion over the last several meetings on this topic.

We had a great presentation from Dr. George Sedberry from the MPA Expert Workgroup, and we certainly heard a lot of concerns from fishermen with regard to the method in which the council proceeds forward with this amendment. and their request to please do things appropriately and do things right.

I think one of the pieces of that – and this came out during our discussion – I think Gregg reminded us that for our existing deepwater marine protected areas, at this point we don't actually have management plans for those areas. That is kind of a key tenet of effective marine protected area management is that you have management plans for those areas that lay out what the goal of a marine protected area is; that lay out any monitoring components to help you assess whether or not those areas are actually meeting their goals.

I am just laying out for the committee to consider and be thinking about that as we discuss Regulatory Amendment 17, I would recommend that we consider including some kind of draft framework or something for management plans for our existing marine protected areas. I just kind of wanted to lay that out there.

MR. BELL: Yes, that ties in to a concern I guess I've had. Going way back in time when these areas we have were first established, the goal of the area's purpose was to basically deal with the full spectrum of deepwater reef species. Now, as you mentioned when you teed this up, this is kind of about snowies and Warsaw's.

Is the purpose of those areas still about the full spectrum of deepwater snapper grouper species out there or has the purpose kind of shifted to really focus more on benefits for Warsaw's and speckled hinds? I don't know, and it seems that is kind of the direction we're going in the discussions.

Then when we start considering possible reorientations or expansions or adjustments of areas that we have; are the expansions or the adjustments or whatever made specifically to focus on increasing benefits towards those two species? I agree; I think we need to be clear on what the areas are there for.

The other thing is related to public perception of how we're doing. We need to clearly be able to demonstrate that through the monitoring we have done and whatever that we are; here is what we've done so far; because if we're going to discuss with the public the option of adding area or adding new areas or going places where we are not at the moment; well the first thing that comes to mind is, well, you have had these areas out there for a number of years; how is that going? How well have you done to date?

It makes it really hard to kind of sell the concept to the public if we need to do more, but we don't quite know what we've done so far has had what amount of benefit. That is just a real challenge, I think. That would be part of a management plan or whatever is your monitoring, your evaluation, and your demonstration of benefits; but I think, clearly, and also initially, what are we trying to accomplish? Are we really focused on those two species now, or are we still focused on kind of everything plus those two species?

DR. DUVAL: Right; and purpose and need and focus is what we are going to be talking about at the next meeting.

DR. CRABTREE: I guess that was my question; are we going to just focus on purpose and need objectives or are we going to look at alternatives or what exactly do we expect to look at in September; just so staff understands what we want to see?

DR. DUVAL: Well, I think the conversation that we had at the last meeting, and I think the motion was from the last meeting, if I am recalling correctly, was to discuss the purpose and need. I'm just throwing out there the idea that I think development of management plans for those areas needs to be a piece of that discussion.

MR. WAUGH: Yes; and your guidance that you gave us was that staff would develop a draft purpose and need statement and indicate which of the sites in the report are reconfigurations and which target spawning sites. That is what we have been planning on doing. Then it would add the issue of management plans to address that deficiency that was pointed out by the MPA Expert Workgroup.

DR. DUVAL: Does that answer your question, Roy?

DR. CRABTREE: Yes, ma'am.

DR. DUVAL: Is there any other business to come before the committee? I'm so excited; we're done early. I believe the Snapper Grouper Committee will stand adjourned, and I will turn things over to our chairman to determine what we do next. Thank you.

(Whereupon, the meeting was adjourned at 11:20 o'clock a.m., June 12, 2013.)

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INDEX OF MOTIONS

REGULATORY AMENDMENT 14 MOTIONS

PAGE 49: Motion to approve the new IPT wording for the Purpose and Need Statements. Motion carried on Page 49.

PAGE 52: Motion to select Alternative 2 as the preferred under Action 1. Motion carried on Page 52.

PAGE 55: Motion to select Alternative 3 under Action 4 as the preferred. Motion carried on Page 56.

PAGE 61: Motion to move Alternative 5 in Action 5 to the considered but rejected appendix. Motion carried on Page 61.

PAGE 66: Motion to remove Alternatives 3 and 4 from Action 5 and move them to the considered but rejected. Motion carried on Page 66.

PAGE 66: Motion to select Alternative 6 in Action 5 as the preferred. Motion withdrawn on Page 71.

PAGE 77: Motion to add an alternative that would open black sea bass harvest with hook and line on January 1st with a trip limit of 100 pounds until the pot season opens on June 1st.

