

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

**Jekyll Island Club Hotel
Jekyll Island, GA**

March 4-5, 2008

SUMMARY MINUTES

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, Tuesday morning, March 4, 2008, and was called to order at 11:00 o'clock a.m. by Chairman Mac Currin.

Mr. Currin: We'll call to order the Snapper Grouper Committee. Thank you all for being prompt. We have before you our agenda. As indicated earlier, if you will allow me some latitude to adjust as necessary. Rick and John Carmichael are on the way and so by consensus, with that latitude.

We have minutes from the December 7 meeting. Are there any corrections, changes, or additions to those minutes? Any objection to approving those minutes? Seeing none, the minutes will stand approved.

We will begin with Amendment 16. We had some discussion of that during the Executive/Finance and the urgency behind that. Gregg, I think you're going to give us a little overview here. I just urge the committee to do the best we can during this meeting to make as much progress as we can, so that we can keep the staff moving as efficiently as possible on this. This is Attachments 5A and 5B.

Mr. Waugh: I'm not going to take a lot of time in terms of this overview, because I think we need to jump right into the remaining decisions that need to be made, but Rick did prepare a summary of the Amendment 16 scoping comments and that document was included, along with all the scoping comments. All the scoping comments are included here for you.

What the team has done has put together a document that we feel is in pretty good shape. It's got a few places where we need to fill in some council rationale and there are several alternatives where the council doesn't have any preferreds and so we need to get those locked in. My suggestion would be that we turn -- Jack is going to give a short explanation of the post-quota bycatch mortality analyses, once we get to the first quota discussion under gag. My suggestion would be, unless there are some questions, that we jump right into the Draft Amendment 16 document. I think it's Attachment 5. It's on the second briefing book.

Mr. Currin: Any questions or comments before we begin with that? It's under 5A. That's where the post-quota bycatch mortality staff is. Is this the document itself that you're going to jump into, Gregg, or use to guide us?

Mr. Waugh: We're going to start on page 4-1. This is in Section 4, which is the Environmental Consequences. The document we want to be working from is the amendment document itself, Amendment 16.

Mr. Currin: Are you going to bring that up, Gregg?

Mr. Waugh: Yes. Just to walk us through, gag are experiencing overfishing. The fishing mortality rate in 2004, as compared to the FMSY, is 1.309. Anything above a one ratio, we're overfishing. Gag are not overfished. The spawning stock biomass in 2005, as compared to the

minimum stock size threshold, that ratio was 1.096. Anything above a one and we're not overfished. However, the gag biomass is less than the biomass at MSY and is approaching an overfished condition.

Some of the analyses that you asked us to look at last time, Table 4-3 on page 4-2 is looking at the percentage in weight of gag landed by commercial fishermen by state. We've got two time periods, 1999 through 2005 and 2001 through 2006. In terms of commercial fishermen by state, Florida harvested about 29.6 percent in 1999 through 2005. In 2001, it was 28.3 percent.

Mr. Currin: Gregg, hold on one second.

Mr. Geiger: I went to Amendment 16 and I need to figure out where you're at here. I can't -- It's Attachment 5A and it lists as an appendix. I went to the Amendment 16 document, but that Section 4 does not appear to be the same Section 4.

Mr. Waugh: Is that linked from the agenda? Is it the logo, Mike?

Mr. Collins: Yes.

Mr. Waugh: Click on the logo and that will -- Has everybody got it? We're on page number -- If you look at the page numbers on the bottom, it's Section 4, page 4-2.

Mr. Currin: I think it's easier if you can work off the document page number. I think that will help everybody. It's page 130.

Mr. Waugh: Someone else is going to have to relay that, because I've got a Word document open, so that I can put our motions in there. Once you get on this page, we're going to just walk through the document. Monroe County has very little involvement here, Georgia at about 6 percent, North Carolina about 32 percent, South Carolina about 32 or 33 percent. This is from Table 4-3 and that's commercial distribution by state.

In terms of headboats by state, the same time periods, Georgia and North Florida are about 27 percent to 22 percent. North Carolina is about 28 to 29 percent and South Carolina is 16 to 17 percent and South Florida is 29 to 31 percent. Then in terms of recreational fishermen, Florida is 70 to 83 percent, 1 to 2 percent in Georgia, 4 to 5 percent in South Carolina, and 11 to 24 percent off of North Carolina. That gives you an idea of where the harvest has come from.

Just to touch on the regulations, this is shown in Table 4-4. The big items are the twenty-inch size limit and the five grouper aggregate bag limit that were implemented through Amendment 4 on January 1, 1992, and then the change in the size limit to twenty-four inches and the March/April spawning closure and a prohibition on longliners being able to possess these species was put into place through Amendment 9 on February 24th.

Looking to what has happened to annual landings over time, you've got commercial along the top and MRFSS in the middle and then headboat on the bottom. If you look in 1992, when the

twenty-inch size limit went into place, basically no change in the headboat. MRFSS went up and the commercial went up. When the twenty-four-inch went in place in 1999, the headboat, you see no change, basically. You did see some drop, but then the MRFSS is oscillating, but you do see a drop in the commercial sector.

Figure 4-2 shows what has happened in terms of mean length over time. Again, when that twenty-four-inch size limit went into place, you see a little bit of a decline in size on the commercial and then a jump up. The headboats, you see an increasing size over time. In the recreational sector, you see an increase and then when the twenty-four-inch went in place in 2009, again, you see a drop and then some increase in the headboat and an increase in MRFSS and the commercial is relatively flat in terms of mean length.

If we then start looking at the measures in terms of MSY and OY, this is in Table 4-7, the council's preferred alternative, the committee's preferred alternative, right now is that MSY equal the yield produced by FMSY. MSY and FMSY are defined by the most recent SEDAR and that value is a fishing mortality rate of 2.37. There's an MSY value of 1,238,000 pounds.

Your OY, you're looking at three different alternatives, 65, 75, and 85 percent of FMSY. Your current preferred is 75 percent of FMSY, 1.217 million pounds. I guess that here we should get some indication if there's any interest in changing that or whether we're going to just stay with that.

Mr. Currin: Is everybody okay with where we are on the MSY values?

Mr. Waugh: Then the next page shows, in Table 4-8 -- The council's minimum stock size threshold has been specified as the formula that's shown there, one minus the natural mortality rate times the spawning stock biomass at MSY. That figure is 6.816 million pounds and so this is not an action item. That's the result of the SEDAR calculation of your minimum stock size threshold, but we do show the two ratios here to determine whether it's overfished and the overfished ratio is greater than one, which means it's not overfished. Overfishing, we are overfishing.

The action then is to set the catch level to end overfishing. The council's SSC recommended a restriction in harvest to the fishing mortality rate at optimum yield, which is the yield associated with 75 percent of FMSY. This would correspond to a TAC of 694,000 pounds.

Remember we said the biomass was below MSY. As the biomass increases, the yield that you could realize at the FOY is expected to increase over the time period of 2009 to 2014. However, in Amendment 16, the council is just recommending to set the catch level at the 694,000 pounds, until we modify it by future action. There's no intent to raise that over time in this amendment.

Table 4-9 shows your alternatives and your preferred, Alternative 2, is to set the catch level, which will translate into a TAC, at 694,000 pounds. This will end overfishing. This begins on January 1, 2009.

Mr. Currin: Questions?

Mr. Geiger: Thanks, Gregg. I guess my question is for Jack. The last date of the data that was used for the SEDAR was 2005?

Dr. McGovern: I would have to go back and look. It was either 2004 or 2005.

Mr. Waugh: It was 2004.

Mr. Geiger: Let's say it's 2004. If in fact we know we were at a point in 2004 and we had no management actions put in place between the end of the SEDAR to date, which is an additional four years of whatever trend was occurring in the fishery, I think we could suspect is -- Are the measures that we're proposing here or discussing sufficient to take up for the trend that would have continued since the last date of the SEDAR data and what has occurred in the fishery over that four-year period to date to keep us on track or should we increase that number some to make up for that four-year lag between the end of the SEDAR and when we're putting regulations in place?

Dr. McGovern: The landings for the last couple of years have gone down, but I don't know how that compares to effort. Also, we're looking at the yield at FOY and not the yield at FMSY and so just setting the TAC at the yield of FMSY would end overfishing. We're getting a greater reduction by going with the yield at FOY and so I think these reductions would be sufficient to end overfishing until we get a new assessment update to see exactly where biomass is with the stock and fishing mortality.

Mr. Currin: Other questions? Is everybody okay with setting the catch level at 694,000? All right.

Mr. Waugh: If we jump over to Section 4.1.3, the interim gag allocations, the alternatives under consideration are Alternative 1, no action. Alternative 2, which is the committee and council's current preferred, is to define interim allocations based upon landings from the accumulated landings systems, the marine recreational survey and headboat databases.

The allocation would be based on landings from the years 1999 through 2003. The allocation would be 51 percent commercial and 49 percent recreational. This alternative would establish a commercial quota of 353,940 pounds gutted weight and a recreational allocation of 340,060 pounds gutted weight.

That alternative is based on the recent years. Alternative 3, using the same data, but the years 1986 through 1998, would result in a 66 percent commercial and 34 percent recreational allocation. That time series is based on the years before the twenty-four-inch size limit went in place. It does include some of the years with the twenty-inch size limit.

Alternative 4 would define allocations, the same database, but 1986 through 2005. This is the longest time series and it would result in a 61 percent commercial and 39 percent recreational. If

you look over on Table 4-11, it shows the recent landings. We've updated this. Jack was able to incorporate the 2006 and if you compare the recreational and commercial allocations that result from Alternative 2 and compare that to the average 2004 to 2006 landings, then the reduction of the council's preferred alternative, shown in Table 4-12, is 35 percent reduction on the commercial side and a 37 percent reduction on the recreational side.

In terms of looking at the impacts of these alternatives, the economic impacts are shown in Table 4-13, if you scroll ahead a couple of pages. What this table shows is the reduction in commercial vessel net operating revenues from the various gag alternatives in thousands of 2005 dollars by gear type.

If you look by gear, the first set of numbers in the middle of the table are the vessel trips landing at least one pound of gag. That shows that Alternative 2, which is the council's preferred, would reduce the net operating revenue of the diving sector by 17.4 percent, vertical hook and line by twenty-one-and-a-half percent, no impact on longlines, other gears by 5 percent, traps and pots by 28.7 percent, trolling by 38.8 percent, for a total reduction of 21 percent. The lower numbers are the reductions on vessel trips landing at least one pound of any gag species.

If you want to look at the impacts by area, this is shown in Table 4-14, again just looking at the vessel trips landing at least one pound of gag. Alternative 2 is the council's preferred alternative and the reductions are 23.3 percent in North Carolina, 22 percent in South Carolina, Georgia and Northeast Florida about 19.5 percent, Central and South Florida 15.4 percent, and the Florida Keys 8 percent. The impacts are fairly well distributed across the states, with the exception of the Florida Keys, where the landings just aren't as high.

Recreational impacts are shown in Table 4-15, the reductions in producer and consumer surplus from various gag allocation alternatives. Table 4-15 looks at it by fishing mode, so you can see Alternative 2, the largest impacts are on the charter sector. Total effects, producer and consumer impacts, are \$284,668. Headboats, about \$74,000 and private shore, about \$62,000, for total impact of \$421,000. That's based on a 3 percent discount rate, slightly lower on a 7 percent discount rate.

If you look across the other alternatives, you can see that this Alternative 2 has a lower impact than the other two alternatives. In terms of the recreational impacts by area, reductions in producer and consumer surplus, again by area, Alternative 2, just looking at the total impacts, you've got impacts of \$393,000 in Florida, just under \$2,000 in Georgia, \$14,000 in South Carolina, about \$12,000 in North Carolina. You see that there's a lot more impacts on the recreational side to the fishermen in the State of Florida.

In terms of social impacts, appropriate changes in social benefits would be expected to similarly result. No alternative allocation has been identified that would benefit one sector while not harming the other. You're going to have negative social impacts, just as you are economic impacts. That brings us back to the interim gag allocation and whether there's any interest in changing our preferred.

Mr. Currin: Comments or desires regarding the allocations? Currently, it's 51/49, I believe.

Mr. Waugh: That's correct, 51 percent commercial and 49 percent recreational.

Mr. Currin: Is everybody comfortable with that? I believe that's the one that was recommended by the AP as well. It looks like everybody is okay, Gregg.

Mr. Waugh: Section 4.1.4 is where we get into our management measures. Again, just to reiterate the regulations that are currently in place on the commercial side are a twenty-four-inch total length size limit.

In March and April we have no harvest above the bag limit and no sale. Vessels with longlines may only possess deepwater species in a limited entry program with a two-for-one. On the recreational, there's a twenty-four-inch total length size limit, a five grouper aggregate, only two may be gag or black, and in March and April, there's no sale.

Alternative 2 would deal with a gag spawning season closure from January through April that would apply to both the commercial sector and the recreational sector, no fishing for and/or possession of gag would be allowed. In addition, no fishing for and/or possession of the following species would be allowed, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney.

These are the shallow-water grouper species and we're including them here to reduce the likely discards and bycatch mortality, where people would be targeting other species similar to gag. Again, in terms of the quota reduction on the commercial side, we're looking at a 35 percent. We get that with the commercial quota, but there's a lot of benefits too from this spawning season closure biologically.

On the recreational side, we're looking for a 37 percent reduction. You only get a 31 percent reduction with this spawning closure. We also need to talk about making clear that our intent under this during the spawning season closure is to prohibit any sale.

Alternative 3 looks at the directed commercial quota and we've got the commercial quota figure, but then we need to adjust post-quota bycatch mortality and Jack is going to talk about that. Let me just mention the other measures and then we'll come back to Jack and work through. Continuing over, Alternative 4 on the next page would divide the directed commercial quota into two regions, allocating 63.3 percent to North and South Carolina and 36.7 percent to Georgia and Florida and we've got the figures there.

Then each region's directed quota, after we adjust it for post-quota bycatch mortality, it would be monitored from state trip ticket and logbook data, based on state of landing. We should discuss whether or not we want to add dealer reporting there as a way to help track those.

Then Alternative 5, we get into our recreational measures. 5A would be to reduce the five grouper aggregate bag limit to a three grouper aggregate, reduce the existing bag limit from two

gag or black to one gag or black within that five aggregate, exclude the captain and crew on for-hire vessels. This, plus the January through April spawning season closure, we would argue would be sufficiently close to the 37 percent reduction that's required.

5B would close the month of December in addition to the other four-month closure and that would retain -- 5B would retain the five grouper aggregate and the two fish bag limit and if we could, we'll come back to Jack to do the post-quota information and then open it up for discussion.

Mr. Currin: All right, Jack. Thank you very much for getting this together and I hope you got some good response from the AP and the fishermen on this.

Dr. McGovern: At the last council meeting, the SSC and the council requested that I send the methodology of the post-quota bycatch mortality out to the Snapper Grouper Advisory Panel for their comments. Just a little background, the post-quota bycatch mortality is just the estimate of dead discards that would occur after a quota is met and it's also the same methodology for estimating the dead discards during a seasonal closure, to determine the effectiveness of a seasonal closure. It simply looks at what dead discards would occur during a closure when fishermen are targeting other species instead of gag or vermilion snapper.

On January 24, I sent a summary out to the Snapper Grouper Advisory panel with the methodology, the assumptions of post-quota bycatch mortality, and I also sent them a self-addressed stamped envelope and a form, so that they could fill out the information that we needed.

I got responses from three fishermen by mail and I talked to two fishermen by telephone and I think I'll probably -- Some other fishermen, I think, are going to talk to me as well and the fishermen I talked to -- The main questions that we were looking for, that the SSC couldn't advise me on, is after a quota is met, or during a seasonal closure, would there be some reduction in effort, would there be some trips that wouldn't be taken to target snapper grouper species?

In addition, for fishermen that go out and they're targeting other species, what ability would those fishermen have to avoid gag or vermilion snapper? The fishermen I talked to by telephone commented on the commercial side and they indicated that there would be some reduction in the number of trips, likely, and there would be -- They would have the ability to avoid gag or vermilion snapper by changing their fishing methodology, such as hook size or gangion length or changing location, but they couldn't give me an exact number, but they said there would be some reduction.

Another fisherman responded by mail and he indicated that for commercial fishermen who dive that they -- He in particular wouldn't reduce any of his fishing trips and he could avoid all gag and vermilion snapper, but the analysis assumes that during a closure that the diving trips are not included in there. It assumes that diving trips are not targeting during a closure.

I had a couple responses on the recreational side. One fisherman indicated that there would be

probably no reduction in recreational trips, but there could be a 10 to 20 percent ability of fishermen to avoid gag and vermilion snapper by modifying gear and location.

Another fisherman indicated that it would be extremely difficult for fishermen to avoid vermilion snapper during a closure. There could be some reduction by modifying the gear type, such as increasing the hook size, changing to a circle hook, but this fisherman felt there would be an 80 percent reduction in the recreational trips, on for-hire trips, because fishermen would become discouraged by the large number of discarded vermilion snapper, in particular. This fisherman basically felt there would be an 80 percent reduction in number of trips and there would be some reduction in ability of fishermen to avoid gag and vermilion snapper.

In summary of all these responses, overall there would be some reduction in effort and there would be some ability of fishermen to avoid gag or vermilion snapper. What I've done in here is I've assumed that 20 percent of the trips would be reduced and that there's a 20 percent ability of fishermen to -- Fishermen can avoid 20 percent of the gag and vermilion snapper.

It's not assuming 100 percent post-quota bycatch mortality, which the earlier documents that we had included. They had the worst-case scenarios and really large values of post-quota bycatch mortality for vermilion snapper, for example. I think the September version of Amendment 16 had that in there. You'll notice in here that these estimates of post-quota bycatch mortality are lower.

Mr. Currin: Thank you, Jack, very much.

Mr. Waugh: Just one comment and I should have made this at the start, but just to recognize all the hard work of the team members that put this together. They are listed in Section 9 in this document, but particularly, Jim Waters running this model and providing the analyses to Tony Lamberte, who put together the commercial side, was very, very helpful. Just to express our thanks for his time and the time of all the people in the region that worked on this.

Mr. Currin: Thank you, Gregg, for pointing out some of those people that many of us around the table are not that familiar with, but we know there are people there and it's nice to hear their names and we certainly appreciate the hard work of all the team involved in this. Looking at this document and how it's changed between the last meeting and this meeting, it's, I think, a tremendous amount of work has gone into that and we do appreciate it.

Jack, we're looking at the assumption then that there's going to be like a 20 percent reduction as a result of trips, if I understood that effort reduction, basically, during that closure. Then some measure, 20 percent, as an estimate of the ability of the fishermen to avoid those fish.

Dr. McGovern: That's what I have in there right now and just based on the comments of the Snapper Grouper AP. That seems reasonable to me.

Mr. Currin: Questions or comments for Jack?

Dr. Crabtree: It's not so much to Jack, but to one of the alternatives. Do you want to -- I guess it's to Gregg. On Alternative 4, where we talk about monitoring the directed quotas, you mentioned that we might need to come back to the state trip ticket or logbooks. There's no way to monitor the quota from the state trip ticket system or the logbooks. They're not nearly timely enough to allow you to do that and so I would suggest that be modified to do it based on dealer reports, which is how we monitor all these quotas.

Mr. Currin: Yes, it's a good point, I think. I know our trip ticket, and, Brian, correct me if I'm wrong, but they're reported monthly, I believe, and there's some slop, ten days or something after that, some period of time that they're allowed. You're looking at a minimum of forty days. Are there other comments or questions?

Mr. Waugh: We should have clarification on that and we also need to know whether we're just talking about the way dealer reporting is done now, where a group is selected and they are asked to report, or do we want to start looking -- Perhaps not in this amendment, given that we're approving to go out to public hearing, but get to electronic dealer reporting in the very near future.

We've got a couple of quotas coming here, but Amendment 17 will have ten total and then the annual catch limit amendment will have a lot more, but if we're going to change this and on Alternative 4 not track it with state trip ticket and logbook, then we need you all to make a motion and change that and say you want to use dealer reporting, if indeed that's one that we're going to go forward with.

Dr. Crabtree: I'll make a motion that we alter Alternative 4 to indicate that we're going to use dealer reporting to track quotas and remove the reference to the state trip ticket and logbook programs.

Mr. Currin: There's a motion by Roy to remove the --

Mr. Geiger: I'll second it.

Mr. Currin: Second by George.

Dr. Crabtree: I think right now that's the best we can do to monitor the quotas, but I do agree with Gregg that as we move further down this path and in a future amendment, I think we ought to look at the possibility of requiring electronic dealer reporting, so that we can make this much more real time. I know I've talked to some of the fishermen, particularly about the tilefish quota, and there are concerns about the amount of projections and things that are going on with it. I do think that would improve our ability to track these quotas.

Mr. Currin: Roy, what's the current timeframe requirement for dealer reporting or Phil or whoever?

Dr. Crabtree: It varies depending on the fishery, but I think it's generally we get to an every two

week kind of reporting. It does entail, when we close these fisheries, some degree of projection and then we have to take into account how much notice do we want to give the fishermen.

In the Gulf, where we've closed the grouper fisheries a number of times, we've tried to give ten days notice to the fishermen. Sometimes we're projecting fifteen days or so forward and that can be a problem, because we have had instances in the Gulf where we're doing the projections and you get a tropical storm move into the Gulf and it chases all the boats in.

Mr. Currin: Other discussion on this motion?

Mr. Harris: It's not on the motion and so I'll just wait.

Mr. Currin: Further discussion on the motion? **Any objection to the motion? Seeing none, the motion is approved.**

Mr. Harris: I'm not on your committee, but I've got a question for Jack. Jack, I'm looking at the Table 14 under the document that you prepared on post-quota bycatch mortality and this is the estimate of gag incidental catch and dead discards during the commercial season closure when trips are reduced, assuming a release mortality of 40 percent.

I just wanted to make sure I understand this correctly. At a 20 percent trip reduction, the dead discards would be 5,831 fish? It's on page 10 of 19 of the paper that -- I think it's the one we were talking about earlier, Appendix C, Analysis of Post-Quota Bycatch Mortality. I guess I bring that up because I want everybody to understand what we're dealing with when we start talking about numbers of dead fish that are being caught and discarded after the quota is reached.

I really still have a very difficult time dealing with that number of dead grouper that are not being utilized by either the recreational or the commercial fishing community and I would like for us to figure out how we can reduce that post-quota bycatch mortality more than that, because that number of dead fish just doesn't make a whole lot of sense to me.

Whether we just shut down the fishery -- In Georgia, if you're fishing for black sea bass and vermilion snapper, or let's just say black sea bass, you're likely to catch gag and vermilion snapper. Those occupy the same area of the ocean off the coast of Georgia and it may be different in other areas, but there's an awful lot of people during the winter months that go out and fish for black sea bass and catch gag and vermilion at the same time. If you shut down the fishery for gag and vermilion and you allow them to continue to fish that same area for black sea bass, there's going to be a big bycatch mortality.

Ms. Shipman: Duane, is that Table 88?

Mr. Harris: No, I'm on Appendix C.

Mr. Geiger: I guess, Duane, in the vein of -- I hesitate to do this, because it's another can of worms, but in our readings, we've got the preliminary report of red snapper SEDAR. When you

start looking at measures that we're going to take in regard to gag, and I know it has not been approved by the SSC and they're going to look at it at our June meeting, but the indications are that that fishery has basically collapsed and the problem is recreational discards in that fishery as well, Duane.

You're talking about encountering genuine red snapper right along with vermilion and gags and everything else on that mid-shelf and I know we're not here to talk about red snapper and this is the problem when you're trying to do single species management, because now there is overlap and we're going to have to take actions and that was something we probably overlooked on our schedule, Gregg. That red snapper issue is going to have to be slid into 2008 as well. I just don't know how to address it.

Dr. Crabtree: It's a very tough problem and Gulf Council is struggling with the same thing. I just would make a couple of points to you. One, we're really moving beyond single species management in this document, because we're trying to manage the grouper fishery here and that's a multispecies fishery.

The reason we're doing that is because we know if you're out fishing for one species of grouper, there's some probability that you'll catch one of the others. The only way that comes to my mind, George, to really get at the bycatch problem is to close many different fisheries down at the same time, so that people just don't go out there and don't fish.

That is going to create a whole host of other difficulties with many of our constituents, I believe. You often hear that you need to leave us something that we can fish for and we're going to hear that from the for-hire sector and from the commercial guys, I think.

We've tried to look at technological solutions to some of this, in terms of hooks and hook design. Remember we do have some alternatives in the document now to look at requiring circle hooks and things and maybe down the road we're going to look at circle hooks and minimum hook sizes, to try and avoid catching undersized fish, but there are no -- As far as I know, there are no easier real clean solutions to this problem, other than simply trying to get people not to go out there and get the hooks out of the water.

I think we are, at least by taking a multispecies and treating the grouper fishery here, making progress towards getting to that, but you're right and we are going to have a tough time with red snapper and some of these other things and we may get to a point, even in this document, where we need to try and look at linking up whatever closure for vermilion we do along to the closure for grouper.

Probably if you did that, you would get benefits to red snapper, because I think they're mainly caught incidental to fishing for these other things, but that's one way, I think, you could get out of it, is try and link up some of these closed seasons, so that several species are closed at the same time. I think, Jack, if we were to do that, I think the post-quota bycatch discards would come down, wouldn't they, if we had multiple closures occurring at the same time? The number of trips would come down, because you've closed a number of different species. It's a tough

thing to do.

Mr. Geiger: I saw Jack's heading nodding in assent that they probably would come down as a result of that. Bearing that in mind, is it as critical that we meet the exact percentage or at least meet the percentage for reductions in each of these fisheries, recognizing that in the red snapper if we have to address significant closures that we will probably benefit in multispecies bycatch reduction mortality as a result of having a closure for a longer period of time, to allow us to --

Dr. Crabtree: I think when we get to dealing with red snapper we can look at what we do here and the effects that may have on trips and effort and then factor that in. It may be if we have a several month multispecies closed season that that would result in less discards and less incidental catch of red snapper and get us part of the way there.

In terms of do we have to get the exact amount of the reduction? I would guess we could come up, to the extent we can, with putting some error bounds around that and things, but we would have to work on that one.

Mr. Geiger: I understand what you're saying in regards to the benefits that we would derive in the red snapper fishery. However, I think when you look at the red snapper stock status report, that it's going to indicate that there are going to be a lot more reductions, or much higher percentages, that are going to have to be met that are going to far exceed what we're dealing with now in vermilion snapper and gag grouper.

We're going to get some benefit, but it's going to pale in relation to what we're going to have to get or achieve in red snapper. I know there's a danger here and I apologize for taking us off this, but I think it's important for us to consider that in a very short period of time that we're going to be looking at a much bigger umbrella that we're going to have to get under.

Mr. Robson: Kind of along these lines, it may not be really possible to get it nailed down, but it would be nice for us to be able to look at a chart of potential closed periods for various fisheries on the Atlantic. I'm not even sure, other than the snapper grouper fisheries we're talking about, what that would include, but we need to start looking at the total impact of closures, even if we don't know exactly when they are, but we're anticipating the potential for those, to see where chronologically they fall out and what kind of an impact that might have on -- I'm thinking primarily of recreational fisheries in Florida, but it could be both commercial and recreational. I don't know if it's possible to come up with that yet.

Dr. McGovern: Just a clarification. I was looking at the table that Duane has, which I didn't have in front of me, and he has a table that just shows the pounds of fish, dead discards, that would occur with no reduction effort, 20 percent, 40 percent, and 60 percent. It ranges from 20,000 pounds, I think, to 5,000 pounds, but that's without extending the gag seasonal closure, too.

You extend the gag seasonal closure to four months and it ranges from about 5,000 pounds to 1,000 pounds, with the reduction in effort. That doesn't consider the ability of fishermen to

avoid the species, either. Also, this post-quota bycatch mortality takes into consideration that the shallow-water grouper species would be closed when gag was closed. The seasonal closures also look at effectiveness of the seasonal closures and discards that would be caught during the seasonal closures as well.

Mr. Harris: I appreciate Jack clarifying that for us, because the way I read the table, it didn't say pounds or numbers in this table. You had to go to the table above it to find that information, but that was in pounds and that's a whole lot better in pounds than it is in individual fish.

Mr. Waugh: To respond to Mark's comment, that's precisely, looking at multiple species, what we'll be doing in Amendment 17, because that's where we'll be setting the ACLs for our ten snapper grouper species that we have overfishing. Where we're looking at this in a more multispecies mechanism for gag is including the shallow-water grouper, all those species, in a spawning season closure and in a prohibition after the directed commercial quota has been met.

Mr. Currin: Are there other questions or comments for Jack on the post-quota bycatch mortality analysis and methodology? Jack, I presume that the figures in whatever that table number is, 4-17, reflect the new figures, the 20 percent values, that were used and is that correct?

Dr. McGovern: It's included in there. There's a very large table that shows the reduction with decreasing effort and with the ability to avoid the species.

Mr. Currin: Back to the management measures, management alternatives, in Section 4.14, page 155 in our document, I think we've got to select some preferreds there and the staff needs some clarification on some of those. We just had a motion by Roy to modify the inclusion of trip tickets and make that dealer reporting.

Dr. Cheuvront: Mac, maybe I've forgotten something here, but didn't we at one point have an alternative that looked at doing state-by-state management of quota and not just regional? Did we have that in at one time and then rejected it? I don't recall what happened to it, but I thought at one point we had considered state-by-state quota.

Mr. Waugh: We discussed that, but rather than state-by-state, what you all did was come up with these two regions, North and South Carolina and then Georgia and Florida.

Dr. Cheuvront: I guess I thought that they were two separate alternatives that we had had and I didn't remember dismissing either one of those.

Mr. Currin: It's hard to keep it all straight, Brian, because we've got state-by-state alternatives in the king mackerel amendment that we just scoped as well. I can't recall that discussion, whether that was actually in there or when it was removed or --

Ms. Shipman: I thought in September, in Myrtle Beach, we rolled the -- We did talk about it and I think the AP talked about it and that's when, I believe, we put it into the two regions. I think it was in September.

Mr. Waugh: I'll be glad to look at the minutes over lunch and have an answer for you after lunch.

Dr. Crabtree: I recall having those discussions and I think at the last meeting, we talked about -- I believe Red Munden was here and we talked about some of the ways the Mid-Atlantic has done this and we talked about the ASMFC and involving them in it, but I think part of the discussion was -- You may remember that I think Vince was here for that meeting.

I think it got into the fact that they have joint plans with the ASMFC for some things and the conservation equivalency and I think at that point we realized that that path is much too complex and would require an awful lot of work with the commission to do that. I think that's how we ended up where we are, but I guess we would have to look back at the minutes to be sure.

Mr. Mahood: Motion Number 6 in September says the council voted to drop the state-by-state quota scenario and consider an alternative that would establish two regions, North Carolina/South Carolina and Florida/Georgia. It was an actual vote.

Mr. Currin: That answers that question.

Mr. Robson: I don't know where you're at, Mr. Chairman, but right now, we're down to just one alternative for a spawning season closure and is that correct?

Mr. Currin: There's an overall alternative for a spawning season closure, but if I remember correctly, I believe there's an additional recreational measure that offers an alternative that closes the month of December in addition. Is that not correct? Somebody correct me. We actually have two, but not for both fisheries.

Mr. Robson: I was interested just in looking to see -- I had asked staff to maybe look at some numbers, too, and I don't know whether it's appropriate to discuss it now, but in trying to figure out what would be the consequence of looking at a reduced spawning season closure and changing other elements of the regulations to try to minimize the impact of the closed season.

I don't even know how to really talk about all those issues, but certainly in Florida what we're hearing and the commission's concern right now is that we do whatever we can to minimize the amount of time that a spawning season closure would occur and look at whatever other management actions we could take to compensate for that reduced time of closure.

Ms. Merritt: I think, getting back to the state-by-state issue, that we -- When we discussed it, I believe we went with the two regions only because it was such a small amount of landings in the two middle states, Georgia and South Carolina, but since that meeting, we've had a lot of public input regarding going state-by-state and is it too late for us to go ahead and put that in there as an alternative now? There seems to be a great deal of interest in it. There is something to be said for the fact that there may be more difficulty, in combining a couple of states, to get accurate data than to just put individual states responsible for it.

Dr. Crabtree: To me, the real question is there a need to go to state-by-state or can we accomplish what we're doing with the way it's set up now? I think at the last meeting that we must have concluded that breaking it into two quotas, essentially a Florida/Georgia and a North Carolina/South Carolina, would get us there.

I guess some of the concern was that fish would be caught up in Florida before the more northern area got a crack at them, but it looks to me like that if you went with the -- Is it Alternative 4 and divide into two regions, that that would likely address a lot of that, because, one, it allocates most of the commercial catch to South Carolina and North Carolina and I don't know that there's going to be that much fishing going on in South Carolina before North Carolina.

I would have to go back and look at the minutes, but to me, we ought to keep this as simple as we can and we ought to focus on why is it we think we might need regional quotas and then we ought to have as few regional quotas as we can accomplish what we're trying to do with.

Mr. Waugh: Just to remind everybody of the discussion we had just a few moments ago in Executive/Finance on the timing for this amendment, we are supposed to be approving this for public hearing at this meeting. That means analyses before you all when you approve it. If we're considering alternatives that aren't in this document, then we're not approving for public hearing at this meeting and we fall farther than the current three months behind.

Mr. Currin: As painful as it is, folks, you know we've had a lot of these discussions before, as we developed this thing, with what are the appropriate seasonal closures and all of that. Everybody racked their brains, I think, to try to come up with what we thought were the best approaches to deal with this very bitter medicine that we've all got to swallow.

Dr. Chevront: This addresses some of what I think Roy was asking about. If I'm not mistaken, there is -- In Florida, there are landings of gag within state waters and my concern would be making sure that Florida would sign on to the restrictions that are going on in the EEZ. What could happen conceivably is that if Florida didn't sign on to these quotas within state waters as well, then they're going to be harvesting more of the fish, which later would put a greater burden potentially on some of the other states, as the stocks might go down.

I don't know the ramifications of that. I think that could be a possibility. There would be some concern and so if Florida got a quota that was just Florida's, then they would have to abide by that and that may not affect the other states. I'm not quite sure how to work that out.

Dr. Crabtree: I'll defer to Mark, but I can tell you that in the case of commercial fishery quota closures, Florida has typically closed at the same time. We've had numerous closures of the commercial grouper fisheries in the Gulf and Florida has always closed immediately with us. We have not had many problems with state water compliance overall and particularly in commercial fisheries. The more recent problems that some of you may have been aware of in the Gulf have been over recreational regulations, but not with the commercial fisheries.

Dr. Cheuvront: To that point, I'm not trying to accuse anybody of anything, but I was just concerned of how that would work. Not being from Florida, I don't know how they would work that and I know that they do catch some of these species in state waters, which we don't say in North Carolina. I was concerned about how that would line up and whether that would cause a condition that could potentially put some of the other states at an unfair disadvantage.

Dr. Crabtree: If we were not able to achieve compatible closures, it could become a problem, because we would then have to take that into account. Again, we have not had that problem in the commercial sector so far, but I can't predict what anybody may or may not do into the future, but to the extent that we have different regulations in state waters than in federal waters, it causes problems that we'll have to come back and deal with.

It can undermine our management at some point, but there is no easy solution, other than trying to work through those, because we don't have a framework like the Atlantic States does in place that requires compliance by the states in this fishery.

Mr. Robson: I just want to confirm what Roy says. In fact, in state regulations commercially, we have in our rules an indication that we would close state waters fisheries when commercial quotas close, but the bigger concern down the road for Florida is going to be the recreational fishing activity and what extended closures might mean to the fishers of Florida.

That would be both the private boat anglers and the charter and if you look at some of these economic numbers, you can see it's a big impact for Florida. Our commission's concern is going to be focusing on recreational impacts and I think that's where I'm trying to get to, to be able to understand that we've done everything we can to minimize the amount of closed season impact, because that seems to be where the recreational anglers are talking to our commissioners the most and where we would be least likely to have consistent regulations, if we decide to do something to go along with federal regulations.

Mr. Geiger: Gregg and you both covered it, basically. This is a late date to begin doing additional analysis. We do need to move forward with this document and I think we've tackled just about every one of the alternatives every which way from Sunday, in an effort to try and determine the least impact.

Speaking as a recreational person from Florida, I understand. It's going to be very, very difficult, but I think we've done due diligence in an effort to try and determine which is the best way to get the best bang for our buck. We know that size limits and altering size limits and bag limits gives you minimal bang for that buck.

Ms. Shipman: What I hear Mark saying though is that I guess the combination of Alternative 2 and 5A is better for Florida, potentially, because of the recreational issue. I think we need to get back to looking at these alternatives and that's the January through April, which is Alternative 2. B, which was mentioned earlier, would add that December to it. I think what Mark is saying is he would rather, I think, look at 5A, which is lowering that bag limit, and not looking at adding December in and is that correct?

Mr. Robson: Yes.

Ms. Shipman: Do we need a motion?

Mr. Currin: We will need a motion at some point. We're going to need several motions on this.

Ms. Shipman: To drop out 5B, I guess is --

Mr. Robson: I would not be able to support 5B, from the commission's perspective.

Mr. Waugh: Just to point out that we've updated the landings data to include 2006 now. When you look at the recreational allocation, the percent reduction that's needed on the recreational side, it's 37 percent reduction. You get that with 5A. 5B was developed because at that time, we needed a higher percent reduction. 5B would get a 42 percent reduction. 5A now gets us there. We need to modify some of the wording to indicate that, but 5A gets a 37 percent reduction and that's what is needed.

Dr. Crabtree: Just to get us moving along, it looks to me like if we went -- We've had a lot of discussion about spawning season closure and applying it to both sectors and I think there's a lot of agreement on the council. That would lead us to establish Alternative 2 as a preferred.

I think we also need a directed commercial quota, but I think a lot of the regional issues fade if we have a January through April spawning season closure, because that means no one is going to get a head start on gag until the weather is pretty much warm everywhere and settled down everywhere. It might be that you could go with Alternative 2, 3, and 5A and I believe if you establish those three as preferreds, that would get us there. Would it not, Gregg, and basically cover our bases?

Mr. Waugh: Yes, it would.

Mr. Currin: If you would, hold that thought until after lunch. Since it's ten after twelve right now, that will be the first order of business when we get back. Rick just punched me in the side, since it was ten after, and said he can't take it anymore and we've got to go eat. We're running over schedule. Let's come back at 1:30 and try to make some headway here with these alternatives.

(Whereupon, the meeting recessed at 12:10 o'clock p.m., March 4, 2008.)

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, Tuesday afternoon, March 4, 2008, and was called to order at 1:30 o'clock p.m. by Chairman Mac Currin.

Mr. Currin: Let's go ahead and reconvene the Snapper Grouper Committee. Right before we broke for lunch, we were discussing the possibility of a motion on the management alternatives

under Section 4.1.4. Dr. Crabtree was in the throes of making a motion, selecting three, I think, of the alternatives under 4.1.4 to manage the recreational and commercial fisheries, including the spawning season closure for both, changing the bag limits for the recreational fishery, and I believe a commercial season quota, directed quota. It's Alternatives 2, 3, and 5A. Dr. Crabtree, I presume that will be your motion.

Dr. Crabtree: **So moved.**

Mr. Currin: That does not include the regional division.

Dr. Crabtree: **The motion is to adopt Alternatives 2, 3, and 5A as preferred.**

Ms. Shipman: Second.

Mr. Currin: Second by Susan. Is there discussion?

Dr. Chevront: I just wanted to say the concerns that I would have had about disproportionate landings across states, I checked on all that with Dr. Crabtree and with Jack before lunch and we looked at those landings by state, by month, and they actually looked quite comparable throughout that period.

It would have been a concern if we had left the fishery open in January and February. It would have given a much larger advantage to Florida, but I think what happens, by having that four-month closure, is it basically kind of precludes the need for Alternative 4 to be in there, to protect the interest by region. Actually, I think that what this has done is this suite, if we adopt all of them together, I think is probably a nice, good way to go. I appreciate the efforts that went into figuring all that out.

Mr. Currin: Thank you, Brian. Perhaps with the proper amount of explanation, the fishermen in North Carolina can understand and appreciate that as well. Are there other comments or discussion on the motion? No further discussion? **Any objection to that motion? Seeing none, the motion is approved.** Gregg, onto -- That takes care of gag, does it not, are there still issues outstanding under gag?

Mr. Waugh: No, I think that's it for gag. We'll just leave Alternatives 4 and 5B in there, with the discussion as to why we didn't adopt them. We'll add the explanation as to why the council didn't pick those as preferred, but they'll stay in here.

Mr. Currin: Do you want to move on to vermilion?

Mr. Waugh: Vermilion snapper, we're over on Section 4.2.1. Here, we just first off -- This may be a good point to get a status update on where we are with the new vermilion snapper, because we're going forward with -- All of these actions are going to be based on the existing vermilion assessment and we're going to have separate actions later on and you'll see how we deal with what might come out of that assessment, but either now or at some other point, we can get a

status on where we stand with that. As far as the SEDAR portions, those meetings are set and the data workshop is going to start in the not too distant future.

Mr. Currin: Roy, do you have any kind of update or anybody on the status of the bones that are being read and --

Dr. Ponwith: The aging of the vermilion snapper is going very well and in fact, we're ahead of the schedule that we've established for ourselves to complete the aging of the otoliths that we've got by the end of April.

We've been collaborating very closely with the states, getting the materials that they've got, and also working closely with the states to calibrate the reading of the agers against the federal agers, to make sure that the results done in the individual labs are comparable, and that also is proceeding very well and is on schedule. We anticipate having the data ready for analysis right on schedule, if not a little bit earlier.

Mr. Currin: That's great. Good news and thank you. Are there any questions for Bonnie? Again, thank you. Go ahead, Gregg.

Mr. Waugh: Based on the SEDAR assessment, the stock is undergoing overfishing. The council's SSC did not have confidence in the biomass reference points and therefore, it's unknown if vermilion snapper is overfished. The SSC did have confidence in the fishing mortality rate estimates and indicated a 61 percent reduction in overall harvest, recreational and commercial, would be needed to reduce fishing mortality, the yield associated with FOY.

This is equivalent to a catch level of 566,179 pounds. Table 29 there, we need to clean up the language. It's not annual catch limits. That's just the limit to end overfishing. That's going to be the catch to end overfishing and the council's preferred alternative right now, as we'll mention in a few minutes, is 68/32. That gives you your commercial portion and your recreational portion.

In terms of regulations that are in place now, we've got the ten fish bag limit and the ten-inch recreational and twelve-inch commercial size limit that was effective in Amendment 4 on January 1, 1992. The recreational size limit was increased to eleven inches in Amendment 9 and in Amendment 13C, the commercial quota is set at 1.1 million pounds and a recreational size limit of twelve inches. That was effective October 23, 2006.

If we look at what's happened to landings over time, this is from 1986 and this is Figure 4-6. This is from 1986 through 2006 and you can see that the commercial landings have been variable over time. The size limit of ten inches on the recreational and twelve inches on the commercial went into effect in 1992 and so you can see the drop in the commercial side and a drop in the headboat side. MRFSS is pretty level and then there's some decline. The second size limit was implemented late in 2006 and so you don't see much of the impacts of that here.

Figure 4-6 is looking at the mean lengths and again, the first size limit went into effect in 1992

and so you see an increase in the headboat recreational and commercial and again, the 2006 data only takes into part of the year, with the increase in the size limit.

Table 4-33 has the MSY and OY figures. The council's preferred right now is MSY is equal to the yield produced by FMSY. MSY and FMSY are defined by the most recent SEDAR. The estimate of FMSY, using FMAX as a proxy right now, is a mortality rate of 0.355. That equates to a whole weight of about 2.7 million pounds.

In terms of OY, we've got three alternatives we're looking at, 65, 75, and 85 percent of FMSY. These figures are the yield at 75 percent of Fmax. The yield at equilibrium would be higher than these figures, but these are the yields right now, based on our current estimates. This is what has been recommended by the SSC to be. I don't know if there's any interest in changing that.

Mr. Currin: I see none.

Mr. Waugh: Then continuing on to Table 4-34, this lays out the catch level to end overfishing and, again, just as with gag, we've specified the definition as to how we will calculate minimum stock size threshold and hopefully in this SEDAR update, we'll get that value. The catch level to end overfishing is 628,459 pounds. That does equate to 75 percent of FMSY, or the proxy of Fmax. That is your current preferred.

Mr. Currin: Any discussion or questions there? All right.

Mr. Waugh: We'll get to Section 4.2.3, Interim Vermilion Snapper Allocations. The current preferred is to define interim allocations based upon landings from the NMFS landings Accumulated Landings System, ALS, the NMFS recreational survey and NMFS headboat databases.

The allocation would be based on the landings from the years 1986 through 2005. The allocation would be 68 percent commercial and 32 percent recreational and that establishes a commercial quota of 385,002 pounds and a recreational allocation of 181,177 pounds gutted weight. Those are our two alternatives, no action and preferred.

Mr. Currin: Is everyone okay with the preferred that's been selected? Okay.

Mr. Waugh: In terms of the percent reductions then, Table 4-35 shows the updated 2006 figures and you compare your allocations to the 2004 through 2006 and what Table 4-36 shows is the quota that you're getting under your preferred allocations are shown there in Table 4-36. If we look at the economic impacts, look at Table 4-37, in terms of looking at vessels landing at least one pound of vermilion snapper and your preferred is Alternative 2.

Table 4-37 shows the reduction in commercial vessels net operating revenues in 2005 dollars by gear type. Alternative 2 would reduce the revenue to the diving sector by 62 percent, vertical lines by 61 percent, nothing on the longlines, 34 percent on other gear, 59 percent in traps and pots, trolling is 35 percent, for an overall 61 percent reduction. Table 4-38 shows, similarly, the

reductions by area.

Mr. Robson: Hopefully I -- We all get one dumb question and hopefully this will be the only one that I ask this week. I saw this on the gag table and I'm trying to figure out the trap and pot fishery for these species. Where is that coming from?

Mr. Waugh: I don't know. I don't know where that's coming from. These are data and model outputs that Jim Waters ran and I would presume it would be sea bass pots, but it's just surprising to -- We had the same thing with gag. It's surprising to see that level coming in. I don't know if that's due to the fact -- We had issues on the logbook data with multiple gear, trips, and if they are going out fishing pots, black sea bass pots, on a trip where they also hook and line and this may be getting coded as then being attributed to pot gear. I don't know. Certainly that's something we need to have an answer to.

Mr. Currin: I think that's a pretty good guess, Gregg. The trolling portion of this fishery also kind of struck me as odd, but under the context or the scenario you described, that very well may account for it, but that's only a guess on my part.

Mr. Waugh: We will follow up with Jim Waters and see and make sure we add an explanation for that, because that's going to raise a lot of eyebrows. I think we were just about to look at 4-38, looking at these reductions by area, and again, just looking at the set of numbers for vessels landing at least pound of vermillion --

We've also got it for landing one pound of any snapper grouper species, but in terms of vermillion, the revenue would be reduced in North Carolina by 66 percent, South Carolina by 61 percent, Georgia and Northeast Florida by 55 percent, Central and South Florida by 55 percent, and the Florida Keys by 49 percent. It's a fairly even distribution of the impacts.

The same information for the recreational sector, 4-39 is looking at reductions in producer and consumer surplus. This is by fishing mode, looking at the 3 percent discount rate and 7 percent is also presented, looking at total effects. Charterboat, you're looking at \$426,000 and headboats at \$1.3 million. You can see that this is having a much higher impact on the headboat sector than either the charter or private shore. Private shore is at \$262,000.

If you look at that same information in Table 4-40 by area, again looking at the 3 percent discount rate, the total effects, Florida is \$1.47 million, Georgia is nothing, South Carolina is \$258,000, and North Carolina is \$260,000. You can see from looking at this that Florida takes the brunt of the hit and then social effects, as before, given this level of economic impacts, the social impacts are commensurate with that.

Mr. Currin: Comments or questions?

Mr. Waugh: I'm going to move on to Section 4.2.4, where we get into the management measures. We have no preferred alternatives at this stage. More than one alternative can be chosen from the list below. We have the yield per recruit analysis that was requested from the

Center and that's included as Appendix G.

No action, again, what's in place now is vermilion snapper commercial regulation is a twelve-inch size limit, a 1.1 million pound gutted weight commercial quota, vessels with longlines may only possess deepwater species and a limited entry program. Recreational is a twelve-inch size limit that basically started in late 2006, and so 2007 was the first year of those reductions, and a ten fish bag limit.

Alternative 1 looks at the directed commercial quota and, again, Jack did the similar type of analysis here and we've included the estimates of the post-quota bycatch mortality here. It's 57,000 pounds, so that your directed quota would be 328,002 pounds.

Alternative 3 looks at dividing the directed quota into seasons. 3A would allocate the directed commercial quota 50 percent to the period of January 1 through June 30 and 50 percent to the period of July 1 through December 30. Any remaining quota from period one would transfer to period two. Any remaining quota from period two would not be carried forward.

Table 4-42 shows the estimates of how those figures would be split, the values, the estimates of post-quota bycatch mortality, and then the two figures for the directed quota -- For January through June, it would be 168,501 pounds and July through December, it would be 155,501 pounds.

3B is similar, except that it splits it into two different -- 40 percent of the quota into the period of January through June and then 60 percent in the period of July 1 through December 31. Similarly, any quota from period one rolls over to period two. Any remaining quota after period two does not carry forward. That yields you directed quotas for the January through June period of 127,001 pounds and July through December would be 196,001.

3C uses a different time period. It allocates the directed commercial quota 50 percent to the period of January through August and 50 percent September through December. Similarly, the quota carries over from period one to period two, but not after period two. The directed quota for period one would be 149,501 pounds and for period two, it would be 171,501.

Alternative 4 is to adjust the recreational bag and size limits and establish a recreational closed season. There would be no fishing for and/or possession of vermilion. We need to deal with the sale issue there as well. We're only talking recreational, sorry. Captain and crew on for-hire vessels would not be able to retain vermilion snapper.

4A increases the recreational size limit to fourteen inches and reduces the bag limit to three. That gets you a 71 percent reduction and remember, we're after a 61 percent reduction and so that gets a little more. 4B is a thirteen-inch size limit and reduce the bag limit to one. That gets you a 73 percent reduction.

Alternative 4C is to increase the recreational size limit to thirteen inches and reduce the bag limit to 61 percent. That gets you a 53 percent reduction and you close September and October and

that gets you an extra 16 and gets you up to 61 percent and reducing the bag limit from ten to four gets you a 45 percent reduction. A seasonal closure of October through April gets you a 32, for a total reduction of 61.

Alternative 5, which what we are recommending is -- This deals with ways to reduce bycatch mortality and it's tucked in -- At our last discussions, it was tucked in under vermilion, but it applies to the whole snapper grouper fishery and so our suggestion is to break this out as a separate action.

Then Alternative 6 and 7 deal with what we do to address the results out of the pending SEDAR assessment and, again, we would recommend to let's break those out as a separate action item. If that's all right, then we come back to these other measures and figure out what we are going to take to public hearing as our preferred, based on the existing assessment, and then we'll deal with these other actions.

Mr. Currin: Thank you, Gregg, very much, and I would recommend we deal with them by sector first and then I think your suggestion of breaking those last two items out separately is certainly a very good one. I had one question and it's probably to Jack.

In looking at the estimates of PQBM for the whole fishery, not dividing it up into any kind of seasons or proportions to various parts of the year, I think we had like 57,000 pounds of PQBM was the estimate. When you start dividing that seasonally, you come up with some different numbers when you sum those. That didn't make intuitive sense to me and I'm sure you've got a good explanation.

Dr. McGovern: When I broke it out by season, I did the analysis separately there and so it's based on past catch and landings and like if you look at alternatives that -- Alternative 3C has the second part of the season not starting until September and so you see post-quota bycatch mortality is pretty high there. It's 43,000 and that's because the quota would be met early in the year. It would be met in around March.

Then you have the season closed from March until September and so you're going to have a lot of post-quota bycatch mortality during that period of time. That's the way I -- I just broke it out into the individual periods and then calculated the -- I determined when the quota would be met and then estimated the dead discards that would occur after that.

The largest part of the landings of vermilion snapper have occurred, historically, in the later part of the year and so the early part of the year has less post-quota bycatch mortality than the later part of the year.

Mr. Currin: Thank you. I knew there was a simple explanation, but the way I was looking at it, I figured it was just estimated by month, based on the history and what's been happening, and then those were summed over the months. It was not real clear to me why they didn't all, when you added them up, equal the same thing, but thank you.

Dr. McGovern: Each scenario is considered differently.

Mr. Waugh: If I could, just to come back, I said that the percent reduction that we needed on the recreational side was 61 percent and it's really 69 percent. If you come back to Table 4-36, that shows what taking the catch level to end overfishing and dividing that 68/32 and then you take the figure, the commercial quota of 385,002, and compare that to the average of 2004 to 2006 and that's a 58 percent reduction.

You do the same thing with the recreational, comparing the 181,177 to the total, the average recreational harvest of 2004 to 2006, of 579,868 pounds. That's a 69 percent reduction. We're getting the reduction with the quota on the commercial side and so we need to do our measures to get a 69 percent reduction on the recreational side.

Mr. Currin: Let's, if we can, look at the alternatives for management for the commercial sector. There are a number of alternatives there, which Gregg just went through. Any discussion or suggestions or motions on how to deal with that from the committee? We've got options to just do it with one quota or we've got to split out into approaching it with different seasons, portions of the quota to different times of the year. Gregg, did you have a comment?

Mr. Waugh: We don't have to do it in one sweeping motion. We can step into this with the directed commercial quota and then -- If that's your preferred, Alternative 2, then the next step is to figure out whether you want to split it into separate seasons.

Mr. Currin: That's a good suggestion. Is there a desire of the committee to manage the commercial fishery under a directed quota?

Dr. Crabtree: I think it's what we need to do. What I'm not sure of is which of -- I think we ought to do the divided quota. I'm just not quite sure which of the scenarios in Alternative 3 is the better choice.

Dr. Chevront: Roy, I was wondering the same thing and, again, I was going to ask Jack, do you have landings by month and region or state or something that we could sort of look at to see what might help us to figure out what would be the most fair and equitable way to decide on that seasonality, if we go that route.

Dr. McGovern: We do have the landings by month in one of the appendices in the briefing book and I'm not sure which one it is. I'll look and see.

Dr. Chevront: I think that would be really important to look at to help us make those kinds of decisions.

Mr. Waugh: Again, if the question is which of Alternative 3 to adopt, you can adopt Alternative 2 as your preferred. That just gives you the commercial quota and then the next step is to figure out which of those alternatives.

Dr. Crabtree: **I would move that we adopt Alternative 2 as the preferred.**

Mr. Currin: There's a motion by Roy to adopt Alternative 2. Is there a second?

Ms. Shipman: Second.

Mr. Currin: Second by Susan. Is there discussion? **Seeing none, is there any objection? I see none and that motion is approved.** We've made some headway. We've pushed ourselves into a corner. I don't know the best way to advise you or to determine which of these might be the fairest.

Ms. Shipman: Gregg, which table do we have the seasonality of the landings by state?

Dr. McGovern: It's Appendix F, but I'm trying to figure out which attachment that is. It's Attachment 5A, Appendix F.

Mr. Robson: Just for informational, I remember we looked at some of this the last meeting and I remember looking at landings for Florida at least in the vermilion and there's not a lot of seasonality. There's some, but it's not nearly as much, maybe, as other parts of the council region.

Mr. Currin: It's Table 8, Section 3.4, the vermilion snapper landings by month and state.

Mr. Waugh: It's projected now as well.

Mr. Currin: Gregg has got it up and maybe can you blow that up just a touch, so everybody can see it if they don't have it on their screens? Just roughly, it looks like they're pretty spread out evenly. January and February are not huge and neither is December, by that means. It looks like it peaks in September, October, November. You could even include August, maybe. They're all over 100,000 pounds.

Dr. Chevront: I would like to ask Tom, as a representative of the headboat industry, since so much of these landings occur in the headboat fishery, what would probably be preferable to that industry, since it looks like all the landings across all these months seem to be pretty constant, except for the winter months, which I think is when the headboat industry is least active. Do you have a preferred way you would like to see that go?

Mr. Currin: Remember we're talking about commercial allocations.

Dr. Chevront: I'm sorry. I apologize.

Mr. Currin: No problem. We'll get to that, I'm sure.

Ms. Shipman: I'm wondering about just going with Alternative 3A, which is 50/50, because if January and February are slower, then you'll have four months for that first 50 percent.

Anything not caught is carrying over into the second period, is it not? In looking at how to spread that fishery out, just sort of a gut reaction to looking at how evenly spread it is, that may be the best way to go, but I would certainly defer to the folks who have the bulk of the fishery.

Dr. Crabtree: I don't really have a better idea than going just 50/50. I was reading through the economic analysis and it really -- From what I'm seeing, there's not strong economic reasons to choose one over the other. They're just not that much different. I would be okay with I guess that would be 3A at this point and then if we hear public comment to lead us to a different conclusion, we could change it, but there doesn't seem to be a lot of reason to choose one over the other.

Mr. Currin: I'll take a motion, but just a comment before that, though. The bulk of the fishery does occur in the second half of the year, the majority of it. It's not that much different, but it is somewhat different. I didn't total those values, but I guess if the scenario was the quota was not met in that first half of the year, then yes, it would be great to be able to carry that over, but if there's some concentration and some effort to go ahead and fill that quota, then that's going to put a little more pressure on the folks that are involved in that later fall fishery, but that's just a comment. That's not to argue strongly one way or the other.

Mr. Waugh: Just to that point, Mac, if you look at this Table 8, that's the average 1999 through 2005 monthly catch and if you look at 3A, the directed quota for the January through June period is 168,000. You're not looking to get past March, on average.

Dr. McGovern: I think this table that's projected is in whole weight and we're dealing with the quota in gutted weight and so it lasts a little bit longer than that.

Mr. Currin: The label says gutted weight.

Mr. Cupka: **I would like to make a motion that Alternative 3A be the preferred alternative.** In terms of what Gregg just pointed out, too, I think 3A has the largest quota of any of the alternatives and so it would get you further into that season than the other two would.

Mr. Currin: The motion is to select 3A as the preferred and is there a second?

Ms. Shipman: Second.

Mr. Currin: Second by Susan. Discussion?

Dr. Chevront: In addition, the only thing I wanted to point out, from what David was saying, is just looking at the expected post-quota bycatch mortality, it's also the least for Alternative 3A. It's not a lot different, but it is still projected to be less than the other two alternatives.

Mr. Currin: That's a good point.

Ms. Shipman: I think the other thing is to consider weather. Storms that may hit in the fall, they

may be knocked out of that season, depending on what would happen, and maybe it's better to just go with the 50/50 and they've got a little bit of insurance against a potential fall storm season.

Mr. Currin: Further discussion on the motion? **Any objection to that motion? Seeing none, that motion is approved.**

Mr. Waugh: That gets us to Alternative 4, which is to adjust the recreational bag and size limit and establish a recreational closed season. We need a 69 percent reduction. Alternative 4A gets us 71 percent, 4B a 73 percent, 4C only a 61 percent reduction, and so that's not sufficient, and 4D is a 63 percent reduction, which is not sufficient. Of those alternatives, only 4A and 4B are sufficient to achieve the necessary reduction.

Mr. Swatzel: I just have a question and it goes to Table 4-47. If I read the table correctly, you could look at various closed seasons combined with different size and bag limits, correct? Looking at Table 4-47, I don't know how this would work for Florida, but I think it might have some appeal in the Carolinas and it would be the idea of the fourteen-inch size limit with a closure November through April, which would get you to eight fish, which I believe would have a catch reduction of right at 69 percent and is that correct, Gregg?

The reason I mention this is the issue of the number of fish, which is a big issue for us, in terms of anticipation from a customer, but I don't know if that kind of a closure works in Florida. That's the one thing that I don't know.

Mr. Waugh: Which line are you looking at, which closure?

Mr. Swatzel: It's Table 4-47.

Mr. Currin: It's page 207 of 298.

Mr. Swatzel: It's November through April.

Mr. Waugh: The question was what reduction do you get with a November through April closure, an eight fish bag limit, and a fourteen-inch size limit? The Table 4-47 shows that that would be a 69.28 percent reduction. We've got 0.28 percent to spare.

Mr. Currin: How are we going to recoup that?

Mr. Robson: I'm trying to remember what I was going to ask. I think I was trying to look at the Alternatives 4A through D and I was trying to think about whether we had dropped out any that sort of split the difference a little bit. 4C looks at a two-month closure, but -- Never mind. I think I've answered my own question.

Mr. Harris: This is not with respect to Tom's question, but this has to do with increasing the minimum size limit. The last few meetings where we've talked about minimum sizes of

vermillion snapper and we've talked about the bycatch mortality associated with that -- Not post-quota bycatch mortality, but bycatch mortality of releasing those undersized fish and if we increase the size to fourteen inches, I think we're fooling ourselves once again. We're taking the easy way out, because it gets us a percentage that we need to arrive at, but I'm not so sure it really does us any good with respect to that fishery.

Mr. Geiger: Duane, I agree with you on that point and go back to Alternative 4, 4C. We get a 61 percent reduction with the thirteen-inch bag limit and is six fish -- Tom, is that -- I know you're looking for nine, but is six a reasonable number? The other question I guess it begs is it doesn't get us to 69 percent.

Here again, we're going to be looking at actions resultant from red snapper which will result in additional reductions in vermillion and b-liners when we take those actions on red snapper. We're talking about eight percentage points. Do we have a fudge factor that we can rely on making up that eight percent plus with actions we take in regard to red snapper here at this meeting or the next one?

Dr. Crabtree: I would say no, that you can't factor in something you're going to do maybe down the road, but you could add another two weeks onto the closed season or something like that to pick it up. I wanted to draw everyone's attention to the figure on page 482, Figure 4-5. I think it tells a pretty good story about what happened when we increased the size limit the last time around, in Amendment 13C.

You can see that the catches have actually gone up, but look at the B2 discards. They just shot through the roof and fourteen inches is a big vermillion snapper. The alternative that I think is biologically going to get us the furthest would be to go with Alternative 4D and leave the size limit where it is, but because that doesn't get us enough, instead of having it go through April, have it go through April 15.