PAGE 80: Substitute motion to add an alternative that would change the commercial fishing year to start January 1; establish a trip limit for the hook-and-line sector until harvest with pot opens on May 1st; consider trip limits of 100 pounds, 200 pounds and 300 pounds. On May 1st, the trip limit would be 1,000 pounds for both sectors. Motion carried on Page 81.

PAGE 84: Motion to select Alternative 1 as the preferred under Action 6.

PAGE 86: Substitute motion to select Alternative 3, Subalternative 3C as the preferred. Motion carried on Page 86.

PAGE 87: Action 8: motion to accept the IPT's suggested language changes to the action and alternatives and accept the IPT's suggested wording for Alternative 3. Motion carried on Page 88.

PAGE 89: Motion to select Alternative 2, Subalternative 2B as a preferred under Action 8. Motion carried on Page 89.

PAGE 92: Motion to remove Action 2 from Regulatory Amendment 14. Motion carried on Page 92.

PAGE 92: Motion to remove Action 3 from Amendment 14. Motion carried on Page 92.

PAGE 94: Motion to remove Action 7, modify the aggregate grouper bag limit, from the amendment. Motion carried on Page 94.

PAGE 95: Action 9; motion that Alternative 4 be the preferred. Motion carried on Page 95.

PAGE 96: Motion to reconsider selecting Alternative 3 the preferred under Action 4. Motion defeated on Page 97.

PAGE 97: Motion to approve Regulatory Amendment 14 for public comment. Motion carried on Page 97.

REGULATORY AMENDMENT 16 MOTIONS

PAGE 102: Motion to recommend to the council that development of Regulatory Amendment 16 not proceed any further. Motion carried on Page 102.

SNAPPER GROUPER AMENDMENT 30 MOTIONS

PAGE 105: Motion to recommend the Council not approve Amendment 30 for submission for secretarial review. Motion carried on Page 108.

SNAPPER GROUPER AMENDMENT 29 MOTIONS

PAGE 113: Motion to direct staff to develop Amendment 29 to modify the Council's ABC Control Rule and adopt new ABCs and ACLs based on those modifications. Motion carried on Page 113.

PAGE 116: Motion to direct staff to begin development of a generic amendment to reexamine sector allocations. Motion carried on Page 116.

SNAPPER GROUPER AMENDMENT 22 MOTIONS

PAGE 125: Motion to add an action to Amendment 22 to specify data collection requirements. Motion carried on Page 125.

PAGE 127: Motion to direct the IPT to revise the existing actions in Amendment 22 to create a generic harvest tag program and tag issuance process for species with very low ACLs. Motion carried on Page 127.

OTHER BUSINESS MOTIONS

PAGE 130: Motion to direct staff to begin development of a regulatory amendment that would remove a November 1 to April 30th black sea bass pot closure. Motion carried on Page 130.

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jessica.mccawley@myfwc.com

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JACK MCGOVERN
ROBERT JOHNSON
LUIS BARBIERE
BONNIE POWWITH
MONICA SMET-BRUNELLO
MARCEL REICHAERT
MORGAN FOWLER
OTHA EASLEY
PAT O'SHAUNESSY
JENNIFER LEE
KENNY FEX

South Atlantic Fishery Management Council

Staff

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✓ Roger Pugliese
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✓ Myra Brouwer
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✓ Anna Martin
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✓ Dr. Kari MacLauchlin
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✓ John Carmichael
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Julia Byrd - julia.byrd@safmc.net

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✓ Mike Collins
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Debra Buscher
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Admin. Secretary /Travel Coordinator

Cindy Chaya
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Purchasing & Grants

✓ Julie O'Dell
julie.odell@safmc.net

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.

South Atlantic Fishery Management Council Meeting: Snapper Grouper Committee

Tuesday, June 11, 2013
8:30 A.M. to 12:00 P.M.

<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
Kate Quigley			
Dick Browne			
Jeff Weakley		jeff@floridasportsman.com	
Jim Freeman			
Mason Smith, FWC	(561) 862-5727	mason.smith@myfox.com	
Liam Carr	843-819-8169		
Bill Kewer - FKCF			
Andrew Gamm			
Robert Cardle	772-501-9933	FudMC	FL P

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

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Robert Johnson SGAT	(904) 540-2628	rlfishin@bellSouth.net	St Augustine
Rudolph Johnson-Jr	386-239-0948	1572009@aol.com	32120-9351
Kenny Lee	910-620-5847	KennyLee@gmail.com	Oak Island, NC
Anna Cooper 313C	727-504-6318	anna@311hicksconsulting.com	P.O. Box 3461, St. Pete, FL 33731
Brian Gorski	407 854 7002	bgorski@ccoflorida.org	9715 Braden Run, Bradenton, FL 34222
Ker Lindman	321 321 271 7347	lindean@att.net	
Leda Dumire	305-793-0934	LDumire@cewms.org	
Sherri McCoy	321-960-1663		
Geoffrey SHIDLER	305-767-6715	GSHIDLER@PSMA5.MIAMI-EDU	MIAMI, FL 33149