I would move that we establish Alternative 4D as the preferred, except that the seasonal -- I guess we've got it going the wrong way. That's the seasonal closure. That the seasonal closure run from October 1 through May 15. That picks up another two weeks of closure, which I think Jack could probably figure out if that gets us about to the 69 percent we need.

It just looks to me like raising the size limit in this fishery -- If you look at the yield per recruit analysis we have, it really doesn't gain any yield per recruit by increasing the size limit, which is normally why you would do it. I think all we're really doing by raising the size limit is just sending the discards way up. I would encourage us not to do that. That would be my motion for a preferred, would be Alternative 4D, except that the closed season would extend through May 15.

Mr. Currin: That is your motion and is there a second? Second by George. Is there further discussion?

Mr. Swatzel: Just to point out that part of this whole process, we are talking about going with

circle hooks and the issue of venting tools, which would certainly reduce the release mortality. I'm not sure that four vermilion is a good number. I think certainly if we get into May as far as a closure, at least in the Carolinas, is pretty significant. I really would like to see what that actually does in terms of the reduction.

Mr. Currin: Response, Roy?

Dr. Crabtree: From your perspective, would it be easier to add the extra two weeks on at the beginning? In other words, have the closure start on September 15 and run through April? Is May more important to you than September or are they about the same or --

Mr. Swatzel: They're about the same.

Mr. Currin: Is there further discussion on this motion? **Any objection to this motion? One objection and the motion is approved.** We've got a couple more issues regarding the recreational fishery. Gregg or the team put in the requirements from the Gulf, as per our request, on how they dealt with requiring circle hooks, non-stainless steel and non-offset circle hooks, and dehooking devices. That information is there for you. The alternatives are developed.

I had one question on this and I fish circle hooks a fair amount. I've never used a dehooking tool with them, except under one circumstance. It was a very unique tool and required that the fish be fairly large to make it effective. Are there effective dehooking tools for circle hooks? I'm seeing heads nod. I'll talk to you about it. I would love to see what those things look like.

Dr. McIlwain: Mac, there are some tools being sold as dehooking devices to be used with the circle hooks.

Mr. Currin: I've seen a lot of dehooking tools, but most of them that I've seen work with j-hooks and in reading this description of how it's supposed to cover the tip of the hook or the barb of the hook or something, it kind of -- It concerned me that there is such a thing.

Mr. Robson: All of these rules may be appropriate for the federal waters fishery. I can tell you that we implemented consistent state regulations for the Gulf reef fish rules that just were passed and it's creating an enormous amount of questions and uncertainty about what it all means and how it should be applied and our rules -- Violations of these things are criminal offenses and so we're getting all kinds of questions about the different types of venting tools, their safety features, as far as -- It's getting ridiculous actually how many questions we've gotten about this.

It's not a very easy suite of rules to put in as an enforcement package. We're trying to take an educational approach to it and getting anglers to do the right thing, but putting these into rule, I can tell you that we would have to look real hard at doing this in state waters for the Atlantic, unless we can figure out how to make all this work a little bit more smoothly, because it's not going well right now for the Gulf.

Mr. Currin: Other comments about this measure? No comments and no questions? What's your

pleasure? What do you want to do with this?

Mr. Waugh: I was just going to ask the question of our recommendation is to break this out as a separate action and not have it under there. The alternatives would be no action and then the second alternative would be to adopt these. As I understand it, these regulations that we show here from the Gulf have been implemented and so they are in place in the Gulf and it applies to the entire Gulf reef fish fishery.

Mr. Currin: We don't need a motion to break this out, do we, or would you like to have a motion to break this out?

Mr. Waugh: No, as long as that that's clear that that's your intent, that's okay, but we do need an indication of a preferred if we're going out to public hearing.

Mr. Currin: Exactly.

Mr. Geiger: Tom McIlwain, the non-stainless steel circle hooks, they didn't specify any sizes. When they looked at the research in regard to circle hooks, was there anything that discussed the sizes?

I know every manufacturer has a different size respective to their manufacturing brand, but it would seem to me that if you're trying to also segregate the size of the fish that you're catching, the size of the hook would be an extremely important factor in selecting a hook to make releasing much easier. It would be better not to even encounter the animal, as opposed to trying to release it.

In some conversations I had just this past week with several bottom fishermen, they indicated that, again in the red snapper fishery and b-liners aren't too much different, I would imagine, that they really do take a circle hook even deep and will get hooked deeply with a circle hook that doesn't facilitate releasing them alive. I guess maybe I'm looking to see if there's any research done on the size of the hooks that we could add to the mandatory use of circle hooks, non-stainless.

Dr. McIlwain: George, the only discussion I remember, and you brought this up, was that every manufacturer, just about, has a different nomenclature for the sizes and if I remember correctly, we did not put that size in there, because there was so much variation. I have heard it said that you can gut hook a fish fairly easily with a circle hook, as well as you could with a j-hook, but that's anecdotal information. I don't have much response for you.

Mr. Geiger: I guess then I would even ask to go beyond that and say if there's no indication or you can't delineate between sizes, because of manufacturer differences, perhaps it would be easier to delineate between offset and non-offset hooks. Perhaps a non-offset hook would be even more beneficial than just specifying a circle hook.

Mr. Currin: That's what the Gulf has done, George, and what we talked about doing as well.

Dr. Crabtree: In the Gulf, we didn't make a determination on whether it should be offset or not and if you read the regulatory language in the document, I don't think it addresses that. Now, the language you have in here for the South Atlantic does specify non-offset and so I guess that's what we decided at the last meeting.

We looked and talked about the issue of hook size and we even looked at some data that we got from the University of South Alabama on some observer trips on it, but it was very difficult to figure out the relationship and the benefits of it and so we didn't go there. I think that is something we need to look at.

The other thing we've seen -- We looked at it in the Gulf mainly with respect to red snapper, but it probably is different from species to species and you may find that some species you get more benefits from circle hooks than you do from others.

I have heard a little bit of what Mark is talking about. I think I saw an email that came from someone on Mark's staff, where I guess it was a doctor had complained about the venting tools, that it was sharp and it could be dangerous and poke somebody and give them an infection and I guess that's true, but when you think about fishing, you've got hooks all over the place and it seems to me that it's inherent in the business.

My guess is this is like a lot of new requirements. There will be some initial confusion, but people will settle into it pretty quickly and it will all quiet down and people will get used to it. We didn't address the offset issue in the Gulf, because I don't think we -- I don't remember us talking about it for very much, but I don't think we felt like we had enough information on it. I know there are some folks who view that it should be a non-offset hook and so I guess that's just something you would have to decide, based on your experience with these things.

Mr. Currin: The little research I'm familiar with on these, and there have been a number of little projects here, is the -- We can't delude ourselves. You will gut hook fish with circle hooks, but I think the research I've seen indicates that non-offset hooks do that much less frequently than offset hooks.

Regarding the issue of the -- Roy is exactly right with the sharp objects that fishermen encounter from hooks to gaffs and that sort of thing. I would much rather remove from me a venting tool, or from you, for that matter, than one of these barbed hooks. They come out a whole lot easier.

Mr. Robson: That was one of the things that came up. The offset hook, the fact that the way that they were written was fairly general. What that leaves is a lot of interpretation as to what constitutes a legal circle hook in use. There were questions that were raised about whether you could actually catch all types of reef fish with a circle hook and we said yes, if you use a small enough circle hook, you can catch triggerfish, but there were questions about whether that was really true.

There were questions that have been raised about the type and design of venting tools. The

problem for us in state waters was that you have potentially reef fish that people could be targeting that they're very unlikely ever going to need a venting tool for. That may not necessarily occur in federal waters for the Atlantic and so then it becomes a question of if I'm fishing for mangrove snapper in thirty feet of water or less, you're going to arrest me if I don't have a venting tool onboard?

We've got those kinds of questions and I just think we need to be real -- You want to have them generally constructed, so that there's some discretion for a law enforcement officer, but on the other hand, when we implemented these rules, they became criminal. You have to be careful how you construct them.

Dr. McIlwain: I can see why that would be more of a problem in Florida than some of the areas, because of the depth of the water they're fishing in. I was just going to say in -- I'll speak specifically from Mississippi. Our local charterboat association, which has about a hundred boats in it in Mississippi, they're actually out promoting the use of these tools and they've been working with the local marine store and they're actually selling venting tools and dehookers through that.

The charterboat association has been very proactive in trying to get this information out. They're doing workshops, in cooperation with the Sea Grant program, teaching people how to use dehooking devices, as well as the venting tools. It's a different approach.

Dr. Crabtree: I can certainly see, Mark, how requiring the venting tool doesn't make sense in state waters. If it's in shallow enough water, if you pull a snapper or a grouper out of twenty feet, I doubt there's any reason to vent it and you might do more harm than good by venting the fish. You may be right, that it's something we need to make sure we're not defying common sense on it. I think from an EEZ perspective that it may make more sense than that. That may be something to revisit at some point.

Mr. Currin: Further discussion on this point, on this issue? What's your pleasure here? I guess, Roy, we could make this a requirement or a regulation in the EEZ.

Dr. Crabtree: That's all we can do and then the states will have to use their discretion as to whether it makes sense to do it in state waters.

Mr. Currin: Does that put you in a bind, Mark, then, where your commission or your legislature typically adopts, verbatim, the regulations from the council?

Mr. Robson: No, it doesn't give us any real problem. We adopted it for the Gulf because we wanted to be consistent and we support the use of these tools to reduce discards or mortality. We have our own programs to promote them. In fact, it was the venting tools we were giving out that raised questions about their safety and so forth. I'm not saying these are legitimate arguments, but they do come up. It's just not as likely that we would implement something this strict in rule. We may take a different look at it in terms of an educational approach.

Dr. Crabtree: **I'll make a motion that we adopt Alternative 5C, that we require these devices in both commercial and recreational snapper grouper fisheries, as our preferred alternative.**

Mr. Cupka: Second.

Mr. Currin: Motion by Roy and second by David Cupka. Is everybody comfortable with this? Is there any further discussion? **Any objection? Seeing none, that motion is approved.** Now we've got the issue of how to deal with any changes that might be indicated by this new age-based assessment that comes up.

I think somebody, I don't know whether it's Roy's staff or the team in general, put together a number of alternatives, so that we could direct the Regional Office on how to adjust this amendment, I guess, if the new assessment indicates that something like that is warranted and to what degree. They tried to lay out a bunch of approaches that we could ponder and select.

Ms. Smit-Brunello: Jack asked me about these alternatives and I said yes, let's go ahead and keep them in the document, because I think it's good for discussion. I think what should happen though, in thinking about it further for NEPA purposes and trying to give them adequate analysis, so that if the assessment did come out differently that it would be a more automatic action for the Regional Administrator to do, meaning I need to tighten up the language a lot.

Go ahead and the concepts are there and that's fine and what order you would like him to address it, but I'll try to get Gregg some language to put before you this week, probably when the council meets, or maybe even by tomorrow morning, I'm not sure, just to show you what kind of language would be out there, so we could tighten it up further and analyze it further, so that if this did come to fruition then it's just like almost an automatic action that the Regional Administrator has to do.

That will be a lot easier to get it through the system in the long run than if we leave it exactly the way it's written. I just throw that out there as food for thought for later, really, and just to bring it to your attention.

Mr. Currin: Thank you and I think easy and timely, we're all in favor of that.

Dr. Chevront: I guess my comments sort of fall along in with some of the things that Monica was just saying. I think we talked about this at the December meeting and the idea was -- I think, Jack, was this from the conversation that we had had there, that what we really were thinking was in terms of providing a roadmap and that when the new assessment was done, it would be very easy for Roy to jump in there and know exactly what needed to be done and he could use this and say, okay, this is the percentage reduction that needs to be and you follow the chart and boom, that's what it is.

The discussions would all be done ahead of time and he would have our blessing to do it however we wanted it and like Monica says, if she needs to tighten up the language to make it

palatable, I say go ahead.

Mr. Waugh: One thing and Jack may need to jump in and help explain this, but in doing these analyses of impacts, you can see, if you look at Table 4-45, the last row shows no closure. It's open all year and you can see that these are the minimal level of reductions you get with these bag limits.

The reason that is is because 2007 was the first year that the size limit increase on the recreational side went into place. That is built into these analyses and so you're looking at whatever reductions are necessary from the current SEDAR assessment or the next one, we're including the reductions from the twelve-inch size limit.

Where this gets a little tricky and I'm, quite frankly, not sure how to handle it is what if -- We're taking that action, the twelve-inch size limit, based on 13C. What happens if the new stock assessment comes back and it says that, for instance, you only need a 10 percent reduction? Do we want to go ahead and build in a figure here to handle that lower level of reduction? Is that just confusing everybody?

Mr. Currin: I think I understand exactly what you mean. In these tables indicated, there's a lower limit on the amount of reduction -- Of the factors that in place together are going to result in that reduction and we're missing needed reductions less than some value and what's that, about 30 percent, 25 percent, or something like that?

Dr. McGovern: What it's saying is you're getting about a 25 percent reduction just from increasing to twelve inches. To get reductions less than what's here, you just have another table just like this with an eleven-inch size limit. You could have a combination of a seasonal closure, a bag limit reduction, and an eleven-inch size limit and you get reductions all the way down to zero.

Ms. Shipman: It seems what we need to decide, in looking at 6A, B, or C, maybe after Monica has worked on the language, is what's our priority in terms of relaxing the pain, so to speak? Do we want to go to relaxing the size limit first, because of the issue with bycatch mortality, or is it more important to give them a longer season? I think that's what we've got to decide.

Mr. Waugh: Monica, correct me, but -- I think that's how this is structured, but I think what Monica is looking for more is a table, if you will, that says if the percent reduction from the new assessment is 5 percent, then you go across and you have a column that says here's the commercial quota and how you handle that and then here's the recreational regulations.

Then the Regional Administrator has no leeway. It's just you go into that decision table and if it's 10 percent, okay, what are the recreational and commercial measures? Is that what you're looking for, Monica?

Ms. Smit-Brunello: Probably, yes. That would be good. I don't know how difficult that's going to be to do. Maybe you could think about that a little bit, too. This is going to be a lot of work

for a one-time action that the Regional Administrator would do only in response to this assessment results, but that's fine and I'm willing to work on it and I apologize that I didn't get even tighter language to you all before this committee, but yes, it's along those lines.

If you have a certain -- I think you have to decide how much change -- If it's within a few percent, do you even want the Regional Administrator to change anything? You would set a threshold level and then it would tier off from that, in terms of the percentage of change in the assessment.

Dr. Cheuvront: I think from the discussion that we had earlier, the least favorable action that we would like to do would be to increase the size limit. I think that one should be the last choice. It sounds to me like what we need to do is to come up with some kind of a balance between number of fish and closed seasons.

As I sort of see it, you get your -- From hearing what Tom is saying, he wants there to be more fish, but at some point, to get ten fish, if the season is only going to be open two months, that may not be worth it to him. At some point, we need to have a compromise between the two of those and that could probably be even graphed out, what the return rate would be based on the season and the number of fish.

Even if we were able to graph it, I'm not sure how that would help us to make this decision on what is most palatable, but somehow I think that if we could keep fish in the -- At least six fish, preferably more, with the longest season is probably my thought of where it might want to go. Is that -- If you want to respond to that, Tom, I would appreciate it, because I don't really know this, certainly as well as you do.

Mr. Swatzel: I fully agree. I think certainly to be able to keep as many fish as possible, the numbers, and also the issue of having as short a closed season as possible would certainly be the goal.

Dr. Cheuvront: To that point, what you could do then is if we could give the Regional Administrator -- If it's possible, we don't want there to be fewer than six fish in the bag limit and so you go down for the twelve-inch size limit, which we have already got, and you say can you make the reduction level that you need at six fish? Well, sure you can. I'm just saying hypothetically.

Then what you do then is you start looking at how long the season is that you could have and if you could have it open all year with six fish, then maybe you can go to seven fish and still be okay and still have it open all year and if we can give some kind of direction like that, then he'll know the way we want him to read the tables.

It sounds to me like if the reduction that we need to have is greater than 29.41 percent, then we should be looking on that twelve-inch size limit table first and then if we say, okay, we want six fish as a minimum, regardless of the length of the season, then we go to that column and we can see which one of the closed season options will still allow us to have the six fish and sort of

provide that kind of direction. Is that too complicated?

Mr. Currin: No, I don't think it is. I think where we might run into a problem is developing a table where we've got two different combinations that meet that goal, with equal kind of effectiveness. Therein, we have a problem, because I don't know how we get that direction. How do we pick and choose after the fact? We can't do that and so I don't know. Maybe that's not a problem, but --

Ms. Smit-Brunello: Maybe you state upfront then in the document what your preference would be on which one you would choose first and if such and such happened, then -- If two alternatives were equally -- The reductions were equal, it would be the council's choice that it would be this option and we would lengthen the closed season or something like that. I bet you'll get public comment on this too, in terms of what the public would like.

Mr. Currin: I'm sure we will.

Mr. Harris: I think Monica answered a lot of my question. I think there's got to be a table in here and then there's got to be some direction, but still, there's got to be some flexibility that the RA is going to have to have to choose within the directions that we provide and the tables that are laid out there and I don't see any way of getting around some flexibility. Is that black and white or is there some area of gray in there?

Ms. Smit-Brunello: I think the idea is kind of twofold. The Regional Administrator could act -- You would want him to act quickly on the basis of the assessment and not impose harsher measures than the assessment would bear out. You would want to give him that flexibility.

The other part though too is for NEPA purposes. You would want to try to get this analyzed sufficiently so that the public and everybody had a good idea of what was going on, so that we wouldn't need then additional NEPA analysis, necessarily, before he could then go ahead and take that action after the document was final and you approved it for public hearing.

Yes, there probably has to be a little bit of flexibility, but the lesser the amount of flexibility, if you will, would probably be better. We've been talking a little bit about it in our office, too. Some people are saying why do you want to do this and why does the council want to do this and this is a lot of work and then I explain it. It's not work just on our part, but on everybody's part and as to why and they say, all right, if we can probably narrow the shoot down that the Regional Administrator -- Which door he chooses to open, that would be better.

Mr. Robson: I kind of like where Brian was headed. I still think we do need to give some general guidance about the ballpark we want to be in and in deference certainly to our friends in South Carolina and North Carolina, where most of the fishing activity is occurring, we're looking at a preferred option now of an October to April closure and maybe May.

Even though Florida doesn't have that much of the recreational harvest, that might be more of an impact on Florida fishing than it might be in North or South Carolina, with that kind of a closed

season. I'm still thinking if you had some latitude to look at something in the range of five to seven fish bag limit and then whatever works in there to reduce the seasonal closure as much as possible within that framework and then agree that the size limit is the last thing to look at. That's maybe a way to try to give the RA some latitude there.

Ms. Shipman: I think what you would want is an Alternative 4D that the changing the measures in the following order. The first one would be increase your bag limit and you would truncate your table at six fish and you wouldn't go below that and then you would do your range of measures. Your second measure would be reduce or eliminate the season closure and then your third, I guess, would be the size limit.

To me, we've got to choose among those three things of how do we want them ordered and if we want to not go below a minimum number of fish, we just need to truncate the table there, I think, and see if it gets the reduction we need once that SEDAR comes back.

Mr. Geiger: You're right, Susan, but if you truncate it at six fish, we're betting on the stock assessment coming out showing that we need less reductions and what happens if it comes out and it doesn't indicate that?

Ms. Shipman: I guess I was thinking of it in the best case scenario and I agree with you. I think there's got to be a companion table for the worst case scenario. You give him sort of two tables to work with. One is you can relax things and the other is you've got to --

Dr. Crabtree: If things come out worse, then it comes back into your lap. Think about it. If it comes out worse, it's likely going to mean we're overfished and then we're going to have to have a rebuilding plan and all that.

Mr. Currin: Where does that leave us? Are we going to try to get these tables developed between now and tomorrow? Is that feasible to consider or how are we going to do this, Gregg or Brian?

Mr. Waugh: I was just asking Monica for some clarification, too, because the discussion is going is along this setting a priority in order, but unless I'm mistaken, what Monica is looking for is something that gives even less leeway for decision making.

If you look at this table, I think this gets at what Monica is looking for. You have to decide how you want to go in terms of percent reduction, but, for example, if the assessment comes back and say you need an 8 percent reduction, you would round that off to 10 percent and look at the commercial and recreational regulations. That way, there's no leeway in terms of the decision to be made.

Now, if going up by 10 percent is too gross, in terms of that rounding, we could do these for 5 percent increments, but then we have the tables here. The one we don't have is with an eleven-inch recreational size limit and Jack said he thinks he can put that together for full council, but what it would require is for you all to go through and pick what your regulations would be to

achieve these different percent reductions.

Then it's just a matter of what the assessment results are and what percent reduction is necessary. The Regional Administrator would go into this table and the nearest percent reduction and it tells you exactly what regulations need to be implemented.

Mr. Currin: Gregg, wouldn't the quota increases just -- Wouldn't that just result in a different quota for a required less reduction on the commercial side? Wouldn't that just increase the quota? That's pretty straightforward and simple, I would think.

Mr. Waugh: That's correct. The commercial is easy, because it's just the new amount and you've already specified your preferred for how that would be split seasonally, but still, I think it's helpful to have that in there, so it's clear. Also, this gives us -- We have to analyze all of these ahead of time and present them for the public to comment on.

Mr. Harris: Tom, which would you rather have, a lower minimum size or a higher bag limit?

Mr. Swatzel: When you say higher bag limit, keeping the size at twelve inches now?

Mr. Harris: Yes, if we could go to eleven inches and have, for example, a six or a seven fish bag limit, as opposed to twelve inches and a nine or a ten fish bag limit, which would you prefer more?

Mr. Swatzel: I think I would keep it at twelve.

Mr. Currin: I guess it concerns me a little bit trying to -- Even if we can get this table together, or all of these options together, to try to do this at full council -- I worry about how complicated that might end up being and difficult. It may be easier than I think, but --

Mr. Waugh: Duane, by your question and the answer, does that mean we don't need to look at eleven inches?

Mr. Harris: That's not why I asked the question. I still think we ought to look at eleven inches.

Mr. Waugh: We've got the tables here. We can use the tables that we have here for you all to come up with what you do from 30 percent on up. Now, we have the tables here.

Dr. Crabtree: Remember, what we're talking about here is relaxing what's done in this rule and so I think the stuff on the books now is off limits to this and so we don't -- We're already at twelve inches and so we're not going to go below twelve inches here.

This would just be -- What I'm envisioning is we would do this in the current rulemaking process, because I think we'll have the assessment results probably before we even have a proposed rule out on the streets. This would just back off some of what that proposed rule would do and not undo anything that's currently already on the books. That gets too complicated. Do

you follow me?

Dr. Cheuvront: The thing is then if you don't want to do eleven inches, to cover a reduction of less than 29.41, then what we would end up having to do, since there's no closure, is add more fish to the bag limit, correct? Somehow we need to -- If the reduction is less than that 29.41 percent, we've got to figure out what we're going to do to change that. Why give a more stringent reduction than we need to? Does that make sense?

Mr. Waugh: Remember too that on the recreational side we do not cap participation. You may not want to relax your regulations and get that bag limit so high that you're going to -- Remember the next step is annual catch limits. You don't want to through this raise a bag limit and then the next amendment be lowering it.

Mr. Currin: If we don't want to consider dropping the size limit to eleven, then we've got the tables in front of us that show the reductions associated with various seasonal closures and various bag limits. We've got two things we've got to decide, whether 10 percent increments are okay or whether we want to try to divide that into five and then try to pick out of these tables that we have in front of us the specific actions that we would like to see that are commensurate with the reductions indicated by the assessment.

Dr. Cheuvront: I'm just looking at what Gregg is putting up there. I think that if it's less than that 30 percent -- I think for 10 percent, 20 percent, and 30 percent what we're saying is essentially the same thing or actually, for 10 percent and 20 percent, it would be the status quo, which is a twelve fish -- It's a twelve-inch fish, ten fish bag limit and no closure. Only when we get to 30 percent do we then say that it's a nine fish bag limit.

Mr. Currin: That's easy for those three. We've got at least, again, depending on whether you want to do it at -- Is everybody comfortable, first off, doing this at just closest to 10 percent as we can? Is that okay? We don't want to split hairs and start looking at 5 percent intervals? I think that's my opinion, that that's getting a little picky.

Everybody is comfortable with doing 10 percent? Now we can go through and look at the 40 percent reduction, if that's what indicated, of where we want to be. A December to March closure and eight fish will give you that. There are probably others in this table that will do that as well, or close to it.

Dr. Cheuvront: How about a November to March closure with nine fish? I'm thinking in terms of spring break and Easter. It typically falls in April and people want to go out and go fishing then. The weather is getting a little better, if we can keep it open and April at through October. At least I know in the Carolinas the weather is usually decent enough to go fishing during that time period. That will then still allow nine fish. It gives us a higher bag limit.

Mr. Currin: Everybody okay with Brian's suggestion or are there other -- There are some others in there, if you want to look at them, but I don't know how important November is, Tom, to you and your group. You're okay with that?

Mr. Swatzel: Yes, I'm fine with that.

Mr. Currin: Let's find 50 percent. You thought it was easy. October to April and nine fish will give it to you. That's a little more. It looks like November to April with seven fish will give it to you, very close. What's your pleasure? Are there others that pop out at anybody? If we stay up above seven fish, at or above seven, we're looking at November to April at seven fish.

Mr. Robson: Again, I understand the desire to maximize the bag limit, but at least in Florida, what may be marginal months in the fall or in the spring in North or South Carolina may be very good months in east and northeast Florida. I'm a little concerned about maximizing that bag limit at the cost of a fairly lengthy season closure.

Mr. Currin: Other comments or suggestions? Have you got any suggestions for 50 percent? George said November to March and five fish.

Dr. Chevront: Or November to April with seven fish. You either lose two fish or you gain a month.

Mr. Currin: What's your pleasure? Let's see if we can come up with something for 50 percent and then we've got one more to do. Gregg did it for us and thank you. November to April and seven fish and is everybody reasonably okay with that? Oh, you put both of them up there. I just read the first one. I didn't read the whole thing and sorry. What's your pleasure here, Mark or Tom? It's 50 percent and we've got two of them up there, two choices. Any preference among you guys? Brian, you're okay with either one, from the North Carolina perspective?

Mr. Robson: I would have to go look at the recreational landings. Again, I think that April is potentially some good fishing weather. I would go with a lower bag limit.

Mr. Harris: Gregg, what page are the landings on?

Mr. Currin: It's Appendix F, Table 10, Jack, you said? It's 10 and 12 that's got them. Table 10 has got it by months and -- No, that's headboats, what I see. Is that in Appendix F that we're talking about?

Mr. Waugh: Yes and, Mark, you're interested in -- Here's the commercial, Table 8, but we're talking recreational and let me get --

Mr. Currin: Table 12 is the MRFSS landings.

Mr. Waugh: Table 10 are the headboat landings.

Mr. Currin: The headboat landings are there in Table 10 and 11 and Table 12 gives the MRFSS landings.

Mr. Robson: I need to study this. There's some significant Florida landings, real significant.

Mr. Currin: Susan just made the comment that that's what would be significant, Mark, is the PSEs around these estimates.

Mr. Robson: Again, just thinking down the road of the significant seasonal closure periods we're looking at for a number of fisheries, I would still favor trying to minimize that closed period for as much as possible. At least for the 50 percent, I would prefer the shorter season and the smaller bag limit.

Mr. Currin: Tom, are you okay with that, reasonably? Again, even if this at this point is our preferred, it will give you guys more time to look at these tables and if something else comes up to you that's more appealing, then we have an opportunity to change that. Okay, 60 percent? September to April and seven fish will do it. What's your pleasure here? Does anybody see anything here that is the least nauseating?

Dr. Cheuvront: I guess I'm trying to follow the logic here. If we are going down to a five fish bag limit at 50 percent, why are we raising the bag limit at 60 percent?

Mr. Currin: We haven't done anything like that yet, but we're talking about what we want to do.

Dr. Cheuvront: I'm kind of thinking that maybe what we could do is if our preferred at 50 percent is the five fish bag limit, five fish at almost 60 percent is an October to April closure. It just doesn't seem consistent to me to jump the bag limit number.

Mr. Currin: Everybody is comfortable with five as a lower limit on the bag limit and do the rest with the season closures? That's certainly logical.

Dr. Crabtree: That would give them one more fish and two weeks more fishing compared to the preferred we chose, by my read, right? The preferred was four fish and October through May 15. Yes, that seems reasonable to me. Remember, if this actually happens and people aren't happy with it, you can always come back in and do a framework or something and change it. If you did this for all species and made it permanent, then we could probably all go home and just let the assessments happen.

Mr. Currin: If we spent two months in the Jekyll Island Hotel, we might be able to come up with something like that, spend our entire budget at one meeting and we could probably do that. Is everybody okay with that? Again, keep in mind Roy's words, that it can be done -- Do we have to do 70? I think that's where we are now, roughly, is 69 percent, isn't it? We don't need 70, do we, Gregg? That's close enough to 69 for me.

Everybody take a minute to study this. Do you want to take a ten-minute break? Let's do that. Think about this and look at it and ponder it and if you want to change it, let's do that when we come back and then we'll go ahead and select a preferred here, if that's what we need to do.

(Whereupon, a brief recess was taken.)

Mr. Currin: A question that occurred during the break is from a NEPA perspective, how do we deal with this in terms of alternatives? Within that table, there are I don't know how many different alternatives, five or six. Will they have to be broken and analyzed individually as alternatives, in which case we get rid of, or send to the Considered but Rejected, all of the current alternatives under 6 that we have here? What's the best way to deal with this?

Ms. Smit-Brunello: Maybe we can call it 2A, 2B, 2C, 2D, 2E. There are a number of alternatives up there and I don't see that there's anything else that's reasonable, is there? I think you've kind of -- Rick can speak to it too, but I think that you're okay on your alternatives for this.

Dr. Crabtree: When you think about the economic impacts and all that, all of them are just going to be in between the status quo and the preferred alternative and I think it's just a qualitative relaxation.

Mr. Currin: As far as the document is concerned, this would become the new Alternative 6 or it's a separate action, I guess, that we're going to do and so it will be whatever they are, whichever way the staff wants to number them.

Ms. Smit-Brunello: I want to thank Gregg for having this stroke of brilliance, because it's a lot easier than the legal language I was going to try to come up with that people probably couldn't understand. I didn't mean that you couldn't understand it, but I meant that it would get into a lot of verbiage and this is very straightforward. It's in a table and people can see it, but what we'll have to do is do a lot of explaining in the text of here's how we got here and like you said, Mac, at the break, explain where this information is in the document and all that. We can do a good job, I think, of explaining it.

Mr. Currin: Yes, I think so, maintain those Tables 45 and on, so that the public can understand where these values came from and all that. I guess we don't need a motion then, Gregg, to eliminate Alternative 6 in its entirety, do we or move it to the --

Mr. Waugh: Our intent would be to move that to the appendix and stick with this and Alternative 2 would be your preferred and a sub-alternative would be determined based on whatever percent reduction was required out of the new SEDAR assessment. That's how we would interpret your direction.

Mr. Currin: Is everybody good with that? Gregg, what else do we need to do on 16? We need to eliminate Alternative 7 as well, because we took care of that in this action. We could move that to the appendix and we have left to do is approve this for public hearing or is there anything else we need to do before we do that?

Mr. Waugh: That's it. After you approve it for public hearing, we can talk briefly about public hearing dates and locations.

Mr. Currin: **I would accept a motion from Susan to approve Amendment 16 for public hearing and is there a second?**

Mr. Cupka: Second.

Mr. Currin: Second by David. Is there any discussion? **Is there any objection to that motion? Seeing none, that motion is approved.** Dates?

Mr. Waugh: We can get with individuals on the specific dates, but obviously with all the other meetings and assessments that we have coming up, what we would like to do is use the same approach that we used with the scoping process, except alter the time, and I think it's to run it from three to seven, one session.

People never seemed to go anywhere during that one-hour break and so run it from three to seven and our suggestion -- We already have a SEDAR assessment workshop down in Miami during the week of May 5 and so what we would like to do is do one in Homestead on May 7 and that would take care of the Keys and the Miami area and May 9 in Port Canaveral, May 12 in Brunswick, May 13 in Charleston, and May 14 in New Bern. We can certainly get with individuals, but that would be our suggestion.

Mr. Currin: Is the staff comfortable with that? I know that last road show dragged you guys pretty badly and I'm just wondering whether you might want to consider taking a day in between after your Charleston meeting before you have to go to New Bern or whether you would just rather bore on and get it over with. Just for your consideration.

Mr. Waugh: We have some flexibility. We could move it to the 15th in New Bern if we wanted to, but the drive from Charleston up to New Bern isn't that far. How long does that take, Brian, do you recall, Charleston to New Bern?

Dr. Cheuvront: It's five or six hours.

Mr. Waugh: We could certainly slide that over to the 15th, easily.

Mr. Currin: It's certainly would be okay with me. It's up to you guys what you feel like doing or whether the break in between, day in between, would refresh you or cause you more trouble than it's worth. Is everybody okay with the selection of the dates, as well as the locations?

I, delightfully, haven't heard any moaning and groaning from anybody in North Carolina about having the public scoping meetings in New Bern. I don't recall any comments about I wish you were closer to me, other than a casual same thing you get all the time. No real moans about that and so I guess that would work from our perspective.

Mr. Robson: Did we settle on times? These are evening workshops, but --

Mr. Waugh: They're going to be from -- I think we did the last ones from two to five and so these would be three to seven. Certainly we don't throw people out at seven if they're still there.

Mr. Currin: That's it? Thank you, Gregg, very much. Please give our thanks to all the folks involved and the amount of work that went into 16 and everything else, as well. Rick, want to move into 15B?

Mr. DeVactor: Amendment 15B is after Attachment 1. That is the latest version of the amendment that the team has been working on for the past few months. What I want to do is briefly go over the schedule that we're currently on with Amendment 15B, the changes that occurred from the December version to this version.

I would like to go over those and then briefly go through some of the comments that were received in the last few months. As far as schedule, again, we had public hearings on Amendment 15B in November and December. The comment period on the draft environmental impact statement lasted from November 9 to January 11 and the schedule is to approve Amendment 15B for submittal to the Secretary of Commerce there this week.

As far as changes that the team had worked on, we responded to the draft environmental impact statement comments and those can be found on page 2 of the document. What the team did is took a shot at how the council might respond to these comments and so I encourage you to go through those and suggest any changes that you might have.

Also, last time you met in December, you had a comment for the action that would require certain gear onboard the commercial and for-hire boats, to reduce the impacts to sea turtles and smalltooth sawfish. You asked the team to look at ways that you could build into the alternatives where this gear would not be required for those boats that were just going out to spearfish and so what we did, we added to that alternative language that said to require all commercial and for-hire vessels that carry hook and line gear onboard to carry this gear.

Just by simply putting in those few words, we feel that that has suited what you guys were asking for, but please look at that and make sure that we handled that to your intent and lastly, there's some new information, and this is behind Attachment 2C and this was mailed in the second briefing book.

What this is, this pertains to the impacts, the economic and social impacts, to the action that would require a federal snapper grouper commercial permit to sell snapper grouper species. What happened was that in the last few months, we received a lot of comments from the public stating that we are missing some of the economic impacts in the document pertaining to the sale of those that do not have a permit, a snapper grouper commercial federal permit. They do have the state permits, but they don't have the federal one.

What happened, thanks to Brian's group and Alan Bianchi, they supplied data to us and the team that basically was a table that showed the snapper grouper species and the landings by those who had the federal permit and those who did not have the federal permit and I think it surprised

people at the level of those landings and the revenue. That came from the North Carolina trip ticket data.

That, again, is behind Attachment 2C and I have it up here. You can't see it, but if you go under Section 4.4.2 in the second paragraph, the second sentence really gets into it. It says over the period of 2000 to 2006, an average of approximately 690,000 pounds per year of snapper grouper species, valued at approximately \$1.05 million, were recorded in the North Carolina trip ticket system by the fishermen who did not have the federal snapper grouper permit. Again, that's a per year average, from 2000 to 2006.

What we're working on now is getting this information from Florida, Georgia, and South Carolina. We could not get it in time to have here and so I think you all should talk about how do we proceed?

There's several options. Do we go forward and approve the amendment? Do we wait until June, until we have this information before you, and talk about the need for a supplemental environmental impact statement? Also, if you could review the proposed rule that's an attachment to this also and see if that gets to what you guys are trying to do through this amendment.

Finally, as far as comments, what I did in December is I went through the comments. Again, the comment period went from November 9 through January 11 and so in December, I reported on the comments up until December 3, I think it was. For the last month, we have gotten twenty-five comments. A large number of these have come from charterboat fishermen in the Florida Keys against the action that would require a federal snapper grouper permit. I think that was twelve comments.

Six comments were for the council taking action to require a federal permit and then there were four comments that were in favor of the action that would require gear onboard, to reduce the impacts to sea turtle and smalltooth sawfish if hooked.

There were two comments that supported the action that would extend the permit renewal period from sixty days to one year and so that's a quick summary of the comments that were received. Again, I summarized the comments and that's listed as an attachment and that's all I have on Amendment 15B right now.

Mr. Currin: Thank you, Rick. I'm sure everybody has received probably a hard copy, as well as an email copy, from Bill Kelly and the charterboat group that's recently spun up in Florida that's very concerned about the economic impacts of changing the sales provision. I just want to make sure that everyone is aware of their concerns and has received the information from them.

I guess the big issue before us today -- As Rick indicated, our plan was to approve this today. The questions about the economic sales or the lack of the information in the economic section addressing these sales, both from North Carolina and from the charterboat guys in Florida, have raised some real issues about the completeness of that analysis and so we need to have some

discussion on that, as to how we proceed.

I know Gregg has talked to Monica regarding some of her legal concerns about proceeding at this point and whether you want to make some comments about that, Monica, to start this discussion or whether anybody else wants to jump in, but that would probably be most appropriate.

Ms. Smit-Brunello: I do have some concerns about the analyses that are in the document, because it doesn't take into account this new information that we've found out about, that Rick just described. At Attachment 2C is something called, at least highlighting the title, Amendment 15B Economic and Social Analyses. These were Steven Holliman's, who is a regional economist, attempt to try to quickly come up with some analyses that you could look at for this meeting, but it's by no means complete or final.

I think it would be better for -- It would be less risk-averse if the council were to delay action until you get the economic analyses in front of you and then take action and decide. It could be, in discussing this briefly with Rick, that we very well might need a supplement to the DEIS, to put this information out in front of the public.

If so, that would need a forty-five-day comment period, just like the DEIS would, but I've been assured that we should be able to accomplish putting out that supplemental notice and have the comment period finished by the time the council meeting starts in June. I guess with that, I'll put that out there and we can start our discussions and you can ask me any questions as they come up.

Mr. Currin: Most of you are probably aware, but some inquiries went out to -- Florida seems to be one of the other major areas, besides North Carolina, where the impacts occur and we've tried hard to see what sort of efforts could be made to generate some information, at least preliminary information, from Florida. The last I heard, it looked like April 11 was probably the earliest that some of that information might be available and so we couldn't get it here to the council meeting to look at it.

Dr. Cheuvront: If I remember correctly, last June, at the SSC meeting, the SSC declared that they could not endorse Amendment 15B as the best available science, because of the lack of socioeconomic information. What I can't remember is did they look at it again in December and if so, what did they say at that point?

I'm kind of leaning towards I would like for this to have the blessing of the SSC when we send it out, whenever it's ready, because I think if we're talking about this additional information going in there, it would be really good to have the Socioeconomic Subcommittee of the SSC see this and be able to comment on it.

Mr. DeVactor: Brian, I think that comment was made in December, if my memory serves me correctly, by the SSC. I'm thinking it was made pertaining to the allocation action, that they said that the document was lacking socioeconomic analysis pertaining to the allocation action.

Mr. Currin: Susan has got that. She pulled out the SSC comments.

Ms. Shipman: Strangely enough, for whatever reason, I have this piece of paper with me. It is actually the SSC report, the summary report, and it says: "Although the social impact assessments in the public hearing documents in 15A and 15B were comprehensive and well written, the SSC concluded that the assessment of the social effects or ramifications of the proposed actions in allocation was inadequate for decision making. In essence, social information was determined by the SSC to be incomplete and inadequate in facilitating a ranking of regulatory and allocation options. This was especially the case with respect to the proposed resource allocations among commercial fishermen and recreational fishermen." That was all.

Mr. Currin: Thank you.

Mr. Waugh: Just to point out and raise a question with Monica that we need to get resolved is the new information that is available, you have before you. There are some additional data that can be collected and those are the ones that are going to be collected from Florida. I just want to make sure that -- Under Section 302(i) (6) on page 70, it lays out what has to happen when new information comes forward.

If we're doing a supplemental, then that would give people throughout the range an opportunity to comment. Do we have to hold more public hearings or will that DEIS comment period suffice? Just to reiterate the timing on this, my understanding before was that the economic analyses could be complete by the June meeting, but what Monica just said is that we could have the analyses done and the forty-five-day supplemental EIS period completed before the June meeting. I just want to make sure what exactly has to happen between now and June so that we can have the council take final action in June.

Dr. Crabtree: Let me comment on part of that, Gregg. I've got an email from Steven Holliman, who has put the analysis together, which basically says that we should be able to make it and they've timed out when things would have to happen and so we think he can get the analysis done in time. I don't know if you want to comment on the part about the public hearings and things, Monica, or do you need a minute to --

Ms. Smit-Brunello: No, that's fine -- The portion of the Magnuson Act that Gregg talked about, he's right, it deals with new information. It doesn't really talk about holding new hearings, but it talks about giving interested parties a reasonable opportunity to respond to new data or information before the council takes final action on the measures.

I would think that obviously if you were to delay it and you were to take action in June that you would, just as scheduled at this meeting, you would have a comment period, a public open comment period, for people to talk about -- At the meeting, you would be giving them an opportunity to respond that way and certainly if we put the DEIS out, or the supplement, as Gregg said, we would be trying to put that out far and wide, so all these people out there who would be affected would have an opportunity to respond as well.

Whether they would want to do that via comments, written comments -- I think that we would be covered, Gregg, if we could hold a hearing at the council meeting and then put out all this information, the new information, before the public, so they could look at it and they'll have an opportunity to respond.

Mr. Waugh: Then we would do a public hearing say the Monday evening of the council meeting week and then there would still need to be an opportunity for the public to comment at the full council level, because the council is approving it for submitting it to the Secretary?

Ms. Smit-Brunello: Let me think about that. I'm not even sure if you would need a public hearing at the meeting. I would call it, I guess, a public comment period, just as we have scheduled for 8:15 on Friday morning for 15B now. I think that would suffice, but I'll give that some more thought.

Dr. Crabtree: I think this is the right thing to do, to hold off. We really have gotten an awful lot of public comment from all over, but a lot of it from Florida. The economic analysis in the document now is just not adequate for Florida and it's clear that we're finding that this has more economic impact than we thought and it's a tricky thing for the analysts to try and look at it.

You remember the criticism we got when we went through 13C for not looking at economic impacts and then for doing analyses and changing documents and -- We've got a lot of difficult decisions ahead of us as a council. We've got constituents who are very concerned about their livelihoods and the impacts of our decisions on their lives and I think they have a right to demand that we do the proper analyses and that we fully consider it before we take action.

I think we can come back in at June and do this right and I think it will look better to our constituents and we'll have followed the process and I really don't think we lose very much. Our staff is going to have to deal with this one way or another and I think it's the right thing to do, hold off until June.

Mr. Currin: Roy, a question for you regarding the -- You said you talked to Steve and you felt confident you could get the analysis on time. Could you give me a better idea of what you mean by that? Is the April timeframe reasonable to believe that it might be available?

Dr. Crabtree: Yes, they have backed out when the supplement would have to file, assuming that the determination is that's what we have to do, and a forty-five-day comment period and they can get the work done in time to get that filed and get us into June. At least that's the best information they've given me right now.

Mr. Robson: I agree with those previous comments. I think we need to take some time and look carefully at this. A couple of things for Florida. One is -- I don't know, Mac, who we're talking to with our folks about the data information that we're looking for, but just preliminarily, there seems to be some real holes in our information that I need to understand better.

We're not showing large amounts of landings, maybe because of the way things are being reported, but we need to look at that and make sure we get the right information from Florida and then also, just historically, this has come up at the state commission level many times in the past.

The State of Florida does not have any prohibition on recreational sale in state waters for reef fish, either in the Atlantic or the Gulf. In the past, when that's come up, it's not been a -- There's been no action taken by the agency to implement such a prohibition. Without that, obviously it creates a little bit more of a problem with getting everybody lined up to not have that sale. If we want to try to work on consistency at the state level, we need to make sure we do our homework on this one and get a convincing argument for our case.

Mr. Geiger: As disappointing as this is, this turn of events, it certainly is probably the most prudent thing to do, especially in light of Monica's recommendation. You don't listen to the attorney and you usually wind up getting in trouble. She's provided good advice in the past and we certainly ought to take it this time.

I guess after we move on, if we make this decision to hold off until June, I would like to come back and visit it, because when you look at that 609,000 pounds, that constitutes a pretty significant fishery, which has been occurring, I guess you could say, under the radar, unrecorded. It just springs out at you that we didn't even know about this.

Maybe there's something we need to do to capture these landings from all states, because even though Mark indicates it may not be big, it might have the same magnitude as North Carolina and we would really have a big fishery on our hands that we don't know about. Maybe we need to discuss process, or a potential process, to capture this information in a more timely manner, so that we know these things are occurring. I would speak in support of delaying until June.

Mr. Currin: I guess the encouraging thing about looking at the North Carolina data is it seems to be trending downward, at least. 2006 was much lower than the six-hundred-and-some-odd thousand pounds.

Ms. Shipman: Fuel prices is probably one contributing factor. I distributed on Sunday -- I did send out a memo to all of you. It's just a one-pager with regard to the best we could come up with from the State of Georgia and in the absence of a dealer license, we're constrained in what we can come up with, but just for the record, our estimates are that the sales are less than 5 percent of our landings.

As you all know, they're so small they don't even show up on pie graphs and in recent years, the bag limit sales -- Our estimate is that it represents 2 to 4 percent of the landings. You may not have gotten that, because I sent it out so late. I apologize for that. I appreciate George getting with me to request it and I apologize. We didn't know it was needed before now, but anyway, that's what we've got.

Dr. Crabtree: Susan, who did you send that email out to?

Ms. Shipman: To all of the council members on Sunday. I piggybacked on to Bob's email with regard to SSC something or other. If you didn't get it, I can resend it, Roy. I'll send it to Mike and he can send it out to you.

Mr. Geiger: Roy, it was piggybacked on an SSC application from Alex Chester.

Mr. Boyles: I'm not on your committee, but just to Susan's point. Mike just shared, at our request, a similar rough back-of-the-envelope calculation from South Carolina. It just went out over the wire five minutes ago, but South Carolina estimates 1 to 2 percent. It's very small, the same order of magnitude as Georgia.

Mr. Currin: That would have been my guess as well, that both of you guys would have been relatively low.

Mr. Cupka: I also want to speak in favor of waiting. This is an important issue and it's obviously going to be a contentious issue and I think we need to have the best available information we can get before we can make a decision on that.

I will say I was kind of surprised at the magnitude in the average landings in North Carolina from their trip ticket, but I was even more surprised over the fact that it was trending downward significantly over that six-year period. I was just curious if we had any insight as to why that may be happening, if maybe these fish are going into alternative markets or what.

Mr. Currin: That's always a possibility. I don't know, David, but Brian may be able to address that.

Dr. Cheuvront: I think it's just following the general trend in the downward numbers of commercial fishermen in North Carolina and especially in the kinds of fisheries that have high trip costs. There's fewer of these fishermen participating. When they're doing a recreational bag limit sale, it's generally they're participating in some other fishery and they just happen to catch these other fish incidentally. I think just the trip costs now are so outrageous for a lot of these guys that they just can't afford to do it.

Mr. Cupka: To that point, that may well be part of it, but I was curious too as to whether maybe some of those fish weren't finding their way into alternative markets and I guess there's really no way to know that.

Dr. Cheuvront: I can't see any reason why that would have changed over time. You always have to know that there's some black market stuff going on. You're never going to completely control that, but I can't think of any reason why that would have increased in recent years.

Mr. Robson: I think we need to keep in mind there's sort of two different areas of this that we need to explore. I think in North Carolina that you may have -- The significant part of it may be actual commercial fishermen that don't have the federal permit, but they're still using their commercial license. They're just catching and selling under the recreational bag limit.

I think in Florida you're really seeing the charter fishery -- They're getting their state commercial license and they're not really -- It's a different group of fishermen between North Carolina and Florida and that may also be part of the reason why there may be a big difference in the landings that get reported.

Mr. Waugh: When the economic analysis is done, I think it would be helpful to also look not just at the impacts to these commercial fishermen in North Carolina who will no longer be able to sell those fish, but also the impacts this drain, if you will, has had on our federal commercially permitted snapper grouper fishermen.

When we went to the two-for-one, we basically allocated that commercial quota to them and they've been bearing the brunt of all these regulations and this fishery developing -- It's perfectly legal. They're following the rules, but it has developed to a magnitude where that's impacting the commercial fishermen.

We just wouldn't want to see the analysis come back to where you're looking at all the negatives to the fishermen who will no longer be able to sell, but with the concurrent reductions in these TACs, that portion of the commercial quota is going to be very important to our federally permitted fishermen and so that should be analyzed as well.

Mr. Currin: In addition, Gregg, or to Roy to the team in general, I guess, one of the other things I've heard about impacts that are likely to occur in North Carolina is regarding fish houses, small fish houses, particularly in the southern part of the state, who handle-- A large part of their business, in fact, is derived from this group that is included in this analysis. We at least need to acknowledge that there may be some potential impacts to some of the infrastructure or some of the fish houses.

Ms. Merritt: I'm probably not going to say anything new, but I agree with a lot of the comments in favor of the delay. I think that we've made the mistake in the past of giving short shrift to socioeconomic data in moving forward and so delaying in order to get the proper information is good.

I appreciate Gregg's input too regarding the sacrifices that the federally permitted fishermen have had to make, although in some cases this has been an indirect hit on them. It's not a deliberate hit in the way that the recreational fish have been counted and it also might offer us an opportunity to look at some other alternatives between now and then which might close that loophole that's been created by having the intended state water take being sold and winding up actually becoming a federal water take or harvest. I just wanted to make that clear, that I am in favor of the delay to get the socioeconomic information.

Mr. Currin: Any more comments from anyone on this particular issue? I'm sensing from the table that this is something everybody feels like we need to do and make sure this analysis is done and included in 15B before it's finally approved.

Dr. Crabtree: Just to be sure we're clear on our intent here, what we're doing is we're prohibiting the sale of snapper grouper fishes caught from the EEZ by anyone except vessels with federal snapper grouper permits and we're prohibiting federally-permitted dealers from buying snapper grouper caught in the EEZ from anyone except those with a federal snapper grouper permit, commercial permit. It's not a charter permit, but a commercial permit.

Someone who catches a snapper grouper species in state waters can still sell those. That's subject to state regulations and a federally-permitted snapper grouper dealer could still buy a snapper grouper species that was caught in state waters by someone without a permit.

The other way to look at this is to say a federally-permitted snapper grouper dealer can only buy from a federally-permitted snapper grouper vessel, regardless of where they're caught. I think we're working on that that's not what we mean, but we're only dealing with EEZ caught fish and their sale and purpose and not state water fish, but I don't know that we've ever explicitly talked about that.

Mr. Currin: That's a good point, Roy. It seems to me we had some conversations at one point about requiring -- Well, exactly what you said. What we can do is require that the fish caught in the EEZ by the permitted fishermen were sold to licensed permitted dealers and that's about as far as we can go, I think, on this, isn't it?

Dr. Crabtree: We could not prohibit the sale of fish caught in state waters. I guess we could prohibit a dealer who has a federal permit from buying from anyone but a federally-permitted vessel as a condition of his permit, but I don't know that you want to do that and probably there are ways you could get around that and those fish would presumably be sold to someone else anyway, but I just wanted to be clear about it, so that there's no question about what we intend.

Mr. Geiger: What you said, I agree with, except when you said sale by federally-permitted vessel. We're precluding sale of recreationally bag caught fish by a federally-permitted vessel when they're fishing under a recreational scenario and producing recreational bag limits of fish.

Dr. Crabtree: Right. We deal with the issue of a dual-permitted vessel that has both a charter permit and a commercial permit and if they're on a charter trip, which we define in the document, then they cannot sell those fish.

Ms. Merritt: I'm not so sure that our intent can be enforced and that's the problem. There's no fence out there and there's not enough enforcement and not enough money to even get that much enforcement, I don't believe, to be able to monitor where the fish is coming from. I do believe that's where our biggest problem has been in North Carolina.

I can't speak for Florida, but I do know that that's where many of the complaints have come from, is the fact that you've got the weekend warriors who, in the last several years, have been able to go further and faster and load up and come in and sell, with less costs, both permitting, safety equipment, ice, all of it, and be able to come in and sell the fish cheaper as well.

It's just created this different market, which then, in turn, has wound up being held against the commercial quota and there again comes the rub, where you heard in the public hearings, very often from the commercial fishermen, that it wasn't that they were against these people and they weren't so much against it, but they just wanted things to be counted properly.

Mr. Geiger: Rita, I hear what you're saying, but again, if we considered the fact of whether or not an action was enforceable in every single case, I'm not sure we would ever do anything. This is a case of doing the right thing, ethically and morally, and you always have to hope you get buy-in from the public on any rule that you write and that they're going to do the right thing.

It doesn't say that it can't be enforced. It certainly can be. It may not be enforced with a cop on every corner checking every vessel, but I don't think any of our regulations are written with that intent.

Mr. Boyles: Again, I'm not on your committee, but this discussion gives me a great deal of pause, not necessarily from South Carolina's perspective. We do have a conforming code that stipulates that actions passed under Magnuson do apply in state waters. However, I do know the burden of proof on our enforcement guys is such that if there is any shadow of a doubt about where those species are caught, you will never prosecute a case in South Carolina jurisdiction.

We've seen time and time and time again the Magistrates Courts, when there is that reasonable doubt, will not convict. George, I disagree with you. I think we've got to be very, very careful about this. From a policy perspective, the State of South Carolina supports this, the intention. I think it's a good idea to hold off and do and cross our I's and dot our T's, but the hole there is going to be a mile wide and will never be enforced and I think we need to be realistic about that.

Mr. Cupka: I agree and that's been some of my concern all along. I agree with what Roy said and the way it's interpreted, but I also think that -- My hope was that the states would follow and implement something complementary, in this case. If they don't, I'm afraid there's going to be a loophole and as Robert said, we took care of that in South Carolina because we automatically track the federal, unless the state passes a separate law.

Who is to say but that there may a hue and cry for people to go to our state legislature and get them to pass a law that's contrary, but I don't know. I think there's going to be a loophole there, I'm afraid.

Ms. Shipman: I think unless we're able to say it's a rebuttable presumption that those fish were caught in federal waters, and there's no way we're going to be able to say that in Florida, I agree with David. Unless we get the State of Florida's buy-in -- I can understand why their commission has taken the position they have, but this is going to be very hollow in terms of meeting our objectives, I think, and it still doesn't help with the quota issue. If you've got fish coming in from state waters that are still going toward that commercial quota, we have not solved that problem either. I'm still really torn over this whole issue.

Mr. Robson: All of this means that we need to dig up as much data as we can. I'm sitting here

trying to figure out just how much recreational sale harvest we have in Florida and I don't know if I have the answer. We need to look at that and figure out just how much of a problem it is in terms of what it's adding to the harvest or potentially for the commercial quota.

Then we would be able to say whether we can make a case to close any loopholes in state waters and that's where we would try to go in Florida, if we can, but we need to have a good case that this is a significant amount of catch that needs to be accounted for or needs to be reconciled somehow that we're not doing right now.

Dr. Crabtree: All this just underscores the need to have consistent regulations in federal and state waters. Any time we don't, we're going to encounter these types of problems with enforcement and that's true whether it's a bag limit or anything else.

We will, assuming the council moves forward with this and it's approved by the Secretary and goes into effect in a rule, write all of the South Atlantic states and request compatible regulations, as we always do, with our council rules, but there's no question that it will create a loophole, if we can't plug that. All we can do is keep working with the states and try and get all of us on the same page.

Mr. Geiger: One interesting note here is in the document on page 144 and in October of 2005, the Law Enforcement Advisory Panel made a motion to require the appropriate commercial federal permit to sell any species under the council's jurisdiction. The Law Enforcement Advisory Panel reported that such a measure would aid law enforcement, as it would reduce the universe of people that officials have to enforce for sale.

In addition, in order to sell fish caught in the Gulf of Mexico and in state waters off the coast of Florida, a commercial federal snapper grouper permit is required. Therefore, the implementation of compatible regulations between jurisdictions will likely help improve the enforceability of sale of seafood products in the region. The Law Enforcement Panel has already weighed in on this and we have that to look at, too.

Mr. Currin: We've beat that one pretty good. It sounds like everyone is in close agreement that this is something we need to have done and pay close attention, so that we don't kick this thing back again. I hope we can meet all the timelines for the analysis and the filing of the supplemental DEIS and I look forward to receiving some more public comments in June and move this amendment forward.

Mr. Robson: Who can our folks at the state level coordinate with on the council on looking at data and assimilating information?

Mr. DeVictor: We've been working with Joe O'Hop and John Ranjuska is working with him, to get the Florida trip ticket data.

Mr. Currin: Are there other issues on 15B, Rick, that we need to take care of today?

Dr. Crabtree: I would like to talk a minute about the snowy grouper allocation alternative. I'm not sure what page that's on, Rick, but right now we've got a series of alternatives that define the allocation as a various percentage of the TAC and so the allocation is then divided up as so many pounds commercial and so many pounds recreational.

Our preferred alternative is 95 percent commercial and 5 percent recreational and one of the complaints we've heard from some in the commercial sector were related to the large spike in snowy grouper landings that occurred in 2006.

What happened was that in 2006, the landings recreationally jumped up to 166,901 pounds. They had been running, before then, on the order of 25,000 pounds. One of the problems we have with snowy grouper and really with any of these relatively uncommon events is when you look at the landings, they're volatile and they bounce all around.

We took a look at that in a little more detail and trying to figure out how are we going to handle this, because it's going to be an issue with catch limits, and we looked at what were the landings in terms of numbers of fish and when you look at that, that spike in 2006 disappears and what you see is that in 2004, they landed 13,000 fish. In 2005, they landed 10,900 and in 2006, they landed 13,400 fish. There's really no spike there.

We started looking at why did the landings go up to a hundred-and-sixty-something-thousand pounds and we found that there were no snowy grouper weighed during that year and so that spike in landings was because of basically an artifact in converting the number of fish into the weight of fish and I think they probably just used a very small sample size in assigning the weights to the fish.

Our suggestion is that we change the way we're allocating snowy grouper and that we take the total poundage that we have available to allocate and we allocate so many pounds to the commercial fishery and then we take the poundage that goes to the recreational fishery and apply a good weight conversion and convert those pounds of fish into a number of fish and then allocate a number of fish to the recreational fishery and that we then track the recreational fishery relative to their allocation in terms of numbers of fish.

That way, we can use a more stable conversion of the average weight of a snowy grouper that we get from the Science Center and that's based on a reasonable sample size and that will smooth out a lot of this. I think that's a good way to handle the allocation and I think it will be a much better way to handle the catch limits when we get there.

You know, we could set some of these catch limits for these uncommon species in the recreational side in terms of numbers of fish. That way, we get rid of a lot of this bouncing around.

We sent some of the information we had on all of this down to the Science Center and Bonnie and some of the Beaufort scientists have looked at it and they've agreed with us that they think it would be a better way to go in terms of monitoring numbers, because the numbers are much

more reliable. When you pull up MRFSS data, they always warn you about the weights.

I think it would be a relatively minor change in this document, and particularly since we're coming back in June, to just take that snowy grouper recreational allocation and get something from the Center and convert those pounds into a number of fish and just say that's going to be the recreational allocation and then we're going to watch it in terms of numbers of fish. I would suggest that to you as a better way to handle it and I think it may head off a lot of problems down the road.

When you think about it, when we manage these recreational fisheries, we're really managing them in terms of bag limits and numbers of fish anyway. It's something I think that would warrant some discussion.

Mr. Currin: It seems to make sense and it's certainly something to consider.

Mr. Waugh: Just to clarify and not in disagreement with what Roy is saying at all, but I don't think we have to get into changing the allocations. The allocations would still be done in poundage, but what we're talking about is then tracking the recreational allocation, based on numbers. You take the poundage that's allocated and then convert it to numbers of fish and track it in terms of numbers of fish and we've done this with king mackerel for years.

Dr. Crabtree: I think, Gregg, we just want to specify -- We need to think about it. Do we specify the formula we use in the plan or in the document or do we ask the Center to provide us with the best conversion on an annual basis, when we track this thing, and we can take that out between now and --

Mr. Waugh: I think it would be better just to indicate that here's the allocation and it's going to be tracked in numbers, based on the best available information at the time, so that we don't get into putting a number in here that --

Dr. Crabtree: I'm in agreement with Gregg on that. It's a relatively minor shift.

Mr. Currin: I think the Center needs to be very careful, Roy, about how they derive that conversion factor every year too and make sure that there's appropriate numbers of fish. If they're sampled from the recreational fishery, there's not many that show up to be sampled and so then if you start sampling the fish caught in the commercial fishery, that's a pretty big assumption that the average size in the commercial fishery is equivalent to the recreational fishery. How we come up with that number needs to be very carefully derived.

Dr. Crabtree: I agree and I think it's likely that that conversion would be based on more than one year's data and would have to be over several years. We don't want to get into a problem -- This has happened in the Gulf, where we specified, I think in a rule, the length/weight conversion we were going to -- It was a gutted weight/whole weight conversion for grouper once and then we got new science saying a different way to do it and then you've got to go through all this rulemaking and all, but I agree with you, Mac. That's the problem we've got with MRFSS now,

is the conversions are being made on a very limited equation that's giving you way off results.

Mr. Currin: Other comments about Roy's idea? Does it seem to make sense to everybody? I'm seeing heads nodding in the affirmative. Thank you. I forgot to bring that up and I appreciate you calling me and talking to me about that earlier. It made sense to me then and even more so now. What else?