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NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
R. Robert (Bob) C. Mosher	561-7467568	—	18450 SE Coxahatchee Rd. Jupiter 33458
JOSH MCCOY	321 960-4885		807 Hampton Way Merritt Island FL
PAUL ALPERTZ	561 762-3581		18805 SE RIVER RIDGE RD. TIDEWATER, FL 33469
Robert Naefer	954-224-8026		936 VAN BUREN ST. Halland Beach, FL 33009
George Selberry			
Holly Binns Dow	850-322-7845		
Leann Dunmore	305 393 0934		
Jack Cox	252 728 9548		Monkhead City NC
Robert CATANIA	912-801-9933		FL. Pierce FL.

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South Atlantic Fishery Management Council Meeting: Snapper Grouper Committee

Wednesday, June 12, 2013
8:30 A.M. to 12:00 P.M.

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
Robert Johnson RSGAR	904 540-2628	jcfishing@bellsouth.net	St Augustine
Quincy Gorman	813-286-8350	quincy.gorman@gmail.com	Ty A, FL
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Rusty Hudson	257 386-239-0948	2572009@aol.com	32120-9351
Joe Klostermann	772-461-0999	251 Bimini Dr	Fort Pierce FL 34949
BRIAN LERO	410-725-0000	lee3r@hotmail.com	Fl. pierce
Robert Mostler	541 7467568	18950 SE Loxhatchee	Riv Rd. Jupiter Fla 33458
Shervi McCoy			
George Seberry			

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Jam Carr	843-819-8169	lcarr@pewtrusts.org	Po 609 Chas. SC 29402
Leena Dunmore	305-393-0434	LDunmore@pewtrusts.org	
Holly Binns	850-322-7845	hbinns@pewtrusts.org	
Kate Quinlan	843-327-1114		
Emily Helmick	301-103397	ehelmick@pewtrusts.org	
John Fiskley	727-824-5344	john.fiskley@pewtrusts.org	54 P.O. Box 33701
Sack Cox			
Anna Cooper			

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70	harrison, robert	tunaprowler1@embarqmail.c...	25 min
65	Thompson, Mary Jea...	mjthompson860@gmail.com	238 min
58	Mehta, Nikhil	nikhil.mehta@noaa.gov	527 min
57	Austin, Tony	redress@ec.rr.com	584 min
52	DeLancey, Larry	delanceyl@dnr.sc.gov	419 min
51	Waters, James	jwaters8@gmail.com	88 min
51	MacLauchlin, Bill	billmac@charter.net	303 min
47	Lamberte, Tony	tony.lamberte@noaa.gov	121 min
47	steele, phil	phil.steele@noaa.gov	479 min
46	Abeels, Holly	habeels@ufl.edu	419 min
43	Eich, Anne	annemarie.eich@noaa.gov	505 min
42	Stump, Ken	magpiewdc@gmail.com	230 min
37	raine, karen	karen.raine@noaa.gov	362 min
36	Bresnen, Anthony	anthony.bresnen@myfwc.com...	503 min
34	DeVictor, Rick	rick.devictor@noaa.gov	513 min
34	sandorf, scott	scott.sandorf@noaa.gov	450 min
32	holiman, stephen	stephen.holiman@noaa.gov	405 min
30	brennan, kenneth	kenneth.brennan@noaa.gov	465 min
30	c, m	mec181@yahoo.com	563 min
29	Williams, Erik	erik.williams@noaa.gov	459 min
29	neer, julie	julie.neer@safmc.net	409 min
29	Knowlton, Kathy	kathy.knowlton@gadnr.org	358 min
29	Clemens, Anik	anik.clemens@noaa.gov	505 min
28	Baker, Scott	bakers@uncw.edu	410 min
28	Fetherston, Elizab...	efethers@oceanconservancy...	60 min
28	Byrd, Julia	julia.byrd@safmc.net	508 min
27	Helies, Frank	fchelies@verizon.net	380 min
27	Pugliese, Roger	roger.pugliese@safmc.net	223 min