Mr. Geiger: I sense you're getting ready to move off of Amendment 15B, but recall that I requested that we discuss this under-the-radar fishery that's developed and the fact that we didn't really know about it, or have any inkling that it was as large as it is.

I think it warrants, again, a discussion as to how we keep track of these things and we don't have this happen again in the future and a possible vehicle to keep track of the fisheries as they're occurring better than we're using now, and I don't know what that might be.

I know at one point -- I recall that back we talked about SAFE reports and we went to the SEDAR Steering Committee and the SEDAR Steering Committee talked about SAFE reports and if my memory serves, and, John Carmichael, correct me if I'm wrong, but I think the SEDAR Steering Committee adopted SAFE reports as a methodology. You had produced a strawman concept and is this a vehicle -- Is a SAFE report something that could be useful in keeping track of --

Mr. Carmichael: The Steering Committee agreed that SAFE reports were useful, especially in the coming years dealing with ACLs and other accountability measures. They supported the concept of SAFE reports and the last word was a suggestion that the councils should work through their SSCs and with the Science Center and regional offices to find a way to get SAFE reports completed. Is that what you're looking for or is there something different? At least does that answer the question?

Mr. Geiger: Yes, it does. I guess now the question begs do we task the SSC with looking at it or how do we get the SSC to do it?

Mr. Carmichael: In a way, the Steering Committee kind of bumped it back to each council to come up with a way. One of the things we talked about, and this is getting a bit off this committee's subject, but at the last couple of meetings, we've had the SEDAR Committee and the SSC Selection Committee and we've talked about this concept of the council technical committees, oriented around FMPs.

A suggestion has been made that they would have two primary tasks, most likely, the first being a group of people to work on SAFE reports and put the first cut together and then funnel it up through the SSC and the other task being a SEDAR workforce. One thought is that if you had these technical committees, with representatives from the states who were very knowledgeable of the fisheries and representatives from the Science Center and the Regional Office, perhaps, who were appropriate, then you would have a group of people who would put together the SAFE report.

That's very similar to the process that's followed in a lot of the other regions, where they have either monitoring committees or plan development teams or FMP-oriented technical committees, much as these, that seem to do the bulk of the heavy lifting and writing when it comes to putting together SAFE reports.

Mr. Cupka: I guess to that point, that reminds me also of ASMFC and the committees we had, where they had a committee of state biologists for each of the species that they managed and it every year would update the information in the biological reports for those species. That always seemed to work well.

Mr. Geiger: As usual, John, you're one step ahead of us. I guess we're going to look to you in crafting this as part of the technical committee responsibilities?

Mr. Carmichael: Yes, that would be fine and we have the SSC Selection Committee, which this fall on their meeting, later in the week and one of the agenda items is taking the next step on the technical committees and so we can talk about that some more then.

Mr. Geiger: Thank you. I feel better.

Dr. Crabtree: One other thing we're doing is Bonnie and I have contacted Bob and Wayne Swingle and Miguel to talk about setting up an operational planning meeting to talk about work and deliverables and all those kinds of things and maybe this is something we could talk in that, in terms of what would we need from the Center and what would we need from the Region, and try to figure out workload issues.

Mr. Currin: George feels better and so everybody is better. One more issue on 15B before we put that down for another few months is the monitoring and assessing bycatch. The alternatives are on page 424 and it's 181 of 292. We have a Preferred Alternative 2, which was to adopt the ACCSP release discard and protective species module as the preferred methodology.

Until that, of course, is fully funded, we would use a variety of other sources to assess, monitor, and monitor bycatch, including observer coverage and MRFSS and video monitoring, perhaps, and a host of other things. There's an issue, I think, and some comments that were made about selecting that alternative as our preferred and, Gregg, if you want to outline those and kick us off on this discussion. This is something we felt like we needed to bring to the committee.

Mr. Waugh: Yes, the EPA comment is that the FEIS should indicate when the ACCSP guidance would be ready for adoption and I think we need to clarify that it is ready and it's a funding issue. The requirements in the Magnuson Act, Section 303(a) (11), on page 75 of the Magnuson Act, the charge to the council is to establish a standardized reporting methodology to assess the amount and type of bycatch.

Our preferred doesn't do that and we're going to continue to be vulnerable until we do specify a reporting methodology and where this going to come to bear is as we get into setting annual

catch limits. To the extent that our knowledge about the bycatch and discard mortality is unclear, we will need to be more conservative, more risk averse, and so your directed quotas will be lower, due to uncertainty about discard mortality. The longer we defer on collecting that data and refining those estimates, then it's going to impact on where you can assess or set the annual catch limits.

Mr. Cupka: I've been thinking about this same issue and all and I know we kind of went back with Alternative 2 because the funding isn't there. I guess my concern is as long as we kind of take that approach, maybe it's never going to be there.

I guess the question I would have for Roy, maybe, is there any way that if we took action to -- Say if made Alternative 3 our preferred alternative, would that somehow build a stronger case for getting the funds to implement ACCSP? That's where we want to end up and the only reason we haven't is because we know the funding limitations, but is there any way that we can make a stronger case maybe for getting those funds?

Clearly it's a congressional mandate to look at bycatch and improve our bycatch monitoring and whatnot. I guess I'm a little concerned that as long as we say that we can do these other things that maybe we won't get to the point where we'll get the funding we need to fully implement this.

Dr. Crabtree: It's a tricky question and I'm not sure I can answer that. What you could do would be to indicate what you're willing to give up among your programs in the South Atlantic and have the money shifted over to fund this. Right now, I know Bonnie I struggling to keep programs afloat and we're cutting programs and we've, as a council, indicated, I think in the past, our highest priority was additional aging of the catch at the docks to do assessments.

We've asked for additional assessments and aging on things like vermilion snapper and so the reality of this, in the end, is there's only so many dollars and we haven't, in this budget at least, had much luck of obtaining new dollars.

I can't really answer that question, David, as to about how it affects things. There are line items that go, I think, to ACCSP and there's one that goes through, I believe, the Northeast Region and one that goes through Science and Technology up in headquarters. If you select just the alternative now in the document that says to require ACCSP immediately, I don't know what the agency would do with that. It might be that we would have to disapprove it if we don't have the funding for it. I just don't know.

The other part is if you select -- I think there is a benefit in the current preferred, because I think it does establish a basis for mandatory observer coverage in the snapper grouper fishery, which I don't think we have on the books right now. That wouldn't go forward then -- I assume the ACCSP program, but I don't know, has provisions for mandatory observer coverage, but I really don't know.

I'm not sure in the document if there's actually an estimate of a cost of completing

implementation of the ACCSP program. Is there, Gregg, a hard number of how many dollars is this?

Mr. Waugh: I don't know. I would have to look, but certainly the team should have analyzed that, in terms of evaluating the impacts of Alternative 3, but I don't know. Rick, is there?

Mr. DeVictor: I don't think so, but I'll check right now.

Dr. Crabtree: That's something we certainly ought to have. From my perspective, if that money is going to go in ACCSP right now, then it's going to come out of something else and so that's the dilemma we're faced with, is what is it going to come out of. If we can't implement the bycatch module, then we have no choice but to continue to do the things we're doing now to get the information as best we can with the funding we have available.

Mr. Cupka: Again, I wasn't trying to put anybody on the spot. I guess it's partly the frustration of having been involved with ACCSP since we started it and the fact that we can't seem to get over that hump and I think that's where we want to end up. I understand the reality of it, but it's just frustrating sometimes.

Dr. Crabtree: It is, but look, for example, at the MARMAP program. We've talked about the need to expand MARMAP into covering more deep water and then for a period of time, we actually got a bump in the funding, but now that funding is actually cut back down and the ship prices are going up and the ship is aging. We've got problems all over in terms of lack of funding.

What I think we've got to do at the council is decide what are our top priorities for funding. We talked about allocations and the need for economic data and economic surveys and at some point, we've got to decide what are our major needs and what are the costs, because there just isn't the money to do all of it and I don't know where the ACCSP module fits into that.

I wouldn't be prepared right now to say if I had \$2 million to let's spend it to implement the ACCSP bycatch module. I'm not prepared to say that would be the best use of that money and I don't know if any of us are, but I think that's what we've got to think about.

Mr. Currin: Bonnie, did you have some input here?

Dr. Ponwith: It's just regarding the ACCSP funding cycle. The decisions for the FY2008 money were actually made last November. If the council had an interest in influencing the prioritization of funding for FY2009, this is an ideal time to be thinking about that, because they do have a coordinating council meeting coming up, and providing that input now would have the highest probability of actually influencing those funding decisions for FY2009, when they make them in the fall.

Additionally, if the council had a mind to try and influence how FY2008 monies are being spent, if they felt strongly enough, they could raise it at this coordinating council meeting, but, again,

those decisions have already been made and it would be a tradeoff with something that has already been evaluated as being high priority.

Mr. Geiger: Thank you, Bonnie. As I indicated, I was going to ask you a question about the data collection improvement plan that the Center maintains, which I think is a composite of recommendations that come out of the SEDAR process and your best judgment as to where we need to spend research dollars in improving data and improving collection of that data.

I was just wondering if ACCSP is included in that priority listing that you maintain and if in fact it is on there, where it is and if it's important, how we possibly adjust that priority and its current location and move it up or if we can maybe look at the entire list and get a refresher. It's been a while since I've seen it and we can look at it and maybe make a judgment as to whether we want to shift something.

Dr. Ponwith: I believe what you're referring to is the stock assessment improvement plan, which was an offshoot of -- It resulted from the NRC review of our stock assessment process and we are funded to implement the recommendations from an NRC study and our stock assessment improvement plan through a budget line. The bulk of those monies are focused on fishery independent surveys, which would include the collection of biological data, the surveys that are conducted off of the NOAA monitoring vessels, the FSVs.

ACCSP is funded out a different line than that. We did get money this year in that expand annual stock assessments line. That's good news. The unfortunate part of that is that a lot of that went to offset the horrific increases that we're seeing in the costs of doing those fisheries independent surveys, due to the fuel differential. The cost of fuel has gone up so significantly that it's really impacting the amount of surveys we can do per gallon and just maintaining status quo is eating a lot of those increases.

Mr. Geiger: I guess my next question would to Monica. Gregg used the term -- Gregg talked about our increased liability or potential liability, based on the comments provided by EPA. What do we do? What is your advice, Monica? Are we liable? Do you consider us to be liable? If we select Alternative 2 as our preferred, is that satisfactory, even though it doesn't satisfy their comments?

Ms. Smit-Brunello: I guess I'll look at their comments again, but I guess there's some vulnerability. However, I think what you've got in place as the current preferred actually puts something concrete, if you will -- Maybe not big concrete, but small concrete, for Gregg into place, in terms of observer coverage as well.

If you were to -- You're still talking about the bycatch, correct, George? If you were to choose ACCSP and I'm not sure what alternative that is, maybe 3, as your preferred, would that make you better off? I don't know if the Secretary can approve it, because the funding isn't in place and then you're left where you are now.

I can't answer that question right now, really, but I think that perhaps you're even more

vulnerable under that particular preferred alternative. In a perfect world, I'm sure we would agree with EPA. There's all kinds of things that would be just great to implement, but a lot of it is depending on the funding.

Ms. Shipman: Monica covered just what I was going to say. We end up in the same place. The Secretary turns it down because we don't have the money and NMFS and NOAA and the Secretary of Commerce are the vulnerable ones. The lawsuit is going to come against them one way or another, whether we send it up or whether we selected another one that can't be funded and they have to deny. I think we end up in the same place. It did pass muster on shrimp, in terms of approval.

Mr. Currin: Other questions or comments about this issue, other than making a statement, which will be handed back to us, I think, we're probably best where we are, but I don't know. Is that the sense I'm getting from the committee?

Mr. Geiger: Just one more point and David just made it in a sidebar here. Bonnie, you were talking about shifting priorities and having an opportunity to go to a coordinating council in regard to ACCSP funding. How do we do that? Is that a possibility?

Dr. Ponwith: I guess I can't give you an honest evaluation of the possibility of that, but they are having a coordinating council meeting coming up and it at least provides the venue for raising the issue and it would have to be through the appropriate representative at that meeting.

Mr. Cupka: I know a couple of years ago that I was chairman of the coordinating committee for ACCSP and in fact, Bob was recently. I'm not sure if he still is or whether -- I think his term was up this past fall, but I know there's a lot of demands for that money, particularly from the Northeast states. It's not like there's just a pot of money sitting there.

I think it would be hard to get that money and get some of that money earmarked unless there was some way to increase the size of the pot. I guess that was what I was trying to get at and not how defensible it is or put anybody on the spot, but is there anything that we can do to try and get more money into the system, so that maybe we can get it funded?

I know the realities of the thing and I know every year there's twice as many proposals for ACCSP money as there is money available, but is there something we can do as a council to try and encourage Congress or whoever, since they're interested in that and we're interested in getting that information to do the job we're supposed to be doing? Is there any way we could help that process? That's where I was trying to go with this whole discussion.

Ms. Shipman: I think David has hit the nail on the head with regard to ACCSP, because the states aren't under the same constraints that the council is with regard to lobbying and trying to get money. The states have done the heavy lifting on getting the funding for ACCSP and to some extent, feel some ownership of that money, I think, and we're always quick to submit proposals and that type of thing, but the states truly have done the heavy lifting on that and we've got to figure out who can do the heavy lifting on getting the money that's needed, I think,

for this particular item, as well as all the other needs that NMFS has. We're in a real difficult position, because of the anti-lobbying clause.

Mr. Currin: Other comments? Is that the last word on this? All right. Thanks, Gregg, for bringing that to our attention. Rick, is there anything else on 15B that we need to take care of today?

Mr. DeVactor: No, Mac. I'll get with the team and, again, we'll count down the forty-five days and work on getting the economic analysis of that action.

Mr. Currin: Do you want to take ten minutes and then come back and we'll jump into 17? We're pretty much ahead. We're scheduled to go until 6:30 tonight and so maybe we can make a good dent into 17.

Mr. Boyles: I have a question about the scheduled public hearing on Friday morning. Where does this leave us with the 15B public hearing?

Mr. Currin: I don't know. Somebody will have to be here, I guess. It's scheduled and we can't tell them we changed our minds and are going to cancel it, but I guess we can certainly inform them what's going on with it and allow them to make comments if they want to, with the understanding that the economic section is likely to look quite different and the analysis of that. If we get that far ahead, I'll certainly be here at 8:15 Friday and do that. Let's take ten minutes and then we'll come back and jump into 17.

(Whereupon, a brief recess was taken.)

Mr. Currin: Let's get everybody back around the table and continue. Before we get into Amendment 17, Becky Shortland is here from the Gray's Reef National Marine Sanctuary and had a presentation scheduled for tomorrow, but since she's here and we have time, we can check that off of our list and her list and provide her with some more flexibility, which we're delighted to do. We're glad to have you here and thank you for coming and she's going to talk to us about their progress on the research area, which George has talked to us about before, and something about spearfishing as well.

Ms. Shortland: Thank you, Mr. Chairman. I'm glad to be here again with you. It's been a long time since I've been here. As Mac was just saying, George Sedberry was here at the December meeting, although I think it was in front of a different committee, but I imagine most of you saw his presentation to give you a sense of where we're going with the concept of a research area and also with spearfishing activities.

I emphasize these are two separate actions and they're going to have two separate NEPA documents, but we're bringing it all to you together today, just so you can keep up to date with it all. Basically, the main thing I want to focus on today is the socioeconomic information that has come since December and first of all, we're going to talk about the research area. I want to try to go through it real quickly and so if you have any questions, you can ask me before I zip out the

door.

We had this done by our economists in Silver Spring, Bob Leeworthy and Rod Ehler. They took statistics from, and I don't think you can see it all up there, but I do have copies of this over on the table, but American Sportfishing Association, Fish and Wildlife, NOAA Fisheries, a lot of different sources, and the bottom line is Georgia saltwater fishing statistics for 2006, we have a total of 146,000 anglers and a total of expenditures, and, again, this is for the whole state, of not quite \$120 million.

In other words, if somebody were coming to Jekyll Island to go fishing, but they bought their gear up at Bass Pro Shop near Atlanta, that still counts as part of the statewide expenditures. All the figures behind that, or underneath it, are basically the indirect trickledown costs, those amounts.

These are all the assumptions. We can come back if you have any questions about this, but basically, what we have now done is come to terms with all of the locations of the boaters in Gray's Reef. We feel that we actually have a very good dataset now to tell us where people are in the Sanctuary and you'll see on some maps in a little bit just where that is and it doesn't matter whether they're doing tournament fishing or whether they're bottom fishing, whether it's summer, winter, spring, fall, they all end up pretty much in the same area.

For this analysis, he also used what would be termed charterboat expenditures for what we term the tournament boat expenditures. It's about 50/50, 50 percent tournament fishing and 50 other. The other important thing here, I think, is that all of this analysis is done assuming that all economic value is lost if a portion of the Sanctuary is closed. It's based on maximum potential losses. It does not take into account the fact that people will probably go to other places to fish or whatever.

What he has done, again, is the total of all these expenditures in state have now been transformed into what is almost 4,700 what they term "person days" in Gray's Reef itself, at a total of about \$2 million. If anybody has any questions for how that was all determined, I can point you in the direction of our economist, but it's a very complicated system.

These are some of the maps and I'll go through this quickly. This is what George showed you last December. We have now six ideas. Again, these are not final, because we're just going into scoping. These are just ideas that were developed through a working group of our Sanctuary Advisory Council, chaired by Dr. Joe Kimmel, and there are a variety of people that I'm sure all of you know who have been a part of that working group. It was very broad based and a lot of fishermen, divers, law enforcement, science, education, et cetera, et cetera.

The first option is what we term the optimal scientific option. It was like, okay, scientists, if you could have everything you wanted, where would you put this research area and that's where it was placed. This has the boat data, boat location data, on top of it and you can see pretty much that that sort of elliptical area is basically where a lot of the ledge area runs.

You've had some analysis of these maps before, but the very dense ledge area, where most of the fishing seems to occur, equals about -- It's less than 1 percent of the entire Sanctuary and most of it is up on that ledge area. The analysis of that particular options comes up with a 67 percent of fishing in Gray's Reef would be impacted, based on the boat location data, and that would equal about \$1.3 million.

The second option is what we call -- To minimize fishing displacement, we stuck into the selection criteria a very low level of boat inclusions in that, but had to have a certain amount of ledge types in order for this to be a viable research area. Those are four of the nineteen options that are outlined on this map. Here's where the boat data shows up and you can see that most of these options are south of where most of the boats are located.

Again, here is the analysis of the economics in there. The percentages are really what matters most in this, because the dollars can squiggle back and forth, but out of this one, this scenario, we have as low as 8.7 percent of Gray's Reef fishing impacts.

The next one is sort of a compromise option between what the scientists would really like and trying to stay away from some of those boat locations. There's twenty-two options in this one, but we outline just a couple of these, to give you a range of the borders. Again, you can see where the boat locations fall and, again, the analysis is that it would impact about 36 or 35 percent of Gray's Reef fishing.

The fourth was a let's just see what happens if we just take a quadrant and this was a fisherman's suggestion. Unfortunately, this option does not have an adequate number of ledges in there to make the area viable as a research area, but this is something we're going to continue to analyze. Again, there's the boat data and, of course, the bottom line on that is only 6.7 percent of the fishing.

We said, okay, let's just move it over and see what it does in this other corner and again, this is about a quarter of the Sanctuary. This is a little higher than the other options. Again, this area didn't have a sufficient number of ledges to make it viable, but, again, we'll continue it through the analysis. There's the boat data and it is 14.5 percent of the fishing.

Then if you look at this newest one, which you didn't have in your briefing books, this was, again, an idea that came from a fisherman in our advisory council meeting. It's just start at the very bottom boundary and keep raising that line, the north line, up until you get the number of ledges you need to make it a viable research area and that's what that would look like and we called this the southern expansion. If you look, this is the boat data, again, with that on top of there. There's some other points in here that fishermen gave us as some of the areas that they prefer to go fishing. That comes about to about 9.2 percent fishing impact and, again, about \$185,000 estimated.

Here's the table of the entire thing and what it comes down to is between the option that takes up most of the boating locations down to the one that's the least is really only 0.1 percent of all of Georgia saltwater fishing expenditures or up to the highest is only 1 percent of all of Georgia

saltwater fishing expenditures.

As I mentioned, we are about to go into scoping, I think. The Notice of Intent is supposed to publish today. We have a special email address and our usual mailing address or people can fax comments into us and then we'll have a series of public meetings during this time. I think the comment period will go until about April 21st and there's a lot more information.

All of the stuff that I'm presenting to you is also on our webpage. Are there any questions first on the research area or any other ideas or thoughts? If anybody needs any background information on why we're doing this, I certainly can answer those questions, but I think you've had all that information presented to you.

Spearfishing in Gray's Reef, this is something that has been an ongoing discussion since the Sanctuary was designated in 1981. There was a consideration of prohibiting spearfishing back then, but only powerheads on spear guns were prohibited at that time. In 2003, with the draft environmental impact statement and our revised management plan, we considered prohibiting it again, but the outcome with the final plan was that there were no changes, but we committed to do a socioeconomic study, because we believe that the biological implications of spearfishing in Gray's Reef are pretty solid, based on a lot of the studies done elsewhere.

We did not believe we needed to do additional biological work there on top of what was already going on, but we did want to get a better handle on how many people actually go there and what kind of economic impact it might have if we were to prohibit it. I won't go through all those, but these are all the concerns and all the reasons why it's been considered for prohibition.

Probably one of the chief concerns we have is that we have a lot of evidence that people are using powerheads out there anyway and there have been concerns from law enforcement people that tell us that there may be commercial folks that come out and go through the place along that ledge and zap things and it's very difficult for law enforcement to prosecute anything like that if they have any kind of spearfishing activities going on in the Sanctuary. That is one of the chief reasons that we're doing this. We also have some vulnerable pre-spawning gag aggregations that we're aware of there now.

The socioeconomic assessment, again, I've got copies of that on the table over there. The bottom line of that is there are no dive charters that go to Gray's Reef, spearfishing or otherwise. Right now, I guess because of the fuel costs and other such things, it's pretty much a breakeven business.

Out of ten operations a few years ago, there's only four that are still functioning right now and among the comments that they gave us was we basically offer some charter trips to get people in the dive shops, so they'll buy some other things, and we take them to the places we like to take them to.

One dive club was interviewed and they make about one trip a year, about six divers, and out of that, we came up with an estimate of perhaps less than 1 percent of all fishing going on out there

would be spearfishing from private boat-based and not the dive charters, but private boat-based.

We have been trying to find a way to get down to that very bottom line of how can we tell how many private people go out there and actually spearfish and we've come up with an absolute dead-end on it, that it's just not statistically possible to get that, because there's so few people who go there. To try to find them and have that valid assessment is something that we just can't do.

On top of this, the substitution opportunities, this map shows -- Actually, it's from the Georgia artificial reef booklet, which is a big help to us, in many ways. These green circles are the places that the charter people who are operating and the dive clubs indicate where they do go and where they prefer to go.

Gray's Reef is a tiny little red circle in there and as you can see, there are a number of other places. There's many other substitutions that they can do and I believe that all of the SMZs that they can powerhead as well. I believe that's right, I think. At any rate, there are a lot of other places that they can go.

The bottom line is that if we were to prohibit spearfishing in Gray's Reef, there is no measurable economic impact that we can find. There's been questions about if you're going to prohibit spearfishing in Gray's Reef, shouldn't you be prohibiting all rod and reel fishing and it's a very valid concern. We're listening to all those things, but we see quite a difference between spearfishing and hook and line fishing, economically and otherwise.

The next steps are that we are developing a draft environmental assessment right now. It should be ready by summer of 2008 and hopefully, we will be coming back to the June meeting and if possible, we would like to be on the agenda again for the June meeting and we may have a request for regulation from the council at that time. Again, that is based on the provisions of the National Marine Sanctuaries Act, which provides that we come to the fishery management council for draft regulations.

If that is the case, I wanted to just give you a quick idea of what the might look like. Again, this is a lot of words up there, but our existing regulation basically says that injuring, catching, harvesting, et cetera, et cetera is not allowed, except by use of rod and reel, hand line, or spearfishing gear without powerheads.

We adopted this allowable fishing gear rule with the 2006 final management plan, so that if we were to request a draft regulation, one possibility that the council could consider is simply handing us back language that read everything that is above there without spearfishing gear without powerheads. It would just read "Except by use of rod and reel and hand line gear" and that's that. Are there any questions?

Mr. Currin: Questions for Becky?

Mr. Harris: Becky, a couple of things. First of all, going back to something you said early on in

the presentation, but I think you said charterboats were used as a proxy for tournament boat expenditures?

Ms. Shortland: That's because it was estimated based on what the economists could find through Southern Kingfish Association, that approximately four people -- He was taking an average of about four people per boat and that that equaled approximately what -- If you take some boats have two and some boats have six --

Mr. Harris: I would probably strongly disagree with using charterboat expenditures as a proxy for tournament boats. I know what these tournament boats spend and it's a whole lot more than I would ever spend as a charterboat captain. I think it said 50 percent of the boat trips were on tournament days?

Ms. Shortland: Yes.

Mr. Harris: That's awfully --

Ms. Shortland: Again, these are estimates.

Mr. Harris: I understand, but that's still difficult for me to believe, that it would be that high on tournament days, that there would that high of a percentage. With respect to the research area, have you decided how you're going to mark it yet?

Ms. Shortland: That's under discussion, along with a lot of other things. I know that a lot of that has included having buoys within line of sight.

Mr. Harris: No decision has been made?

Ms. Shortland: No. Again, we're just at the beginning. Once we get through scoping, then we'll have a draft EIS with these kinds of options involved, but we certainly understand that we need to mark it.

Mr. Harris: That's the first I've heard anybody say that.

Ms. Shortland: Really?

Mr. Harris: Yes. The answer previously was that was still under discussion and you had not decided whether you were going to mark it or not.

Ms. Shortland: There's been a lot of discussion about whether we're going to mark the entire sanctuary. We've had corner buoys for quite some time and they keep pulling out and washing away and ending up in South Carolina or down in Florida or some place. We're having some debate about the marking of the full sanctuary. That led to discussion of how would we better do a research area, mark a research area.

Mr. Harris: I think you need to hire Henry Ansley to tell you how to mark it.

Ms. Shortland: I think we do, yes, and some of the other staff that know how to do these.

Mr. Harris: The last thing that I would add is you're going to have to go a lot farther than you've gone today to convince me that you need to ban spearfishing and that law enforcement officers are going to have a hard time telling the difference between spearfishing and powerheading. If you've done those things, you know it's a pretty simple test.

You may be able to hide the powerheading gear, but I think prima facie evidence would suggest that if they find any of that kind of gear on the vessel that powerheading did take place and if you look at the fish, you can tell the difference between a powerheaded fish and a fish shot with a spear as well.

Ms. Shipman: Can we discuss the mechanics, I guess? Becky, you said you may be coming back in June and asking the council for regulation and I'm wondering, how would we handle that? Are we going to fold that into -- We've got so many other things going on and would we do simply -- This may be a question for NMFS. We've sort of got to get that, I think, into our work plan or, Gregg, you may have an idea of mechanically how do we handle that?

Ms. Shortland: I can recall what we did with the management plan regulations, if that helps, but --

Mr. Waugh: It probably would help to refresh our memory there, but if it's something that we're going to take and put into one of our documents, then we need to talk and look about where and when that would happen.

Ms. Shortland: Correct me if I'm wrong in trying to make any assumptions about this, but generally, what we would be doing is asking for the council to simply draft the regulatory language. That's what is required under the provisions of the National Marine Sanctuaries Act and that that language would then be promulgated, through process, under the National Marine Sanctuaries Act.

With the management plan, we came to the council at a Snapper Grouper Committee meeting and presented pretty much the same kind of situation, saying here is some possible language, and we also would have, as we did then, a full analysis of all the alternatives for the council to consider and the council then, at that time, voted at the end of the week to approve the draft model language that we provided you all to consider. There is a provision that you can -- I believe it's 120 days to look at this, if you wanted to put it through your own working groups or whatever.

Ms. Shipman: I only asked just for planning purposes, really, depending on which direction this would go. It could be, if it were to go through -- I think the council is given the first option to do the regulation and it could be that we could go through the allowable gear general rule that NOAA has and I guess be specific in the area, if we were to do that. I just have to think about

the mechanics of it.

Ms. Shortland: Monica, do you recall that process?

Ms. Smit-Brunello: The process of when the Sanctuary proposes fishing regulations?

Ms. Shortland: How this council handled it.

Ms. Smit-Brunello: I think that you kind of described it to the best of my recollection and the council gets first bite, if you will, at implementing the fishing regulations. Remember we developed an MOU some years ago explaining how this would all happen, including that you would consult with the State of Georgia first and all that, and I guess I should have brought that to this meeting. Yes, we have a process all set out, which really mirrors the law. It doesn't really change too much.

Ms. Shortland: The council has a choice of either drafting regulations, saying they don't need to draft regulations, or taking some other action.

Mr. Waugh: I would just remind you all that we've considered prohibiting powerheads several times and it's very contentious and to me, it's something you all would like to -- If you're going to consider it, to perhaps include it in Amendment 17, so that we get some wide comment on it, because fishermen -- It's just been very controversial and I don't think it's something we just want to do one week at one council meeting.

Mr. Currin: Are there other questions or comments for Becky? It sounds like we do need to look into that and pull that MOU out and try to inform the committee, as best we can, how this is going to work out and then we can decide where best to place it, where and when, I guess. Anything else? Becky, thank you very much. We appreciate you being here and being willing to jump ahead in our adjusted schedule. We appreciate it and it's good to see you, as always.

We'll give Rick just a second to get his stuff together and we will move into Amendment 17. Our chairman just informed me that we are ahead, which we are, slightly, I think, which is unusual for our committee, and that Law Enforcement AP and that group is through and that perhaps if the committee is willing, we will recess for the day and reconvene in the morning, at eight o'clock. We'll continue on and begin with 17 then.

(Whereupon, the meeting recessed at 5:30 o'clock p.m., March 4, 2008.)

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, Wednesday morning, March 5, 2008, and was called to order at 8:00 o'clock a.m. by Chairman Mac Currin.

Mr. Currin: If everybody is ready to go, we will reconvene the Snapper Grouper Committee. We've got a couple of agenda items left to do for our committee. The primary one is delving into Amendment 17. Rick is going to give us a quick overview of that and review the public

scoping comments that we got on 17 and then we'll go through the options paper and do the best that we possibly can to give the staff the direction that they need to keep this thing moving along.

There's a lot of stuff in there and so we want to be aware that there might be some things that we need to think about taking out, so that we can concentrate on these ACLs that have a deadline and are important for us to do. Go ahead, Rick.

Mr. DeVactor: Before I get into the summary of Amendment 17 scoping comments, what I want to do is refresh everyone's memory as to what actually is in Amendment 17. There's four separate actions. The first one is to respond to three recent stock assessments for red snapper, greater amberjack, and mutton snapper.

The second action is to specify ACLs and accountability measures for species undergoing overfishing in the snapper grouper complex. The third action is to remove some species from the fishery management unit, mainly those that have a low occurrence in federal waters, and the fourth action is to extend the range of the snapper grouper FMU plan north, through the Mid-Atlantic Council's area of authority. Those are the four actions that we currently have.

After I go through the comments, what I'll do is go through the options paper and we'll go through it action by action. The schedule for Amendment 17 is to approve for public hearings in September and to hold public hearings in October.

As you all know, we had scoping meetings last month and one of the topics was Amendment 17. We received eleven comments via email, letter, and such. That doesn't include the form letters that we received. We got over a hundred of those, I think, and so I just counted those as one unique letter.

Thirty-one people gave testimony at the scoping meetings. We probably didn't receive a whole lot of comments, or a great number of comments, due to the topics that we were talking about, ACLs for example, which is an abstract concept in a lot of people's minds. We don't have the guidelines yet.

Also, we were talking about red snapper and we don't officially have the results of those from the SSC and so possibly that's a reason why we didn't obtain a lot of comments. I went through the testimonies and faxes, emails, letters that were received and there's three main topics for Amendment 17 or the comments that came in. One was red snapper and the second was the deepwater fishery and the third one was ACLs and I'll go through the comments of each of those three topics.

Red snapper, overall, the main topic was throwing back these fish dead. Four comments suggested that you reduce the size limits or eliminate the size limits for red snapper. One comment, for example, was from a recreational fisherman who fishes in 300 feet of water and he reported he'll catch a nineteen-inch red snapper and then he's forced to throw it back. That's just an example of a comment that we received.

There also was one comment to have different size limits by sector, the commercial and recreational sector, and to have a lower size limit for the recreational sector, since they're in shallower water. Those were the comments on red snapper.

We obtained some comments on the deepwater fishery, particularly snowy grouper. As you recall, there are some options in this options paper on snowy grouper. People had comments on those. Again, throwing back fish dead was a common theme for some of these comments. One person reported that the one snowy grouper per person, which was put in place through Amendment 13C, is causing a lot of discards.

There was one recommendation for one snowy grouper per boat. We currently have an option in the options paper to have one deepwater fishery per boat, with a comment on one snowy, and so there's one for that action to be put into place and one against. There's also an action in this amendment currently to establish a six-month seasonal closure recreationally and commercially for snowy grouper. There was one comment for and two against.

Again, on the six-month closure alternative, one person remarked that if you put that into place that you do not have trip limits for snowy grouper. That was one comment. One recreational fisherman was concerned about speckled hind and warsaw grouper and so they recommended -- Currently, there's a one fish per boat limit on those two species and they recommended that you not be allowed to keep any of those two species if caught. Those were the comments on the deepwater fishery.

The third topic that we received comments on was ACLs and accountability measures and mainly, we got two letters from NGOs on this. One common theme was to set a precautionary buffer between the ACL and the overfishing level recommendation from the SSC, which is now being called OFL, in many cases.

The second comment was that there should be a high probability of not exceeding that OFL. One comment suggested a 90 percent chance of not exceeding that and a second comment mentioned between 50 and 100 percent chance of not exceeding the OFL and so you would set the ACL so you would have a certain chance of not exceeding the OFL.

The third comment that was received pertained to grouping species, for example shallow-water grouper or deepwater grouper, to set the ACLs. This comment said if you group, then you limit the regulations and the ACL species with the lowest productivity.

The fourth comment pertained to the recreational overage alternative and there was a concern when you used the multiple years of catch for setting that overage. We currently have an alternative that you would take off the overage after two or three years. If the average of those years, I think it's three years, exceeds the limit, then that's when you would take it over, in that third year. There is a concern over that.

Finally, there were two other comments that were outside of those three topics that I just went through. One was that you should not remove species from the FMU to avoid setting the ACLs

and the second comment was take no action on black sea bass pots until we have more data. We currently have an option here that we would limit the tags of black sea bass pots that are passed out each year. That concludes my summary of the comments and I'll be happy to answer any questions.

Mr. Currin: Thank you, Rick. Are there questions for Rick on the comments we received during scoping on 17? I don't see any. We'll move right into the options paper. The options paper for Amendment 17 is Attachment 7A under your snapper grouper tab. We've got a lot of species to deal with in this amendment, as it's outlined now, and a lot of actions, many related and some unrelated and so under the time constraints that we have, we may need to consider removing some of these actions and so keep that in mind as we go through.

Mr. DeVictor: As I mentioned before, there are four primary actions in this amendment. The first one is to respond to stock assessments for red snapper, greater amberjack, and mutton snapper. This would entail setting MSY and OY, for example, establishing a rebuilding plan, if required, and ending overfishing.

In the attachments, you do have the summary reports from these three assessments. The SSC will review these assessments in June when they meet. So far in the summary report, it appears that red snapper is undergoing overfishing and is overfished and so for Action 1, it would be to respond to this assessment.

There's one concern that comes from the team of does this fit into the schedule of Amendment 17? Again, like I reported before, the schedule for Amendment 17 is to approve for public hearing in September and hold public hearings in October. That would mean that we would get the SSC's report on the red snapper assessment in June and then between June and September, we would have to come up with alternatives to end overfishing and the team would have to write the document and so there's a concern of can that be done in three months, to be ready in time for public hearings in October.

Mr. Currin: Questions or comments?

Mr. Geiger: I guess that's a valid question, Rick, but in the past -- I'm thinking about our last past action. As soon as it was indicated and we got that SSC report, a letter was delivered immediately, which started the clock. I'm anticipating that at our June meeting, once the SSC delivers that report, if in fact they concur with the stock assessment, that we'll be in receipt of a letter immediately and the clock will start. I don't think we have time to wait and back up. I think we should be moving forward in a positive action on red snapper.

Mr. Waugh: I think there are a couple of issues here. One is I think we need to send a very clear message to the team that yes, these three species are to be included in Amendment 17. These are our SEDAR-assessed species. When we get to the remaining species, we definitely move into woo-woo land as to how we come up with these ACLs. Let's keep the ones that we have SEDAR stock assessments together and I think once we finish that discussion, we need to come back and talk about red snapper.

Mr. Robson: In follow-up to George, we're going to get a letter. Assume we get that it's overfished and overfishing for red snapper and so is that a one-year letter or a two-year letter? Doesn't Magnuson-Stevens -- Didn't the reauthorization change the overfishing time period?

Mr. Waugh: It's a one-year time period. I've bothered Monica with that question on three separate occasions and she has finally drilled it into my head. In 2009, and I forget the specific date, that provision where we have two years to have regulations implemented takes effect. Until that time, we have one year from notification from receipt of that letter to prepare an amendment. We get that in June and it will give us one year, the following June, to take action. Amendment 17 is not scheduled to be completed until late in 2009 and so that doesn't meet the timeframe.

Mr. Robson: By take action, meaning the council has to deliver a final amendment to NOAA Fisheries within the one year?

Mr. Waugh: That's correct and that has to contain measures to end overfishing.

Dr. Crabtree: I have just a couple of comments. Remember that there is no change in status for red snapper as a result of this assessment. It's already overfished and it's been determined that it's undergoing overfishing the whole time. I'll have to get with Monica and talk about whether we send you a letter telling you that the overfishing is continuing and you need to take action on it or not.

The other thing is based on my review, Rick or Gregg, of the new assessments, we're going to determine that greater amberjack and mutton snapper are not undergoing overfishing and are not overfished and so we could change their status after the June SSC meeting, if the assessment is accepted, and that would kick these stocks off to ACLs not required until 2011. Now, we could go ahead and deal with them here, but you wouldn't be required to deal with those two stocks until a later date, if you chose to.

I guess I'm kind of on the fence. I think it will tough to go to public hearing at the September meeting with red snapper alternatives and rebuilding plans and all. It might could be done, but we're going to have to get together real fast on how we're going to handle it and if it entails a lot of bycatch concerns and trying to overlap closures and all those kinds of things to deal with it, I think it's going to be a challenge for us to get that done with just finding out where we stand in June and come back in and approve it to go to public hearing in September.

That means at the June meeting that we're basically going to have to get a request for all of the analyses we need together right then and there, in terms of more projections and what we want to see. It may be a good way to go, but it is going to be difficult, I think, to get it done.

Mr. Waugh: Again, remember the comment about definitely greater amberjack and mutton snapper are going to come back not overfishing and so they don't have to be done by 2010, but they are SEDAR-assessed species, which leads into one type of methodology. When we get to

the Comprehensive ACL Amendment, we're entering uncharted waters. We still have no guidelines. Our intent is to work with the SSC, along the lines of the Lenfest approach. It argues, in my mind, for keeping those two species in here.

When we look at red snapper, just to relate it to a similar occurrence, when we closed red porgy, when the council discussed and voted emergency action to close red porgy, the F ratio was 1.09 and the biomass ratio was 0.21. What you have here is the advisory report from the stock assessment. It shows an F ratio of 12.021. It shows a biomass ratio, comparing the biomass in 2006 to the biomass at MSY, of 0.027.

The analysts continue to refuse to put the biomass ratios comparing the current biomass to minimum stock size threshold and so we don't have that. They don't show the values so that you can calculate it. The ratio, biomass ratio, to the minimum stock size is unknown, but will be significantly below 0.027. This stock is an order of magnitude worse than the red porgy stock was.

If you look to the Magnuson Act, Section 305(c)(2), it says if a council finds an emergency or overfishing exists or that interim measures are needed to reduce overfishing for any fishery within its jurisdiction, whether or not a fishery management plan exists, then you can take emergency action.

This seems to present a very compelling case to take emergency action. If you address red snapper in Amendment 17, regulations will not be in place until 2010. That's two years from now. Given the stock status, it's going to be hard to justify waiting two years.

Snapper Grouper Amendment 16 includes measures to increase the release survival rate. Those will come online in January of 2009, according to our schedule. If you request emergency action now, probably the earliest that that would be in place would be January of 2009. You would have some bycatch measures there. I think you need to give some thought to taking emergency action, given the severely overfished status of red snapper.

Mr. Currin: Thank you, Gregg. Are there comments from the committee or thoughts about suggestions, two of them, that we've just heard from Gregg? One is since the mutton snapper and amberjack are SEDAR-assessed species, let's keep those in 17 and move on with them and the other is consideration of emergency action on red snapper or how we're going to deal with red snapper.

Mr. Harris: With respect to Gregg's suggestion that we may want to consider emergency action for red snapper, Gregg, what, in your opinion, would be the emergency action that we would take that would not simply result in a whole lot of dead discards?

Mr. Waugh: Certainly the discards are an issue and that's probably why we're in the position we are now. We have, over time, responded to previous stock assessments by taking the measures contained within that stock assessment that indicate we would end overfishing and we haven't. I think the reason is discard mortality.

How do you address that? The emergency that should be considered is a prohibition on harvest and/or retention. That's going to reduce the fishing mortality rate from the current situation, where they can bring in I think it's two fish over the twenty-inch size limit. Are you still going to have discards? Yes. We have to work with the public and explain the severe status of red snapper and get them to voluntarily move away from where they're red snapper fishing to stop targeting red snapper.

We know there are some for-hire vessels that are targeted red snapper and so if you take emergency action to prohibit all harvest or retention, you will reduce the fishing mortality rate. Will there still be discards? Yes and we are going to need to figure out how we address that in Amendment 17.

Dr. Crabtree: To address the first issue of greater amberjack and mutton snapper, that's fine. I think it seems reasonable to me to say we'll do all the SEDAR and I don't think that will take too much time. I have a couple of comments with respect to red snapper and let me preface them by saying I have not read the assessment or the review. I've read a quick summary of it, but I haven't looked at it in detail.

Remember that the process we have, the assessments go to your SSC and that's going to happen at the June meeting. I really think we ought to let the SSC go through this first and then I do agree with Gregg that an interim rule may be appropriate, but I think we need to think about the timing of it. If we, for example, put an interim rule in place, you want to look at is it going to expire before the permanent regulations come in place and is that a problem or is it not?

The other thing about an interim rule is we would have to write an environmental impact statement for the interim rule and I don't really want to do two environmental impact statements for red snapper, one for the amendment and one for the interim rule. There's an awful lot of work that goes into doing these things and I just think that we need to see the assessment finalized and the SSC comments and then we need to give a lot of thought as to how do we address that.

Duane is right. From what I've seen -- I think it's true what Gregg said, that there are a few people targeting these, but it seems to me that most of the catch is incidental to other fisheries and the release mortality rates are very high. You could close the fishery, but you may get minor gains and maybe that's still the appropriate thing to do, but until I have a better understanding of what the projections show and where it all goes, I don't know yet.

I think we need to develop this a little bit and get a little better understanding of the situation and then how we're going to put the NEPA document together. Remember it's going to be the same folks writing the NEPA documents for 16 and 17 and all these things and we have a limited amount of people to work on these and it would sure be nice if we could do a single NEPA document that covered everything we want to do on red snapper. I think those are some of the things we need to think about over the course of the next couple of meetings and then decide what to do and then look at the timing and how that all plays out.

Ms. Shipman: I agree with Roy. My question, and Roy has covered that, was with regard to the SSC and when they were going to be reviewing this. Thinking back on the red porgy experience and the emergency action in Amendment 9 and that overlap and that was a mess and I think we want to avoid a repeat of that experience, to the degree we can. Not to mention if we're going to take a draconian type measure, I think we're going to need the blessing of the SSC on the science, for wherever the science takes us. I agree with Dr. Crabtree.

Mr. Robson: Is the bycatch issue related to -- I'm presuming it's related to things like we're addressing in Amendment 16 and so is this related to the vermilion fishery or the grouper fishery? I'm just curious to know what the bycatch issue is with the red snapper, the discard issue.

Mr. Currin: Mark, I don't know. Jack or somebody may have a better handle on that. If I had to guess, I would say it's probably highest in the vermilion fishery, vermilion and gag fishery, but I don't know that.

Dr. McGovern: I think you're right, Mac. It's caught with vermilion snapper and gag and scamp and gray triggerfish, black sea bass, all the very common bottom reef fish species.

Mr. Robson: Will the SSC -- I guess it's not relevant really to their evaluation of the assessment, but will they be looking at the assessment in light of what we're looking to do in Amendment 16, to cut back on harvest levels of those other reef species?

Mr. Waugh: The SSC will be reviewing these three SEDAR assessments at the June meeting. We will also be pushing them to give us their overfishing level recommendations for the ten species that are overfishing at the June meeting. We don't have them scheduled to look at the interaction of Amendment 16 and how that might affect future catches of other species.

Mr. Currin: Are there other comments or questions or feelings about how to deal with red snapper? Roy and Susan suggest that we wait and see what the SSC has to say about this.

Mr. Geiger: I have no problem with that. I agree with that and I'm just making sure that once the SSC reviews it that I don't get a walk across the aisle here and be handed a letter at the next meeting and I think I've got that indication that that probably won't happen and so I'm comfortable with that.

Mr. Currin: I guess sitting here facing impending doom that if there's something that we can do, either the committee or the staff -- I'm sure the staff will be thinking a lot about this, in between now and when we get the official indication of what we know is going on anyway, but that we make some progress, I guess is what I'm getting at. Maybe the whole process won't be quite as lengthy nor as complicated. I don't have any specific ideas of what the committee can do, but if anybody does, we certainly need to bring those forward.

Mr. Carmichael: A lot of the discards are actually in the recreational fishery, a magnitude of

hundreds of thousands, whereas from the logbook data, the commercial fishery, it's on the order of a couple of thousand fish a year. When you look at the magnitude of discards, you're really looking at managing the recreational fishery.

For the most part, these fish are not really -- They're kind of off the radar screen of the commercial fishery, since they've been overfished for forty-six years and they've been at extremely low abundance for thirty-five or more years. They've just sort of fallen out of where they encounter them and who is getting them is some of the recreational groups and fishermen that I think go to precise areas where they are or just happen to run across them. That's the part you're looking at managing for discards.

Mr. Currin: Thank you, John. Is everybody else comfortable then with keeping mutton and greater amberjack in 17? Does that make sense to everybody? Okay. Are there any other comments on Action 1? Rick, are you ready to go?

Mr. DeVactor: The second action has to do with annual catch limits and accountability measures. Again, there are four species undergoing overfishing and those have to be in place by 2010 and for all other fisheries, that's 2011. Right here, we have a list of species that are undergoing overfishing or have had recent stock assessments.

We have red snapper, greater amberjack, and mutton snapper. This is on page 2. We just talked about those and so we'll keep those in there. Snowy grouper, overfishing should end in 2009 and golden tilefish overfishing should end in 2007 and black sea bass overfishing should end in 2009. Again, those were handled through Amendment 13C and that begs the question of does overfishing end when you have the next stock assessment or when it is projected to be ending overfishing?

The next four species are undergoing overfishing. We have not had SEDAR assessments for those species and the last two are gag and vermilion snapper and both of those are undergoing overfishing. Again, Amendment 16 will be put into place to end overfishing of those two species.

Those are the species that we currently have to specify ACLs and accountability measures in this amendment. I'll see if there's any questions on that list, if you want to add any or remove any for any reason, and then we'll get into the actual alternatives.

Dr. Crabtree: Rick, when we look at this document again, could you, along with this list, give us when the next updated assessment for each stock is scheduled to be, so we can see when we would likely get new information on them? Not necessarily now, but I think it ought to be in the document, so that as we move forward on this we can get some idea as to when we can see what was successful and what wasn't. I think we have assessments or something scheduled for most of these, but not all of them.

Mr. Robson: Rick, I guess I'm still a little confused. You've got the list of species and are we saying that all of these are going to meet the 2010 ACL timeframe, even the ones where we're

expecting overfishing to end before then?

Mr. DeVictor: Yes, all of these species, since they are undergoing overfishing, the ACLs would need to be specified by 2010.

Dr. Crabtree: The issue, Mark, is that we've been phasing out overfishing and the only way to know whether it worked or not is to get an assessment of some sort and so we can't change the status report to Congress until we have some basis to say the overfishing has ended and as long as they're listed in the report, then that's their official status and the ACLs are required.

Mr. Waugh: Remember for some species, like snowy, the quotas were calculated on FMSY and that's not likely to be the overfishing level recommendation you're going to get from the SSC and so there's going to need to be probably some adjustments for many of these species that are listed here and the other thing we should do, next time we develop a list, Rick, is to make sure we show greater amberjack and mutton snapper in a separate list, since they're not undergoing overfishing. That will reduce the confusion.

Mr. Currin: It's a very impressive list when you look at it. I had to count it twice, to make sure.

Ms. Smit-Brunello: Rick, I think too, for mutton and greater amberjack, since there's a SEDAR assessment, we would, in keeping with our past practice anyway, do the SFA biomass-based reference points for those two species as well.

Mr. Currin: Other comments? Rick and Gregg, I suspect that the approach will be similar for all of these. I guess my big concern is we may not have any outs, except with the two assessed species, but it is reasonable to think that we can get all of these done, assuming that the SSC addresses these?

Mr. Waugh: The ones that are undergoing overfishing, we have to get done. I don't think adding greater amberjack and mutton snapper contributes significantly to that load. Those, we have the SEDAR assessment.

Mr. Currin: All right then. Thank you.

Dr. Crabtree: I think one fundamental decision you'll have to make is are you going to do single species ACLs for all of these or do you want to do some multispecies ACLs? If, for example, you did a shallow-water grouper ACL and a deepwater grouper ACL, then this list becomes a fair amount smaller and I think that's probably the best way to approach some of these. They are multispecies fisheries and ACLs are required for fisheries. I think that's something we're going to have to get into and I think we do later on in the document.

I think when we start to actually -- I guess we can wait until the next action, but when we start looking at the actual annual catch limit alternatives -- To me, we need to just come up with a formulaic approach, if we can, and these are all assessed species and so it might be able to that we're going to set the ACL based off the ABC or the overfishing level from the SSC's

recommendation.

The SSC gives us a recommendation for a fishing level and so the ACL is going to be set equal to that or perhaps slightly below that and then I believe that the guidelines, when they come out, will also require that you set an annual catch target, which the most sensible way to come at it, because it obviously has to be tied into your specification for optimum yield, would be to say our annual catch target then is the yield that corresponds to the fishing mortality rate that we've specified for OY, which if you think about it, is normally 75 percent of the FMSY level.

I think you could come up with a few alternatives that just kind of formulaically say that given a recommendation from the SSC then this is how we would specify the ACL and what we're calling the annual catch target is the ACT and this is how we would specify it. You could have two or three -- I don't know how many alternatives you would need to have for that, but you could have those and then it would be basically then just calculate them out, after you get the estimates from the SSC.

When we start getting into the stocks that we have no assessment for, it probably gets more complicated and we may have to think of some new ways to do that and if we come up with some multispecies groupings here, we may want to be more precautionary and set the ACL a little more conservatively for a multispecies group, but I think you can come at it from that perspective in this document and then with the accountability mechanisms, we ought to be able to come up with a couple of generic type accountability mechanisms that we think make sense for commercial and for recreational fisheries.

They may be different for stocks that are overfished and in rebuilding plans than for stocks that are not overfished, but I still think we could come up with a series of a few accountability mechanisms for each of the sectors and then just decide which apply to where.

This becomes a less overwhelming task than trying to come in and specifically address every single species and so that's kind of my suggestion as to how to think about this and how to proceed with it and then the other thing I would offer -- I talked to Gregg a little bit about this.

We already have some accountability mechanisms that we've drafted into codified text in the Gulf. They took action on greater amberjack and gray triggerfish at their January meeting and have submitted that to the Secretary and so we've drafted some alternative accountability mechanisms and actually have the proposed rule text and they mirror kind of some of things that we've done in this document and the discussions we've had in the past.

I think that would be a good starting point for some things we could look at, because when you start looking at accountability mechanisms and actually drafting how the regulations are going to read, they become more complicated than you think and there are things you hadn't thought about. There's a lot of work going on with those now that I think we can incorporate into this and that will help us out.

Mr. Currin: Thank you, Roy. Those are good suggestions and I hope we can get there.

Mr. Waugh: In terms of the species groupings, we have no guidelines and it's not clear whether species groupings are going to pass muster. Certainly that's what is going to come out in the proposed rule, as Roy has indicated, but it would probably be wise to include alternatives that do species groupings and alternatives that have individual species, so we don't get caught farther down the line in not meeting whatever is ultimately determined to be approved.

Remember, when the guidelines come out, that's coming out as a proposed rule and then you'll have several hundred thousand comments and then they'll try and finalize the rule. There's going to be a lot of debate and there's some good things about these species groupings, but you saw in some of the comments from the environmental community that if you have species groupings that you manage to the weakest link. We need to be a little careful here and I think we need to cover our bases. If you're going to have species groupings, we need to have alternatives that are individual.

Mr. Geiger: I'm not sure how much that complicates it or even complicates it further than what we're talking about and, of course, correct me if I'm wrong, but we tried to go down this species grouping idea before, we met with resistance from the SSC and it derailed it at that point. I hoped we wouldn't encounter that again and certainly your suggestion, coming from the Regional Office, I would have to think that there's some insight there as to how we're going to manage and what this final rule may look like.

I'm confident with moving forward like that, but again, I'm just very cautious about meeting resistance from doing that from the SSC, because that happened before. It was pretty strong resistance, as I recall.

Mr. Currin: Two comments, George. I remember that as well, but I think the resistance was based -- Not because they were concerned about using groups, but they were questioning how we were grouping them and is that what everybody else remembers? I'll also remind you that just yesterday in 16 -- We kind of grouped some things up there and some actions related to what's going on with the shallow-water grouper.

To me, it's a very intuitively appealing approach, if we can get the groups defined properly, so that they're species that are common in particular fisheries. It makes a lot of sense to me and I hope we can pull that off.

Dr. Crabtree: To me, the decision of whether to group or not to group isn't really a science call. It's a management policy kind of decision and certainly grouping has risks and issues with it, but not grouping has problems, because the reality is if we come into a seventy-plus species fishery and try to do individual ACLs, we will have no science at all on most of the species to base that on. That's a problem.

There's no perfect way to do this, because the information is very imperfect, and I understand Gregg's concerns about what may or may not be in the guidelines, but I can assure you I've read the proposed rule very carefully now and my hope is that it will be published and out prior to our

next council meeting and I think our best course of action at that point then is to work off of the proposed rule.

Gregg is right that we're going to get a lot of comments on this, but we really can't change a whole lot in the final rule from the proposed rule. If we wanted to make really substantive changes, we would have to re-propose the rule all over again and make the changes in a new proposed rule and then go back out to public comment again. I don't see how we get this done if we wait for the final rule. There just won't be any time.

We can kind of hedge our bets a little bit, I guess, but I think in the end we're going to just have to proceed based on the proposed guidelines that we have and then if they change, then we'll have a problem and I don't see any way around that, but if we end up proposing guidelines and then making really major changes and re-proposing it again and all of that, then we're all going to have some real problems on our hands and frankly, it would be very unlikely we would meet our timelines if that happens, based on where we are.

All the drafts I've seen of the proposed rules have allowed species groupings. We've been doing species groupings in the Southeast for years. If you look at the Caribbean Council's portion of the status report to Congress, it is mostly all species groups that are reported to Congress and so we've done that before. We've approved those and we've reported on those to Congress and again, the Act clearly requires that ACLs be specified for fisheries and so I think it clearly allows multispecies groupings.

That's my best advice to you. I can't tell you what in the end will happen with the final rule and I don't think anyone can tell you until we get there, but I don't know how else to do this, other than to get the proposed rule and move forward based on that and hope that that works out.

Mr. Currin: Thank you, Roy. John Carmichael, did you have something?

Mr. Carmichael: I did. George asked some questions about the assessment timing for those species and so if we could page up a little bit, we could run through it real briefly. Red snapper, we've just done and greater amberjack, we've just done and the mutton snapper, we've just done. Snowy grouper, it will get an update in 2010 and golden tilefish will get an update in 2010.

Black sea bass, we had an update I think that was last year and we have a benchmark scheduled for 2011. Red grouper is not on the schedule and black grouper is not on the schedule. Speckled hind and warsaw grouper are scheduled for benchmarks in 2012 and gag, we just completed that recently and it's scheduled for an update in 2011. Vermilion snapper, we're getting ready to do. We just did an update last year and we're getting ready to do a new benchmark.

There is a slot in 2011 when we do black sea bass which could be considered for either red grouper or black grouper, but those are two that are undergoing overfishing which we haven't figured out where we're going to address them yet and they were actually on the schedule and I want to remind everybody, but the changes due to accommodating vermilion snapper and doing king mackerel sooner bumped those two out of the mix.

Several years ago, when we first knew of this 2010 or 2011 situation, we had worked those in and they've since been bumped, due to the more pressing need to deal with vermilion and king mackerel. Those are the two that will give us some trouble and we won't have the benefit of an assessment.

Just to echo some of the discussions about groupings, it is true that the SSC has come out against it. In December, they raised more questions about groupings and so I think the key to dealing with that is going to be to recognize their concerns and make sure, as Roy stated, that it's a management thing and not perceived as perhaps protecting all of those stocks.

There's a paper that's coming out soon in Fishery Bulletin about groupings by a couple of scientists at the Science Center and they're kind of making the point that grouping species just because they occur together in the fishery doesn't necessarily protect those stocks that might be at lesser abundance or reduced stock status.

I'm sure they'll be pointing to that, if groupings hit them again in June and December of this year. It is something the council is going to have to come up with a method for addressing their concerns and making sure that it doesn't end up being an action that gets shot down by the SSC as being not the best science.

There's probably a way to get around it, as long as the council is aware of what the SSC's position has been in the past and the specifics of that. We may need to require them in June to be slightly more specific, so the council can deal with their realities of these multispecies fisheries.

Mr. Waugh: Right now, we have the SSC tasked to give us individual overfishing level recommendations for the species that are undergoing overfishing. If we're interested in doing some species groupings, we should discuss that now, so that we can task them, at their June meeting, with giving us some overfishing level recommendations for a species grouping or else we won't get that in time.

Mr. Currin: Thoughts or comments about the point that Gregg just made? One thing, Gregg, that occurred to me is the SSC has some reservations about grouping, but if that's in fact a policy call that the council wants to pursue, for good given reasons, then asking the SSC to provide them individually -- Could not the council then combine those individual values for the group and come up with their own ACL in some way?

Mr. Waugh: That's an interesting thought, Mac. I think the difficulty is going to be that the likely recommendations coming back from the SSC for overfishing level recommendations, that is the catch that would ensure that there's no overfishing for red snapper -- For red snapper, it's going to be zero. For speckled hind and warsaw, it's going to be zero. How you combine zero with a positive number and ensure there's no overfishing, that's going to be tricky.

Mr. Currin: No doubt challenging.

Ms. Smit-Brunello: Just one last thing on groupings, too. My recollection is remember in 13, which became 13B, we tried to put most all of the species in the management unit into these -- I think there were eight or nine groupings and I think that's where some of the resistance was with the SSC, but when you have two more natural groups, shallow-water and deepwater, I would think that as long as the analysis behind them supports it, that they wouldn't have as big problems as they did in the past.

Mr. Currin: I would hope not. If the committee is serious about these groups -- I certainly am. I'm very much interested in them. From the bycatch reductions that we stand to gain by grouping these fish, putting these fish into these groups, then Gregg's suggestion is that we would ask the SSC to give us an OFL or some value for those groups. What is the committee's feeling on that or opinions?

Mr. Geiger: I certainly speak in support of that. Any way to make this task more tenable is certainly the best way to go and I think Roy's very strong recommendation leads us down that path and I support it.

Mr. Currin: Other comments? Is everybody okay with that?

Dr. Crabtree: Again, I think, Rick, the way I would come in and structure this is, rather than addressing specific species, is to come up with some approaches. You're going to have the -- The SSC is going to determine what an overfishing level is and that's just a calculation that will come out of the assessment. They'll take the maximum fishing mortality threshold and here's the fish out in the water and if you fished at that, here's the yield you would get and that's the overfishing level.

Then the SSC will have to make a decision of do they want to reduce the ABC below that some and, for example, they could say this is a very uncertain assessment and there's a lot of gaps in the science and so we're going to be more precautionary and we're going to set the ABC a little bit below that. I don't know how they'll handle that.

Then we'll get an ABC recommendation, which one approach that we could have as an alternative would be to set the ACL equal to the ABC recommendation that comes out of the SSC and that is based on the overfishing level.

Now, you could have another alternative to say let's be a little more precautionary and set the ABC at 90 percent of that or, in order to address some of the concerns about a multispecies group, you might have a policy of for a single species ACL, we'll set the ACL equal to the ABC, but when we do multispecies groupings, we're going to set it below that somehow or you could have a multispecies grouping and say for this group, we're going to use gag. For example, in shallow-water grouper, gag is the only assessed stock and so we're going to set an ACL for gag and we're going to manage the complex based off of that.

I would come at this, Rick, looking at different scenarios, rather than species, and come up with that and then I think in general that we would set the catch target level at the yield corresponding

to the FOY level, because in all of these, you're going to need a pair of things. One is the ACL and the other is the target.

It's going to be the distance, the buffer between the target and the limit, the ACL, that determines what is the probability that the overfishing occurs. That's, again, something we would ask the SSC, I think, to look at and give us some advice as to what's the likelihood, if we manage to this target, that we're going to exceed our ACL and I think they can look at that and advise us on it.

Then you're going to get into issues with do you need to have targets set differently for recreational and commercial fisheries? You may be able to very closely control a commercial fishery, but a recreational fishery may have a lot more volatility and so the question will be should you set your target more conservatively in a case like that?