27	brewer, william	williechet@aol.com	37 min
27	Ballenger, Joseph	ballengerj@dnr.sc.gov	423 min
26	Strelcheck, Andrew...	andy.strelcheck@noaa.gov	103 min
26	g, a	andrea.grabman@safmc.net	320 min
26	Herndon, Andy	andrew.herndon@noaa.gov	131 min
25	Malinowski, Rich	rich.malinowski@noaa.gov	86 min
23	FARMER, NICK	nick.farmer@noaa.gov	135 min

70	w, m	matthew.walia@noaa.gov	1 min
59	raine, karen	karen.raine@noaa.gov	117 min
44	Austin, Tony	redress@ec.rr.com	179 min
43	gerhart, susan	susan.gerhart@noaa.gov	145 min
34	Mehta, Nikhil	nikhil.mehta@noaa.gov	54 min
31	pugliese, roger	roger.pugliese@safmc.net	52 min
30	Byrd, Julia	julia.byrd@safmc.net	150 min
30	DeVictor, Rick	rick.devictor@noaa.gov	74 min
30	c, m	mec181@yahoo.com	183 min
28	Baggins, Bilbo	kari.maclauchlin@safmc.net	124 min
27	Neer, Julie	julie.neer@safmc.net	59 min
23	Eich, Anne	annemarie.eich@noaa.gov	33 min
23	Abeels, Holly	habeels@ufl.edu	5 min
52	DeLancey, Larry	delanceyl@dnr.sc.gov	5 min
51	c, m	mec181@yahoo.com	24 min
47	Stump, Ken	magpiewdc@gmail.com	1 min
46	Abeels, Holly	habeels@ufl.edu	24 min
42	gerhart, susan	susan.gerhart@noaa.gov	13 min
40	Neer, Julie	julie.neer@safmc.net	1 min
26	raine, karen	karen.raine@noaa.gov	24 min
20	Package, Chrisitna...	christina.package@noaa.gov	24 min
16	Mehta, Nikhil	nikhil.mehta@noaa.gov	24 min
14	Gore, Karla	karla.gore@noaa.gov	24 min
11	Eich, Anne	annemarie.eich@noaa.gov	0 min
11	Baggins, Bilbo	kari.maclauchlin@safmc.net	23 min
11	Baker, Scott	bakers@uncw.edu	7 min
11	steele, phil	phil.steele@noaa.gov	13 min
10	holiman, stephen	stephen.holiman@noaa.gov	14 min

10	Byrd, Julia	julia.byrd@safmc.net	24 min
10	Ballenger, Joseph	ballengerj@dnr.sc.gov	23 min
6	pugliese, roger	roger.pugliese@safmc.net	9 min
59	gerhart, susan	susan.gerhart@noaa.gov	4 min
59	Davis, Greg	burlynomad@yahoo.com	4 min
58	steele, phil	phil.steele@noaa.gov	4 min
57	Byrd, Julia	julia.byrd@safmc.net	4 min
48	Eich, Anne	annemarie.eich@noaa.gov	4 min
38	holiman, stephen	stephen.holiman@noaa.gov	4 min
27	DeLancey, Larry	delanceyl@dnr.sc.gov	4 min
24	Abeels, Holly	habeels@ufl.edu	4 min
9	Mahood, Robert	robert.mahood@safmc.net	4 min
60	Austin, Tony	redress@ec.rr.com	140 min
41	Mehta, Nikhil	nikhil.mehta@noaa.gov	100 min
37	steele, phil	phil.steele@noaa.gov	113 min
36	raine, karen	karen.raine@noaa.gov	91 min
33	gerhart, susan	susan.gerhart@noaa.gov	3 min
25	holiman, stephen	stephen.holiman@noaa.gov	99 min
23	Package, Chrisitna...	christina.package@noaa.gov	63 min
19	Mahood, Robert	robert.mahood@safmc.net	48 min
14	w, m	matthew.walia@noaa.gov	45 min
14	pugliese, roger	roger.pugliese@safmc.net	101 min
13	Eich, Anne	annemarie.eich@noaa.gov	121 min
11	Knowlton, Kathy	kathy.knowlton@gadnr.org	80 min
10	brennan, kenneth	kenneth.brennan@noaa.gov	18 min
8	DeVictor, Rick	rick.devictor@noaa.gov	95 min
8	Gore, Karla	karla.gore@noaa.gov	95 min
8	Strelcheck, Andy	andy.strelcheck@noaa.gov	89 min

8	c, m	mec181@yahoo.com	103 min
6	Ballenger, Joseph	ballengerj@dnr.sc.gov	95 min
5	Abeels, Holly	habeels@ufl.edu	70 min
5	Byrd, Julia	julia.byrd@safmc.net	69 min
3	Helies, Frank	fchelies@verizon.net	54 min
1	g, a	andrea.grabman@safmc.net	25 min