That would be my suggestion, Rick, is to come at it more from that perspective and less from the perspective of every species and then we could, I think, come up with just a couple of different sorts of frameworks, that this is how we're going to do it for all these species, and probably simplify it some, if that makes sense.

Mr. DeVactor: I followed you through most of that. Just the ACT and ACL -- I understand that there's going to be a buffer between both of those and will the council work on alternatives for ACTs also below that ACL, do you think?

Dr. Crabtree: I think they probably will need to look at that, but it seems to me that you could just decide that the target is going to correspond to OY. We've already evaluated alternatives for setting OY and so in that sense, there may be relatively few alternatives that we would look at. It's hard for me to envision how you could set the target at something different from OY, because that then begs the question of how are you achieving OY, which is what this is all about and what the Act requires us to do.

If you set your target consistently below OY, I don't know how that jives with things and certainly if you set your target above OY, I don't know how that jives. This gets to something Gregg brought up, for example, snowy grouper. Everything we've done on snowy grouper has been set right at the limit and we're going to have to readjust things to managing more towards the target. There are some changes that would come from that.

Mr. Currin: Thank you, Roy. Are there other questions or comments? I'm sensing we should ask the SSC to consider these groups that we're getting ready to get into now, as far as coming up with OFLs or ACLs, whatever they're going to give us. The next action is consideration of shallow-water grouper species. It's on page 3 of the options paper and there are several alternatives there. One is no action.

Mr. DeVactor: If you want to go the route that Roy suggested, then we would have various alternatives. Alternative 1 would be no action and Alternative 2 would set the ACL equal to ABC and Alternative 3 would set the ACL at 90 percent of ABC and then you could have various levels below that. Instead of taking this approach, we just need direction to the team of

do we want to go this route or are we going to go the second route here and then also species groupings.

I can see where we have the first alternative would be you go with single species or the shallow-water grouper unit and then the next alternative would be this group I've just mentioned. Does that make sense?

Mr. Currin: Is everybody clear on that?

Mr. Harris: I'm clear on that, but I'm just curious as to why -- I know we've been going down this road for a long time, but why we're talking about a shallow-water grouper unit as opposed to a shallow-water demersal species unit and include all those shallow-water demersal in that unit, as opposed to a shallow-water snapper or a shallow-water grouper.

Mr. DeVactor: We don't have a shallow-water snapper. There's only a shallow-water grouper unit at this time and those are the same ones in Amendment 16, where we set the quota according to gag and we would shut -- The preferred alternative is to shut down for those and the shallow-water grouper are listed on page 5.

Dr. Crabtree: There probably are, Duane, a number of things you would want to evaluate. One would be things that are commonly caught together and occur in the same area and that's part of this, but the other part of it is that you would want to try and group species that you think would respond similarly to fishing mortality rates, meaning stocks of similar productivity. That's something that's addressed in the Lenfest Report. I think they even have some approaches in there for estimating productivity of stocks and things.

Grouper, of course, share some fundamental life history traits, in that they're all hermaphroditic and change sex. Most of these shallow-water grouper are similar in terms of longevity and other things like that. I think if species groupings start to get too big that you do start running into real problems of how can you be sure that one level for all of that is sufficient to address overfishing.

I think it's kind of a balance and I think there are no really hard, fixed rules on it, but there are tradeoffs between obviously one extreme, which is doing every single individual species, and then making the groups too big.

I've heard scientists on both sides of this. When we did one of the ACL workshops, we had a scientist from one of the Centers over on the west coast who was a major proponent of forming species groupings and thought that was clearly the best way to go and had done a lot of analysis on it. There's scientific viewpoints all around on these, but I think that's kind of how you would look at it and I think the one feature with the grouper is they do generally share very similar life histories.

Mr. Harris: Thanks, Roy. I appreciate that and I don't disagree with what you said. I'm just thinking down the road, in terms of what I believe it's going to take to recover some of these stocks. I think it's going to take some closed areas to fishing and it may be that we would look at

closing a deepwater area to fishing and a shallow-water area to fishing. I don't see going down the road that we're going down now as something that's going to recover red snapper in our lifetimes.

Maybe that's impossible anyway, but I just don't see that happening and I see really low fishing pressure, like we've had off the coast of Georgia, for a long time. We've probably got the best red snapper population off of our coast that we've had in twenty-five or thirty years now, given what everybody is catching.

I think it's just because the fishing pressure has been so low here. There's been very little commercial fishing off our coast and it's so far to go for the recreational guys that there's just not a lot of it going on out there. I think that illustrates what kind of a recovery you can have, but it's all based on fishing pressure and as long as fishing pressure is maintained at the same level, with all these dead discards, I don't think we're going to recover these stocks.

Ms. Shipman: One of the things the SSC said in one of the reports to us, I guess in December, was that if you are going to do the groupings, you need to look at managing for the most vulnerable as your indicator and not necessarily what's the most data rich. It's arguable how data rich any of the snapper grouper complex is, but that was one of the aspects of advice they did give to us, is look at those most vulnerable species to be your driver, if you will, of the group.

Dr. Crabtree: There's a lot of merit to that argument. The problem is how do you know which one is the most vulnerable? You may have a group of eight species and you only have information on one species status and so there may well be other species in the complex that are in worse shape and more vulnerable, but how do you know? That's the problem with it. It's imperfect, because we have so many stocks without much information.

Then we've got a lot of stocks in the snapper grouper plan that it would be hard to argue that putting the resources needed to do an assessment is a wise use of them, because there's little or no fishery for some of those species. There's just no perfect solution to that.

Ms. Shipman: I don't disagree, Roy. I just think as we move forward, trying to reconcile our scientific advice and whatever direction we take, we're going to need to build very good record for why we're going the direction we're going.

Mr. Currin: Other comments? Everybody is straight on how we're going to approach this shallow-water grouper, groups and individuals? We've got the same scenario with the deepwater species, including snowy, golden tile, speckled hind, warsaw. Is the same approach okay there that Roy suggested when we were talking about the shallow-water group?

Mr. Harris: Mr. Chairman, we're calling it a deepwater grouper unit, but there are other things in that unit other than grouper.

Mr. Currin: It's labeled "deepwater snapper grouper species".

Mr. Harris: On page 5, it's called "deepwater grouper species" and then when you look at the alternatives, there are snappers in those alternatives.

Mr. Currin: Rick said he would take care of that and make you happy. I was looking at page 3, Duane. When it was introduced there, it was called "deepwater snapper grouper species" and so we'll make it consistent.

On page 4, we've got other species which are not going to be grouped, black sea bass, amberjack, mutton snapper, we'll skip red snapper, vermilion snapper. We're not going to group those. Accountability measures, 2.2.2, we're going to wait for -- We can't wait for guidance. We've got issues dealing with accountability measures and controls under 2.2.2.1, quotas for the commercial fisheries.

Mr. DeVictor: As we go through these, if we can just frame our minds around accountability measures and the question, to me, is what measures can be put into place to prevent the overage of the ACLs? There's certainly some alternatives here that probably can be pulled out of the document, as they don't do that.

The Alternative 2 would establish commercial quotas and for Alternative 2C, maybe that could go in the appendix as Amendment 16 is going to establish a gag commercial quota and a recreational allocation, but certainly we don't have commercial quotas or recreational allocations for black grouper or red grouper.

There's several types of accountability measures, in my mind. There's stuff, such as commercial quotas, that you put into place, where when you reach that quota you shut down the fishery. It's something you do before the fishing season starts that you have in place and then there's in-season type of accountability measures, where perhaps you could respond to information during the fishing year, to ensure that you don't exceed that OFL. Then the third class, in my mind, is the overage alternatives and that, of course, is reacting to exceeding an OFL or an ABC.

If we could just put our minds around there's several different ways of putting in accountability measures. There's several different types of it and, of course, the first one would be the commercial quotas and the recreational allocations, in our mind.

Dr. Crabtree: I can give you some examples, if you wanted to now, of some accountability measures that we've dealt with, but the kinds of decisions you're looking at -- You have a catch limit and a catch target and we talked about that and you would have those in place and so you would set your quota, for example, for a commercial fishery at the catch target.

You could say if they go over the quota, we take it off the next year, but you could also say we're only going to worry about it if they go over the catch limit. That way, you get some buffer there and you don't really care if they go over a little bit and you don't deal with it. It's only if you go over that catch limit that you take it off the next year. That's one of the type of alternatives that you could have.

It would probably relate to how worried are you about the status of that stock? If you're in a stock that's in a rebuilding plan and you don't have much time left -- That's, for example, where the Gulf Council was with greater amberjack. What they specified -- That was a ten-year rebuilding plan and we're already halfway through it and we're still overfishing and we're not on track to recover and so the council felt like we can't take any chances.

What they put in place there was a quota and if you go over the quota, it comes off the next year and not the ACL, but the target itself. Then they also specified a recreational quota and they said if the recreational fishery hits or is projected to reach that quota, they're closed and if they go over that quota, for example because state waters stay open and fishing continues, then NMFS will issue a notice at the beginning of the next fishing year shortening the season for that fishing year, in order to make up for the overage from the previous year. That's one example of a way that we did it.

Another example was, as I talked about, where you have a situation where it's okay to go over the quota, which is set at the target level. It's the ACL that triggers mitigation, basically. Then in the case of the recreational fishery for triggerfish, they used a running average, like we've talked about. If the running average exceeded the catch limit, then you had to make a shortening of the season for the next year, in order to compensate for that, as long as the catches fluctuated below the catch limit and nothing happened and you monitored a three-year running average, sort of to even things out.

That was done for gray triggerfish because, one, they set a big buffer between the target catch level and the limit catch level and also, it was at the beginning of a rebuilding plan and so they didn't feel like they were under as much pressure to be more conservative with the stock.

Then from my viewpoint, when you're in a rebuilding plan and you go over, you probably do need to mitigate going over, to make sure that you stay on track to rebuild. If a stock is not in a rebuilding plan and it just goes over one year, so you're worried that overfishing may be occurring, to me the mitigation then is to stop overfishing, but you don't necessarily need to take anything off the next year.

That would be another type of accountability mechanism, where if you go over, you just make an adjustment for the next year, to try and not go over again, but you don't worry about taking off for the next year.

Then one final thing I'll leave with you, particularly with recreational fisheries, is we need to be careful with paybacks, because you don't want to get a recreational fishery -- The catches are going to really fluctuate, in many cases, and you want to avoid getting yourself into such a deficit for a payback that you potentially are looking at years worth of closing the fishery down and I don't think that's going to work very well and certainly our constituents aren't going to like it and so we need to be more creative about how we come at that.

One way, Rick, for an accountability on the recreational fishery might be, rather than paying it back if you go over, you adjust the catch target level and you reduce it and you increase the

buffer between the limit and the target from what it used to be and then you adjust your management measures to the new target. If you did that for a few years, you would probably get to a point where the buffer is big enough that you stop going over.

Those are some just kind of generic ways to come at this and we can give the language that we've developed in the proposed rule for some of these and the alternatives that were developed -- Jack has those and can give them to the team to try and come up with some different ways to come at this.

Then I think what the council needs to do is kind of say these are the more conservative accountability measures and these are less conservative and now, based on whether we're in a rebuilding plan or we're not and what we know about the fishery, where do we need to be more conservative and where can we be a little less conservative in putting it together. Hopefully we can come up with just a series of maybe four different accountability type measures and we just need to choose which ones to apply where.

Mr. Currin: That's very appealing to me, Roy. I'm hearing Susan agree. I presume that's a reasonable approach for everybody else. That sounds good. One question about the management of the -- I think it was the amberjack, you said, fishery, where it appeared that -- What you said was they were doing some in-season monitoring of that fishery and how are they going about that? Are they actually using MRFSS or some other system or measurement?

Dr. Crabtree: Let me hasten to say that has not been approved by the Secretary yet, but MRFSS is what there is now and so MRFSS is what would be used. I guess after 2009 it will be MRIP and the system will be changing some and maybe it will become better for that, but based on the council's decision, it was MRFSS.

The dilemma that creates for you is you probably would have to do a pretty extensive projection, but the fear was that we could get in a situation where say after Wave 3 we look at the numbers and they've already gone way over and would you really want to sit there and do nothing, knowing you're going to take the overage off the next year? Everybody agreed that no, we can't build those kinds of deficits and so there needed to be some sort of in-season component to allow you to deal with that.

Now, one of my comments, particularly to the recreational community, was this approach -- You're basically managing the recreational fishery in the same way as the commercial fishery and one of the reasons that happened is because the recreational community came in and wanted the council to make assumptions that effort was way down and that resonated with some on the council, but the only way you could make a risky assumption like that was to have the accountability mechanisms in place, so that if it turns out you're wrong and recreational effort doesn't stay down, you can make an adjustment for it.

To some extent, there's a big tradeoff at play here. If you want to make risky assumptions with recreational fisheries, in order to have the catch limits as high as you can, you're accepting in-season management changes and you're going to have probably regulations changing very often.

If what you want to achieve with the fishery is stable regulations, so that you don't change them very often, then that entails setting these things more conservatively and I think, really, recreational fisheries are better off with stable management and I think that's really, in the long term, what's going to be better for them.

That means when you get things like dips in effort that it's harder to take those into account for folks. It was a dilemma that the Gulf Council really struggled with and is continuing to struggle with and I suspect that we're going to be faced with as well.

Mr. Currin: It will be interesting to see how that moves forward, if it does. It's a scary concept to me, to think about using MRFSS or MRIP, knowing what I know about it, to do in-season quota monitoring and adjustment. It's very scary.

Mr. Waugh: I would just like to make sure that Rick and Jack are getting enough specific guidance here. We're getting a lot of general suggestions, good suggestions, but what we have to do is come back with a detailed document and detailed analysis at the next meeting and I'm not sure we shouldn't be getting some of these suggestions down and making sure that everybody agrees with them.

Remember you're approving this for public hearing at September and so you need to be looking at picking preferreds at the June meeting. Then the team can do all the analysis and have the document complete for September. I personally don't feel like we've gotten enough clear guidance as to what should be in this document, but maybe Rick and Jack do.

Dr. Crabtree: Are you referring to the accountability mechanisms specifically?

Mr. Waugh: Everything so far. If you come back to the species groupings, did we pick a species grouping to ask the SSC to give us an overfishing level for? I didn't hear it.

Mr. Currin: There were two groups, a shallow-water and a deepwater group. Those were defined in the document as they are now. I didn't hear any additional recommendations to add or subtract species from the groups that were outlined in the document, Gregg.

Mr. Waugh: We're asking the SSC to give us an overfishing level for the deepwater unit?

Mr. Currin: Yes, that's what I heard.

Dr. Crabtree: This is kind of how I envision it. If we have a shallow-water grouper unit, the only assessed species we have is gag and so we're basically going to manage that whole group based on a gag ACL and target level and if gag catches exceed the ACL, then we're going to tighten up management of the whole group.

Now, you could also have, along with that, an aggregate species ACL, too. You could say if the catches exceed -- Either the gag catch exceeds its ACL or the aggregate catch level for the whole

group exceeds the aggregate ACL, then you tighten up management measures for the whole group. That's kind of how I would come at that, Rick. It would be a similar sort of thing for the deepwater group. The only assessed stock we have, I think, is snowy grouper.

You could have a snowy grouper ACL and then you could have an aggregate and I thought we had developed that kind of concept in 15-something-or-other along the way. That's how I would come at doing that, if that gives you some more specific guidance.

Then, I have codified text here for some very specific ACLs, which we could ask staff to make copies of and pass out to everyone and you could look at them. My advice to staff would be to take basically this codified text and put this in as some alternatives and then we could look at making some tweaks along this to come up with some additional alternatives, but I think that would give you some pretty specific language that's been looked at and reviewed by a lot of folks. We could pass this around and talk about it at full council, when everybody has had a chance to look at it, if you would like to.

Mr. Currin: That would probably be a good idea, Roy. Gregg has got a good point. I do want to make sure that not only the committee, but Rick and Jack are clear on their direction here.

Mr. Carmichael: I think dealing with the groupings is going to be the most challenging part, because of what the SSC has said. The critical part is going to be determining whether or not there's an indicator species versus there's a management unit grouping.

What they've come out against, which I think Susan read there, one of their comments in the past, is this idea of an indicator species and that all the other stocks go along for the ride and they've definitely said in the past about the need to protect the weak link within the groupings. The paper that I was talking about earlier indicates there's some potential for use of assemblages, or groupings, as a management unit, but it doesn't appear that it's appropriate for use to use one stock as an indicator species for all the other stocks. I think that's where -- How the groupings are put together is probably going to be important.

If you use snowy grouper as one part of this grouping and you have an ABC/ACL for snowy grouper, is that for snowy grouper and everything else combined or is there one for snowy grouper and then one for the remaining species in that complex, that maybe is lower than that for snowy grouper?

Dr. Crabtree: My approach to it would be that you have the snowy grouper ACL and if it goes over, then you shut the whole assemblage down and you deduct the overage off the next year on it, but at the same time, I think you need another multispecies ACL in place too that is the aggregate landings.

If one of the stocks other than snowy grouper had very high catches, that's going to be caught. The problem with the weakest link idea -- It would work if you knew what the weakest link was and then what's the basis for deciding how much catch can you have of the weakest link? I would be interested in hearing their suggestions about how to do that, but I don't know how to

come at that, because I don't know how many tiger grouper -- I'm not sure one has been caught in the last decade, but I'm not sure how you handle that with some of these groups.

I think to just have the indicator and that's it, probably I agree with them on that, because fishermen could pick up on it if we want to stay open, don't land this species and let's pound the others. You would have to have something in there.

It may be, John, to address their concerns that we have to come back and revisit the issue of setting the ACL below the ABC and build some more precaution in there, so that if we're making mistakes that we've got some buffer room on it. Is that giving more specific guidance, do you think, Gregg, on how that -- I asked Jack to have somebody make some copies of those accountability mechanisms.

What I would suggest, Mac, is I would be more than happy to sit down with Rick before full council and Jack and Gregg and we could talk about some of these things and see if we can get a little more specific before full council and make sure they've got the kind of guidance they need.

Mr. Waugh: Yes, that's getting more specific. We need to make sure that the council understands that their suggestion of alternatives needs to be complete at this meeting. At June, you don't get to add any more alternatives. That's going to be too late.

Mr. Currin: We will work on that. Let's take a break for ten or fifteen minutes and then we'll come back.

(Whereupon, a brief recess was taken.)

Mr. Currin: As you're coming back, Rick has sent everybody a copy of the document that Roy was referring to from the Gulf that included amberjack, accountability measures for reef fish and amberjack. Everybody has got that on your email, Section 622.49 is where these are found. I think the way we would make the most progress is to let Roy kind of lead us through this and see if we can derive some alternatives for 17, based on the approach the Gulf took.

Roy, I think you're aware of the plan here. We're going to ask you to kind of walk us through here and hopefully enable us to derive some alternatives for 17, based on the procedure that you outlined in this document.

Dr. Crabtree: This first one is greater amberjack and remember that the intent of this one was to be a very strict accountability mechanism and to be conservative, because, again, greater amberjack is halfway through the rebuilding plan, five years. We only have five years to go and we weren't on track.

To start with, quotas were specified for both the recreational and the commercial fishery for greater amberjack and the quotas are set at the yield corresponding to the FOY level. On the commercial fishery, it's basically that if the quota is reached, NMFS shuts down the fishery and if the quota is exceeded, the Fisheries Service would deduct the overage from the quota and then

we would publish a notice in the Federal Register at the beginning of the year, setting what the new quota is and then we would close them down when they reach it. Gregg, I probably need to see the language, because I don't have the hard copy in front of me.

On the recreational fishery, basically it's if the recreational landings, as estimated by the Science Center, reach the applicable recreational quota, then we close the fishery for the remainder of the year and that, again, is done with MRFSS data and so the key thing here is "are projected to reach" and there would be quite a bit of projection involved in that.

Then if, despite the closure, the recreational landings still exceed the quota and my expectation is when we close the recreational fishery based on the quota that we may not have compliance with all the states and some states may leave the recreational fishery open, in which case fishing won't stop and so the quota would be exceeded.

If that happens, it says that the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following year, and reduce the length of the recreational fishing season for the following fishing year by the amount necessary to recover the overage from the prior fishing year.

If you went over by 500,000 pounds, then we would estimate how much of a fishing season you could have the next year, reducing the quota by that 500,000 pounds, and we would basically publish a notice, I would guess long about March or so, saying this is when the fishery is going to close.

We would then continue to monitor the reduced quota and if we saw evidence that it was reached earlier than we thought, we would close the fishery down again and that's how this one works. You see the tradeoff here. Clearly, the recreational fishery is not going to know what their season is going to be and they're going to have very little notice on it. That's the tradeoff about some of these things I talked about.

Now, in gray triggerfish, it was a little more complicated. In this case, there was more flexibility and more time to rebuild and so the council put in place something that was less conservative. In the case of the commercial fishery, you have an ACL, a catch limit, that's set at the overfishing level, the maximum fishing mortality threshold, and then you have a catch target that's set at the optimum yield level and that's where the quota is set for the commercial fishery.

In this case, with triggerfish in the commercial fishery, you can see it says that the AA will file notification with the Federal Register and close the commercial fishery when the quota is caught, but if, despite such closure, the commercial landings exceed the applicable annual catch limit, the AA would then file a notification with the Federal Register, at or near the beginning of the following fishing year, and reduce the quota for the following year by the amount that the ACL was reached.

What that means is if you go over the quota by a little bit, nothing happens. You just keep on going and the fishery is closed. You have to go over the quota by so much that you actually

exceed the ACL and then you have to correct for that, but there's a big buffer and unless we really have some dealers that fail to report landings to us or something gets really fouled up or if we had state waters remain open, it's not likely that we would ever reach that trigger for the commercial fishery.

On the recreational fishery, again you have an ACL and a limit and a target set and in this case, there is no in-season quota monitoring, where we close the fishery down when they hit a quota. Basically what we do is if the landings exceed the applicable ACL, then we would file a notification with the Office of the Federal Register and reduce the length of the following fishing season by the amount necessary to ensure recreational landings do not exceed the recreational target total allowable catch for that following year.

A couple of key things here. One is we're not talking about a quota. We've got a target catch level and two, if the fishery exceeds the ACL, we're just trying to make sure they don't do it again, but we're not trying to make up for it.

That's where this one is less conservative than the previous one and then it gives the values for the ACL and the values for the target catch levels and then it says that recreational landings will be evaluated relative to the applicable ACL as follows and this is where we're going to get into the multiyear running average.

For 2008, only the 2008 recreational landings will be compared to the ACL. In 2009, the average of the 2008 and 2009 recreational landings will be compared to the ACL and in 2010 and subsequent fishing years, the three-year running average landings will be compared to the ACL. That's one of the issues with using a running average, is for the first year you don't have anything but one year and we didn't feel like you could just turn your back on it and so it starts out that in year one, it's all based on year one and in year two, it's based on the average of one and two and from year three forward, it's based on the running average.

You can think of these as two different approaches, one of which is very conservative and may well have in-season adjustments almost every year and has no tolerance for overages and mitigates any time an overage occurs and then you've got this one, which is less onerous and doesn't ever mitigate overages and only tries to make sure that you don't go over any more and averages catches over a period of time. You could, I think, Rick, take these two and develop different versions of them that fell in the middle somewhere pretty easily. Does everybody follow how they work, basically?

Mr. Currin: Yes, that's pretty clear. In fact, we had one alternative I think very similar -- For managing the recreational fishery, it was very similar to the triggerfish example that you just gave. I guess I'm having -- It may be easier for Gregg and Rick and the team, but trying to figure out some sort of alternative in between here, an approach that might get you there. Are you guys comfortable trying to do that or --

Dr. Crabtree: I can give you an example of one. You could have one set up where you've got your quota set at the catch target and then you've got your ACL. If you go over the ACL, you

have to pay it back the next year, but if you just go over the quota, you don't.

That's a little more conservative than the second one, because in that case, you didn't pay it back. You just tried not to go over again and that's the kind of thing -- Of course, there's nothing magical about a three-year running average. You could use a shorter one or you could use a longer one, but the longer the running average gets, clearly you're dampening things out more and that would be less conservative. There's lot of things I think you could do with it.

Mr. DeVictor: Currently, in the options paper for Amendment 17, we have commercial and recreational overage alternatives and the Gulf of Mexico's approach sort of seems like a species-by-species basis. Is that what we're moving towards here, do you think, or --

Dr. Crabtree: I think that the accountability will have to reflect the approach we take on the ACLs and so if we establish a shallow-water grouper ACL, then you would essentially change these accountability mechanisms to reflect that the overall complex is closed earlier and the aggregate quota and the indicator species quota are reduced and that kind of thing, Rick.

In fact, we are working on taking these two approaches and applying them to the shallow-water grouper fishery in the Gulf now and Jack could probably get the language they've worked on on that. I suspect, Jack, you could email Andy and have it emailed out pretty quick to you, because they're already looking on taking these two approaches.

What we did over in the Gulf -- We're doing grouper now and it's very similar to what you're doing with Amendment 16, in that there's a grouper quota and you catch the gag quota or the red grouper quota and you shut the whole fishery down and at the last meeting, we asked staff to take these two accountability measures that we went over, but apply them to the multispecies grouper fishery and I think we could get that pretty quickly, Rick.

Mr. Currin: Questions or comments?

Mr. Waugh: Roy, I think it would be helpful too if we discuss the issue of incorporating uncertainty for bycatch and discard mortality, because I think that needs to be factored in here as well, whether you, when you're setting your ACL, set it lower to account for estimated bycatch and discard mortality or whether you're tracking catches, building some estimate, but we're going to have to address the mortality estimates.

Dr. Crabtree: Yes and I think the way this would work is when the SSC gives us their fishing level recommendation, they would have already done the post-quota bycatch adjustments and backed those things out, so that you have this many pounds of fish you can land and that's taking into account the expected number of dead discards that will occur along with that, such that you don't exceed the fishing mortality rate.

The problem we've got is I don't think we have any way to actually monitor the discards. If you set up an ACL that was total removals, meaning landed fish and dead discards, I don't know how we would track it to say we went over it, because you would have to get the commercial

logbooks and then expand -- I think we have 20 percent coverage now for the discard part of it and so you would have to get that and you would have to expand it all out, to see if you went over.

You could do that the next year and retrospectively look back, but I don't know how you could say we're going to close the fishery down now because the commercial discards have gone over some point, because I just don't think we have the capability. Clearly with MRFSS that would pose a problem. I guess you could monitor the B2s in MRFSS and keep track of that, but I think you would run into a lot of resistance for that, but there are different ways I guess you could come at that.

Mr. Waugh: Then what we're doing is directing that the SSC, when they come up with their overfishing level recommendations, factor in the anticipated discard mortality. Is that --

Dr. Crabtree: John, they always do that, right? All of our ABC recommendations we get are here's how many fish you get to land and always built into that is some level of mortality that's expected from the discards.

Mr. Carmichael: That's correct, at least since the SEDAR assessments. There is a discard calculation within the reference points and MSY often has a separate tabulation of what the discards are expected at that level. We do have that information.

Mr. Currin: We've been adjusting some of these species in the previous plans to account for that as well. Questions?

Dr. Crabtree: I'll throw one other way of doing the recreational accountability mechanism. I think one thing that we ought to think about is setting it up so that you monitor the recreational catches in some way and if they go over the ACL, you then come back in and reduce the target and then you readjust management to the reduced target.

For example, if you had the target set at 75 percent of FMSY, which is how we've normally specified OY, and if the recreational fishery exceeded their ACL by 25 percent or something, you would say we're going to go in and reduce the target to 65 percent of FMSY, or maybe some other percent, and then you shorten the season or readjust the bag limits so that you expect they're going to catch the new target.

If you did that over a period of some years, you would be increasing the amount of buffer between the target and the limit and you ought to reach some point where they only very rarely go over the limit anymore. That's an approach that avoids getting you in deficits, where you've got to pay back the deficit, and it's kind of a conservative approach that would lead you to very conservative management, but management that would be very stable, because the odds of them going over would be very low.

That's not something we really talked about much at the Gulf Council, but it is something that the Lenfest Report specifically talked about and it might be something worth looking at here. I

don't think it's an issue with commercial fisheries when you have hard quotas, because I think we can control those and they're not likely to go over anyway, but I think with recreational fisheries that if stability is what you want, that's a better way to get to it than these other approaches.

Mr. Currin: It seems to be, over time, a tuning mechanism to get it at the right level.

Dr. Crabtree: If stability is what you want in the recreational fishery, the only way you get that is by making sure they just don't go over the ACL or maybe they go over it once every ten years and none of these other approaches change the probability of them going over, but they just specify what you do when they go over.

Mr. Carmichael: I guess that's a good question, because it will affect how we go about putting the technical information on the table, but is stability an objective for the recreational fishery? If the council agrees to that, then that gives us some information and that's what we're working toward.

Ms. Shipman: Many, many, many years ago, that's what we did on king mackerel, if you remember. There was the one year we went over the ABC, I think, and it was at two fish and we decided we wanted to leave that season open year-round and so we lowered it to one and stayed there for a while, but that's what we did a long, long time ago, many years ago, before there was fire, I think.

Mr. Currin: Other comments on this trying to maintain stability in the recreational fishery? As John asked, is that something we want to do?

Mr. Waugh: I think as you discuss that, I think we should have a common understanding of what "stability" means. It doesn't mean a year-round open fishery with large bag limits. It means extremely low limits and it may even mean a short open season that you can count on year after year.

Mr. Currin: It's certainly an option and it's something that I would ask, do we want to include this to take it out and get some comments from people about that approach?

Mr. Geiger: I think the one word there is absolutely. We need to figure out what the sector wants and we need to ask them what they want and what they -- They need to have a clear understanding of what these alternatives mean and if we had numbers to apply to it, I think it would be a lot easier for people to comprehend. Conceptually, it looks good. With numbers, it may look good, but be shocking.

Mr. Currin: I think, as Gregg said, that most probably the numbers and the bag limits and the seasons that go along with this are going to be shocking, but at some point, they may be a reality.

Dr. Crabtree: Of course, to me, the problem with this approach, particularly in recreational fisheries, is that you're going to end up hitting them with big restrictions when things are really

good. It's going to be when you have a huge year class hit the fishery and word is going to get out that the fishing is great and they're almost certainly going to go way over their ACL.

Then if you come in with really tough ACLs and say now you've got to pay it back and all these things, it's going to be perceived as really draconian when the fishing is good and then, of course, you're going to get your assessment and it's going to show you weren't overfishing anyway, potentially, because it was just a good slug of fish coming into it.

That's why changing the target level a little bit is a good concept, because it means if that slug of fish hits the fishery, they may go over their target, but they might not go over the ACL and so it might minimize that. The other problem with this whole approach is that if you have a stock that's really collapsing, they're not going to be catching much at all and they won't go over their ACLs, but that certainly doesn't mean there's not a problem. You could, in fact, be overfishing and overfished, but you're just having very poor recruitment.

I don't think any of us should look at this that it's perfect. It's not and I think the other place this leads us is we're going to have to put an emphasis with the Science Center on trying to develop recruitment indices, so that we can detect when these strong year classes are coming and potentially come in and do a framework action to adjust the ACL, because we know that's going to come and we know the catches are going to go up and we know that's not a bad thing, necessarily.

I don't think we're there yet and I don't think we have the data to allow us to do that, but it might be something like MARMAP could allow us, with some species, to look at that and detect when some of these year classes are hitting and try and head it off, but I think it's that problem with the year class variability that's going to be the most difficult aspect of this to deal with.

Mr. Currin: Another data need. We need to think about priorities, as we were discussing yesterday, with regards to ACCSP and everything else that we need. At this point at least, I'm not so sure recruitment information is the highest priority, but maybe long term it is.

Mr. Carmichael: I believe, in talking with Roger last week, there was some indication that SEAMAP had gotten more money and could possibly expand their coverage and there was even interest in covering the entire South Atlantic, through a combination of SEAMAP and MARMAP.

I think if the council agrees that an objective should be a recruitment index, or at least a fairly young in the life cycle index on these stocks, before they recruit into the fisheries, is a priority, then that might be a place to pursue that and have them focus their efforts on giving us this type of early warning information. If the council believes that's a priority, that's something else we can work into it.

Mr. Currin: My initial reaction, John, is yes, it's one of many priorities, but I don't know where it ranks, exactly, with all the others, from my perspective anyway.

Dr. Crabtree: John, I think it's safe to say that most of our assessment scientists -- If you ask them what's the main thing you need to improve our assessments, it's generally going to be better fishery independent survey data. It's generally not going to be better fishery dependent data.

That's important, but really, what they usually want are these fishery independent data and that feeds into the idea of what you're talking about with these recruitment indices. It would be helpful with us dealing with the ACLs, but it's also a real good way to improve the reliability of the assessments and reduce uncertainty.

Ms. Shipman: I think I know the answer to this, but I just want to make sure that included in the suite of options we look at, when we're talking about bag limits and fallback positions and reaction, if you will, to overruns, we would also be looking at boat limits, as well as bag limits. I assume that boat limits are included in that suite, when we say bag limit, but I would certainly like that to be an option we look at.

Dr. Crabtree: I think all of that is up to the council. Now, these accountability mechanisms are set up in a way where there's no discretion and the action is automatic and there's probably no comment period or anything like that. You go over and we publish a notice in the Register the next year saying the fishery is going to close on X date because you went over by this much and it's automatic and it's all done.

One reason it's that way is if you set it up in a way where if you go over then it's going to go back to the council and the council will decide how to deal with it, that's kind of where we've been in the past and so what we've tried and where the guidelines are heading with these accountability measures is they're more automatic kind of responses that happen.

Now, you could have a situation where the recreational fishery goes way over and they're going to be closed for an extensive period of time. Now, the council could come in and amend the plan or take some other kind of action and say wait a minute, that's not what we want and we want a boat limit or some other and you could come in and do that, but you would have to come in and go through the process and take an action on that.

Ms. Shipman: That's fine. What I'm suggesting is we look at alternatives of a graduated severity of action, if you will. That may be one to look at if we're also looking at you, as a mitigative measure, the next year you would lower the bag limit, say to keep that season open six months or whatever. As one of the alternatives, you could look at a boat limit as versus a bag limit. I'm just talking about alternatives to potentially be looked at for us to evaluate and decide upon to go with that automatic and what would be the automatic trigger in the end and the responsive measure.

Mr. Currin: There's some species or fisheries that we have that that certainly would come into play, some of those where the allocations currently are very, very low.

Dr. Crabtree: It certainly would be possible to set it up in a way where if the recreational fishery

goes over their ACL and so their bag limit is reduced by -- Say the bag limit is twenty fish and it gets cut down to some number, but you would just have to pre-set it in the document somehow and do all the NEPA analysis, so that it's all set.

Mr. Currin: Thank you, Roy, very much for walking us through that. It's beginning to make more sense now. The concept initially to me was very appealing, but I couldn't wrap my feeble mind around it and I have more understanding and comfort with it as well. Gregg and Rick, is that more clear now and offering you guys more direction as to the approach that everyone seems to think is a reasonable one? We have from a very strict to not so conservative range of alternatives and approaches here for these fisheries. Are we okay there?

Mr. DeVactor: I have four different approaches that Roy just outlined here. I've put them up there and we'll apply this to the shallow-water grouper unit, to the deepwater snapper grouper unit, and then there's five other species, black sea bass and vermilion snapper and such, that do not fall into those two units and we'll just apply these to those also. I think that's the approach that you mentioned.

Mr. Currin: Just so I'm clear and everybody is comfortable with it, the approach then is going to be to group those into deepwater and shallow-water units and are we also going to approach them individually or not? Did we decide that we're not going to develop a range of alternatives for the individual species, but we're going to lock in on the units?

Mr. Waugh: My recommendation, until we get the guidance, is to do them both ways and we'll see what comes out of the SSC. Once you see their recommendations for the groupings, you may not want to pursue the groupings any further.

Mr. Currin: That makes sense to me. I just wanted to make sure that everybody was clear on that.

Dr. Chevront: I wanted to echo that with Gregg, because one of my fears is that this could come out of the SSC with these groupings and that they're -- If they're basing it on the most conservative estimate, they could come up and say an ACL would be zero and then we're really stuck, if that's all we've got.

Mr. Currin: Other comments? All right. Where next, Rick?

Mr. DeVactor: On page 7 of the options paper, we currently have an action that would reduce bycatch and fishing mortality in the deepwater snapper grouper fishery through consideration of a bunch of sub-alternatives. These were carryovers, some of them, from when we were in 15B.

There's one alternative to establish a six-month seasonal closure for snowy grouper, a deepwater snapper grouper unit during winter months, establish regional quotas for snowy grouper or a deepwater snapper grouper unit, restrict the number of hooks in the deepwater recreational fishery, limit retention of deepwater snapper grouper species to one fish per vessel, establish a lottery system for deepwater snapper grouper species taken by recreational fishermen, 5F is a

repeat, and then we have changing the start date for the golden tilefish fishing year to September 1 and do not reduce the trip limit to 300 pounds and then Sub-Alternative 5H, which is prohibit the use of longline gear to target snapper grouper species when 75 percent of the golden tilefish quota is met and the trip limit is reduced to 300 pounds gutted weight. We need feedback from the committee on what should remain in this document or what should be moved to the rejected alternatives appendix.

Mr. Currin: Discussion?

Mr. Robson: What specifically are we meaning by restricting the number of hooks? Is that for the commercial fishery?

Mr. Currin: No, it was for the recreational fishery. It was a suggestion by some of the fishermen. If you remember, I think Jeff Oden showed up here with a picture of a five-hook rig with five snowies dangling from it, floating on the surface, and that was one suggestion. We said if we go to a bag limit of one, we don't want people out there catching two at a time. I don't know how common that occurrence is. I don't do a lot of that fishing, but that was the suggestion, one possible way to approach the recreational fishery.

Keep in mind as well what we just went through regarding the accountability measures and the complexity of that. We're kind of looking for guidance from the committee here on which of these are so important that we need to move ahead with them.

Mr. Robson: I guess we've repeated -- 5E and 5F are the same, aren't they?

Mr. Currin: Some of these measures as well have been pushed back and moved from amendment to the next amendment to the next amendment to the next amendment to streamline them. In particular, either changing the opening of the fishing year for the golden tilefish fishery or in some way preventing the longliners from going out there and setting on 300-pound trip limits is one of those measures, I think, that we pushed back a time or two and I think is important, but some of you may not.

The lottery system to control the recreational effort, constrain that fishery, on a 4,000-pound, forty-some-hundred-pound quota, less than five thousand, is one way to do that. The last time I talked to Roy, at least -- You may have an update, Roy, but it looked like the fishery was being somewhat constrained. I'm not sure it's to the point where it needs to be at this point, in which case --

Dr. Crabtree: The snowy recreational? I had the numbers somewhere. If you look at the numbers of fish caught, and maybe Jack has them, it had been running on the order, I think, of 10,000 to 13,000 fish and at least through Wave 5, it was down to about 3,000 fish last year. The number of fish caught did come down, I assume in response to the one fish per person bag limit.

Mr. Currin: It's having some impact and maybe not as much as we need, but --

Dr. Crabtree: It's hard to say, because the catches vary around and you just don't know, but certainly the number of fish caught is down from the previous few years.

Mr. Currin: Thank you. That's good news.

Mr. Waugh: In terms of tilefish measures, certainly there are some of the fishermen that are interested in some changes to this, so that south of St. Lucie they have a shot at the fish, but also you've asked that staff contact the tilefish industry to see if they want to pursue a LAPP program and so I wonder if we shouldn't defer any actions on golden tile here. We've got to try to simplify this document, to some extent, and that may be an area that we can.

Mr. Currin: There's certainly a lot of potential to simplify this document right here in this one alternative. Other thoughts on the measures included under Alternative 5?

Dr. Cheuvront: I believe that on Sub-Alternative 5D that that is meant for recreational fishing. It doesn't say specifically there.

Mr. Currin: It is.

Dr. Cheuvront: Maybe we need to put that in and make sure it's clear.

Mr. DeVactor: It's commercial.

Mr. Currin: 5D? 5D is what he was talking about. The regional quotas is something the fishermen have told us was important to them in that deepwater snapper grouper unit. I don't know how complicated that would be to try to move forward with, but is that something we want to retain? What we're trying to do here is focus in on these that we think are extremely important within all the sub-alternatives under 5 that we want to make sure we carry forward in this document.

Dr. Cheuvront: **I would like to make a motion then that we consider Sub-Alternatives 5A through E as the ones that we want to carry forward in the document.**

Mr. Currin: There's a motion by Brian. Is there a second? Second by Red. Discussion?

Dr. Crabtree: Some of these like establish a lottery system and at least to me aren't consistent with the timeline we're on to get this developed, unless we -- Gregg, you would want us to come up with some specifics of how we want to do that at this meeting, right?

Mr. Waugh: If your intent is to meet our deadline, yes.

Dr. Crabtree: I think if you're really serious about setting up some sort of a lottery system, I think there's an awful lot to figure out on how to do that and I'm not sure we can get that done at this meeting.

Ms. Shipman: The states -- We use it a lot in game management. It's a tag system, basically, and you apply and you're drawn in the lottery. They're pretty well developed and we could probably take any -- I'm sure every state has them. I know we do and I think just about everybody does. If the committee or the council was interested in pursuing that, we could probably take that language of how you do it. You publish a notice for application and they apply and they're drawn. It's pretty straightforward.

Mr. Currin: I think the big point to consider is the timeline of this amendment and anything else that can potentially cause that to slip. We don't want that to happen, I don't think.

Dr. Crabtree: The details are -- How would we notify people and when would we notify them? Are people only going to be eligible to be chosen one time? If they're chosen, that means they get to catch one grouper, more than one grouper, all those kinds of things? I think staff would need direction about that. Otherwise, I don't know how they would know what to bring back to us at the next meeting.

Then if it was people apply, we would need to have some idea of how many people we would expect to apply, because that -- I don't know if it would be such that everybody that applies they're going to get one snowy grouper for the whole year. I have a feeling that wouldn't go over very well.

I think you're right, Susan. I know states have done it and we probably could come up with doing it, but I just think there are an awful lot of considerations and I think staff can flesh this out, but they're going to come back in June with a lot of different ways to doing it and we would have to make an awful lot of decisions then and I'm just not sure we can get that done in the timeline. I guess what I'm coming at is this the place you really want to have that alternative or should that be something that we do in a separate document that we have more time to develop it all?

Mr. Cupka: I agree with Roy. **I would like to offer a substitute motion that we include Sub-Alternatives A through D for this document.**

Mr. Currin: The substitute motion is to include Alternatives A through D. Is there a second to that motion?

Dr. Crabtree: I'll second it.

Mr. Currin: Second by Roy. Is there discussion?

Dr. Chevront: I understand what Roy is saying and the difficulty under this timeframe to get something like a lottery system set up, but we can't lose sight of the fact that with such a low allocation for the recreational group that we've got to find some way, if we're going to continue with that, to have some way of constraining that and keeping it under control.

I don't want to lose sight of that fact that we need to do something. If we're going to continue to

have a recreational fishery in snowy grouper, we've got to do something to keep it under control, because it's pretty clear that they probably would end up going over that allocation each year. I don't mind the idea of moving it to some other document, where we have more time to more thoroughly explore how this is going to work, but I just don't want us to lose it altogether.

Mr. Currin: It's an important point, Brian. I kind of side with Susan. I'm not sure that this lottery system is all that complicated. One very simplistic approach might be to look at -- We've got roughly 5,000 pounds of allocation for the recreational community and we make some assumptions about the average size of the fish and that gives you the number of tags that are offered and people apply and you get one tag and one fish for the season.

Otherwise, with an open system like this, I can pretty much guarantee you that we're going to end up with huge overages and have to deal with those in some way. I don't know how we would do it, but we do need to constrain it.

Mr. Waugh: The Center has to convert that poundage to numbers anyway and if you all are interested in pursuing this, it seems that we just take that number and that's the number of tags and you allow one per tag and each person that applies gets one and we see how it works.

Mr. Currin: There's no doubt there's going to be a hue and cry over this, but there's going to be that over any of the methods, when we're looking at a less than 5,000 pound quota for the recreational fishery. We can say we hope it works out and I feel confident it won't, under the regulations we have now.

We're going to have to at some point be forced to come back in, but it's a matter of whether we've got time to do it right now and can accomplish it under this amendment or whether we know it's something we're going to have to deal with in the future. Gregg or Rick, including any additional measures in here, over and above the ACLs, are we running a risk, and how much risk, of extending the timeline on 17?

Mr. Waugh: In addition to specifying the ACLs, you have to have your accountability measures and you have to have your measures that limit the respective sectors to that catch and so some measure is integral to doing it. Either it's a lottery or we're going to track it and close the deepwater fishery once the recreational sector reaches, or is projected to reach, or under a less conservative alternative, you're going to let them go over.

Ms. Merritt: I agree with Gregg and I think his idea of it being a simple just take the numbers and have that many tags and issue it would be the right way to go, but you could possibly -- If you don't want to manage it through NMFS, perhaps just take that number and allot so many tags per state and let the states put it into their game lottery system.

Mr. Currin: That might make it a little more complicated.

Mr. Cupka: My concern was simply the timing. I don't disagree with any of this and I think we are going to have to deal with it and I think eventually we will have to go to something like a tag

system, based on a lottery, but again, my concern was the timing of this and if staff thinks it's not going to slow it down to do that, I wouldn't have a problem with it and I would be willing to withdraw my substitute motion.

Again, I agree with everything that's been said and my idea was not to do away with it, but to deal with it in a separate amendment if it was going to slow it down. That was my only concern and so I guess I would like to hear staff's evaluation of whether we can include this or how big of a problem it would be or not.

Mr. Waugh: Rick, jump in here too, but the key is going to be getting the number of fish estimate from the Center and that has to be done either way, because remember we put wording in 15B to track by numbers. If what you're talking about is that's the number of tags and anyone in the South Atlantic -- I guess anyone in the country is welcome to apply for those and they would apply to the Southeast Region and there would be a drawing and randomly selecting the number of individuals matching to the number of tags.

Each person gets one tag for one snowy grouper. I think that's relatively straightforward. Obviously there's some implementation issues and workload and so forth, but I think from a standpoint of analyzing it and specifying it in the document, if that's the type of approach you're looking at, I think it's relatively straightforward and not a significant amount of time to analyze it.

Mr. Currin: How about the other measures that we're talking about, the other three or four alternatives included in this motion that we're discussing now?

Mr. DeVactor: I had a question on Sub-Alternative 5B, establish a regional quota for the snowy grouper or deepwater snapper grouper unit, if that fits the purpose and need of the action, first of all, to reduce bycatch and fishing mortality. Maybe it does and also, I think the team would need more detail on that, as to how you would want to set that up.

Mr. Robson: Generally, I think this is an interesting management concept that we need to look more at and I don't know that we've really thought about lottery systems for some of these limited fisheries. To get to Rita's point, at least in the State of Florida implementing -- Getting state participation and implementing a lottery ticket system would be pretty complicated.

It would be legislative and not something that could be done quickly and so I think that would -- I think there are a lot of implementation considerations that we probably would get balled up in, for example would these be transferable, non-transferable. There's all kinds of things about implementing the actual tags that could lead to a whole suite of sub-alternatives and how you set it up. It could get pretty complicated, but I do think it's an approach that we at some point need to start developing.

Dr. Crabtree: I'm not sure, but I think one of the problems you have here is I think you're creating a LAPP program, because you're assigning to an individual the right to harvest a set amount of fish and I think that means that all the requirements for LAPP programs kick in, but it

seems to me that you are giving them, a person, the privilege of harvesting a set amount of fish. It seems, on the face of it, that it's a LAPP program.

The other problem is someone mentioned that some of these don't seem to fit with the need and I think this lottery system will dramatically increase bycatch. If I'm only going to get one snowy grouper for the whole year, boy, it's going to be a big one and I think you're going to have high-grading and things, because you're going to get a boatload of guys who have got their certificates and they're going to go snowy grouper fishing one day and I doubt they're going to bring in a five-pounder. That's the other side of it, but I'll have to ask Monica to explore what this means in terms of LAPPs, but it sure looks like it is one.

Ms. Smit-Brunello: I'm not sure whether it is or isn't. We would look at that, to see whether it was.

Ms. Shipman: That's an interesting thought. I guess I never had thought of it that way and I'll be interested to hear what the outcome of that deliberation is. Anyway, my question though has to do with A and I'm having a hard time wrapping my head around how this measure is going to interface with the earlier measures we were talking about for directed fisheries.

I'm assuming, were we to set a quota, a bycatch quota, say in B, we would back that out of the directed quota and this potentially would be species specific, although it does say "or the deepwater grouper unit". I'm just trying to figure out how all this interfaces between the directed fisheries and the bycatch, particularly with A.

If you've got seasonal closures, technically you would have already closed for the directed fishery and potentially earlier than six months, but in this one, you're saying you would have a six-month closure. Do you have a separate bycatch of say snowies that can be caught when the directed fishery is closed? Maybe I'm missing something here, but I'm having a hard time with this.

Mr. Currin: I think you bring up a good point.

Mr. Munden: I have a question for staff about Sub-Alternative 5B, the regional quotas. Would this alternative allow you to set state-by-state quotas in addition to regional quotas?

Mr. Currin: That's not defined under this. That's kind of what -- If we want to go this route, we've got to tell staff what those regional, state-by-state, whatever they are quotas need to be and have them analyzed.

Mr. Munden: I would request to the staff that we establish state specific or regional quotas as Alternative 5B. In North Carolina, we're getting a lot of requests from fishermen to have state-by-state quotas. From a Mid-Atlantic perspective, we use state-by-state quotas for management of a number of species, summer flounder and bluefish, and currently, there's a move underway to ask ASMFC to consider state-by-state quotas for spiny dogfish. If you would like a motion, I would be glad to make one, Mr. Chairman, or if the staff could do that, that would be fine.

Mr. Currin: We've got a motion on the floor, Red, that we're trying to deal with at this point. I think the big question is whether any or all of these are something we want to include in this amendment. That's the motion right now, is to include these in 17. We can get back into modifying these individual ones, if that's the desire, if this motion passes.

Gregg and Rick, you guys are comfortable that if we include these four sub-alternatives into 17, along with what we've already got in 17 on the ACLs and AMs, that we can reasonably expect to have that done by June to approve?

Mr. DeVactor: From a team lead perspective on this and working with the team, anything you add is going to slow us down. The question is by how much and is it going to make us miss our deadlines and certainly I can see -- We have one economist basically working on this amendment and Jack and I -- There's only a handful of people that are actually working on this amendment and you have to analyze the impacts and so it certainly is going to add to the workload and we're going to have actions in here for red snapper and we're going to have ACLs and accountability measures. It's certainly going to add workload. That's all I can say.

Mr. Currin: Thank you, Rick. I appreciate that and keep in mind as well that this is not the only amendment we have moving forward on a fairly fast track and so -- Other comments on the motion?

Ms. Shipman: I just still have a problem with 5A. It seems like the directed fishery should be driving the closure and if there's a closure for the directed fishery, it ought to be closed for everything and I'm not sure why we need A. Maybe I'm just thinking of it very oversimplified, but could you tell me why we need that?

Mr. Currin: Can I tell you?

Ms. Shipman: Or Gregg or Rick tell me.

Mr. Currin: I think it just complicates the approaches that we just outlined previously.

Ms. Shipman: It would be one we can take off and when there's a closure, there's a closure. It's sort of like the way we're going in whatever amendment it is. Once it's closed, there's no retention and there's no sale and there's no nothing.

Mr. Currin: I think the effective closure we're going to have, based on the measures that we're considering now, will be probably longer than six months.

Mr. Waugh: I don't know if this was tied to a spawning period and Rick or Jack may remember. That's the only thing I can think of, Susan, is that it was tied to spawning, but --

Mr. Currin: Jack, come on up, if you can enlighten us on that.

Dr. McGovern: Snowy grouper are summer spawners and so it's not tied to a spawning period and I think it might apply to the recreational sector, but I don't know.

Mr. Currin: I think this was proposed by one of the commercial guys on the AP and was to apply to the commercial fishery. In fact, I think it was a fellow from North Carolina and then we got a lot of comments from the people in Florida that winter is when a lot of that fishery occurs down there.

Are you ready to vote on the substitute motion to retain Alternatives 5A through 5D in the Amendment 17? **All in favor of the motion raise your hands, seven in favor; opposed, one. That motion is approved and becomes the main motion.** Now we have to vote on the main motion. **All in favor of the motion raise your hands, nine; any opposed, none. The motion is approved.**

I hope that staff will, from my perspective at least, as we start developing this, make sure we go -
- If this looks like this is going to be a huge problem for us, at least notify us. I don't want to see this thing slowed down.

Dr. Chevront: I was wondering if like on a couple of the alternatives that -- Like for 5C, that we could just help restrict right now, because I believe, for example, there is no restriction at all on the number of hooks that could be used in the deepwater recreational fishery, but if we could help just say that what we really mean is either the status quo or one hook, if that's what we really mean, that that means they don't have to consider other alternatives.

I was wondering if we could maybe take a moment and look at some of these things and bring up the issue also that Red brought up about 5B and do we add state-by-state as part of regional quotas as well, so that we can give some more direction to these folks, so that they don't have to spend a lot of time considering potential options that we didn't intend in the first place.

Mr. Currin: We do need to do that for each one of these and so I would suggest we start with Sub-Alternative 5A and look at specific measures to be included or options under those. I guess sub-sub-alternatives or whatever they'll be. You guys deal with the structure, but we will need to come up with those as direction for the staff for each one. Let's start with 5A.

Mr. Waugh: It doesn't seem like anybody can come up with a good reason as to why this is in here and I would suggest removing it. Your directed quota is going to start January 1 and so are we going to split the winter to pick up part of the previous year and part of the current year? When the directed quota is met, it's going to be closed. One alternative is going to be to track the recreational landings and when it's reached, it's closed. What are we trying to accomplish with this?

Dr. Chevront: I was thinking about the same thing, Gregg, and I was wondering if we did something with 5B and made that clearer, because there is a difference by area in how the commercial fishermen fish this. However regional or state quotas were set up, that would make 5A irrelevant.

Ms. Shipman: **I move removal of 5A.**

Mr. Currin: There's a motion to remove 5A. Is there a second? Second by Mark. Is there discussion? **Any objection to that motion? Seeing none, 5A is removed.** Let's move on to 5B then and talk about options under regional quotas that we would like to see included in this document.

Mr. Munden: As I said previously, I would like to see state-by-state quotas, in addition to regional quotas, considered under 5B.

Mr. Currin: One alternative then might be state-by-state and another might be the regions we established in 16 for North and South Carolina and Florida and Georgia.

Dr. Chevront: One thing we need to remember is now these snowy grouper are also being caught in Virginia and so we're going to have to decide how we're going to deal with those fish that are caught outside of our traditional realm of thinking, if we're going to do regional or state-by-state quota. If we give a state-by-state quota, do we give Virginia a quota, too?

Mr. Currin: We have a measure in this amendment to consider later on to extend our jurisdiction into the Mid-Atlantic. I'm not sure how that all plays out, but at least we'll capture that information.

Mr. Waugh: It's just like mackerel, Mac. When we extend the management unit up there, the regulations will apply up there and catches up there will apply towards our quotas and so we need to factor that into this 5,000 pound snowies.

Dr. Crabtree: Remember, I think the quota is 84,000 pounds. It's not much and then the question is how do you want to decide how much each state gets? I guess on historical landings and so what's the period of time we would do that and then I assume that it will be done based on where the fish are landed and not where they're caught and so boats could go from North Carolina and fish and then land them in South Carolina, but I think that the amount of quota you would allocate to Georgia then will be so low that I'm not sure there would be any way to have it.

It would create a lot of problems for us in terms of monitoring the very low quotas, because they may be caught so fast, but I think you would have to give staff a lot of direction on exactly how you want to do this.

Ms. Shipman: In a sense, we had the discussion about whether we would go with state-by-state quotas in Charleston and I'm sorry you missed that, Red. We talked about it a little bit earlier this week and I think we decided to err on sticking with sort of those sub-regional quotas and how we fit Virginia and whether they go in with a North Carolina/South Carolina, I'm not sure.

Part of that discussion was with regard to those state-by-state quotas and what you see in bluefish

and some of those others. Those are joint plans and you do have those fisheries going on in state waters. In this particular case, I guess with the exception of Florida, we really don't have much state waters fishery going on and you've got a lot of mobility between those boats that are moving back and forth.

The South Carolina boats are down landing in Georgia and vice versa and so that was one reason we decided to go with I think a sub-region quota. I just don't know what rationale there would be to change courses now and go back to the state-by-state, when we intentionally earlier this week decided to stick with the regional quotas.

Mr. Robson: I guess a question. Would the regional quotas apply to this fishery that we just -- We were doing it for -- We've got it for gag and vermillion, but we don't have a sub-regional quota set up for this. I guess I would want to know, since we're dealing with such a low quota amount and especially if we're looking at Virginia, you've got a large geographical area of coverage there.

If you don't have some kind of sub-regionalization or -- Depending on the fishing year, you could have real imbalances to where all the fish are getting caught and so I guess I need to understand that a little bit better before I could say, but I think we might need to look at some kind of sub-regionalization.

Dr. Cheuvront: I agree with Mark, because one of the things that happens is that this fishery doesn't really occur as much in winter in North Carolina as it does for say in Florida and with such a small quota, the fish would all be caught up down south, before the folks in North Carolina would really even have a chance to get those fish. We need to do something to be a little more equitable here.

Dr. Crabtree: First off, what we've seen so far for this year is that hasn't happened and North Carolina has continued to catch about as many snowy grouper as they have in past years.

Dr. McGovern: They're catching more than the other states.

Dr. Crabtree: They're catching more than the other states. Remember when we set this thing up and we set up the relatively low trip limit, our intent by doing this was that no one target snowy grouper and that we were going to allow some of the incidentally-caught snowy grouper to come in. Inherent in all of this has been that we don't want a targeted snowy grouper fishery. There are not enough fish around to support that.

We just recognize that there are going to be snowy grouper caught while going after other things and rather than have them discarded, we wanted to allow them to come in, but I'm pretty sure if you go back and look at the discussion, I guess it was back when we were doing 13C and the other amendments we worked at, that was where we were heading, was not to have a targeted snowy grouper fishery anymore, but to allow incidentally-caught fish to be landed.

Mr. Currin: Other comments? We've got, so far at least, a suggestion under regional quotas to

look at a state-by-state alternative. Is that still the desire? Are there other alternatives or regions or sub-regions that people think should be looked at as well?

Dr. Cheuvront: The question still is what do we do with Virginia?

Mr. Waugh: It's Virginia north. It's the entire Mid-Atlantic area that we're including and so it's not just Virginia.

Dr. Cheuvront: Virginia is where the bulk of the fish are actually caught, but really it is from the North Carolina/Virginia line north.

Mr. Currin: Mark, your suggestion then was to divide the regions as we did with the gag, North Carolina --

Mr. Robson: As an alternative, yes, if that's acceptable to the committee.

Mr. Currin: I guess if you wanted to look at it one way, we could establish the Mid-Atlantic region as a specific region. We don't have much history to establish what that proportion of the quota should be. I don't know how we go about doing that.

Mr. Waugh: We would get the landings data from those areas and factor that in. According to the region, then one would be the Mid-Atlantic area and the other North and South Carolina and then Georgia and Florida.

Mr. Currin: Who is going to get that half fish? Is everybody okay with that then, those alternatives or sub-alternatives under this alternative? Are we done with 5B? 5C, numbers of hooks, right now it's anybody can fish a trot line if they want to. Not many do, I don't think. I was surprised when I saw five on one line, but maybe that's more common than I'm aware of. The suggestion was made -- Where this came from was to restrict the recreational community to a single hook. In fact, if 16 goes through, it will be a single circle hook.

Mr. Waugh: If we're dealing with bag limits of one, it just stands to reason that you've got to limit people to one hook.

Dr. Crabtree: Would the way we would write this be that anyone who is fishing for snowy grouper is limited to one hook?

Mr. Currin: I guess we could write it that way. The intent from the suggestion we received was for it to apply only to the recreational fishery.

Dr. Crabtree: Okay and so I guess it's deepwater species and I guess we're going to come at this as kind of an educate people just not to do this. Clearly it's an enforcement issue, even more so than the circle hook kind of thing, I think.

Mr. Currin: That would be the ultimate of it, yes, effectively suggest that people outside of -- If

we wanted to establish some depth contour that you have to use a single hook.

Mr. Robson: I don't know if I still even had my hand up from before, but just in response to this, I think we really need to be thinking about some of these gear type rules that are clearly not enforceable. I think if we continue to do these that they're going to become less and less meaningful and maybe we need to consider some other mechanism that doesn't rely on regulatory approaches, but I'm still dealing with -- I just think this is one where it's just not going to have any meaning as a regulation and I'm not sure I like it.

Mr. Waugh: You may want to consider broadening this, as we did with the -- You mentioned the circle hook and have it apply to the entire snapper grouper fishery and I don't think we should get too hung up with the enforcement, because you've got to remember that 95 percent of the people are going to follow what's right. That's going to have a huge impact.

I think we have to start realizing where we're headed, particularly on the recreational side. The catch limits are going to be very, very low, particularly for the deepwater species under our current allocations and so we need to start heading in the direction. The limits are going to be so low and if we're requiring everybody to use non-stainless steel circle hooks, maybe they only fish with one hook.

Mr. Currin: I suspect Tom would probably have something to say on that. That's where I see -- The average private boat angler, you probably get pretty good compliance on that. I worry about the impacts on the headboat fishery, where you've got inexperienced fishermen that may have a tough time catching a fish with two hooks. I don't know, but, Tom, you may want to --

Mr. Swatzel: I don't really see it as being a problem, going to one hook. I think it's manageable for the headboat industry. I think we can work with that.

Mr. Mahood: The Law Enforcement Advisory Panel yesterday talked about circle hooks and the enforceability and I think pretty much the consensus was it's a good ethic and it should be an educational effort, but regulation is not the way to go. I guess there's a lot of problems with the definitions of circle hooks. There's all kinds of circle hooks and some of the other things are they said when you make it species specific, what if a vessel is chasing more than one species?

They just said there's a lot of problems, and Karen or anybody else that's in the audience, relative to the enforcement and prosecution of somebody that's supposed to be using a circle hook and is using something they either think is a circle hook or is not a circle hook. That's the Law Enforcement Panel's weigh-in on the issue.

Dr. Chevront: I understand the enforcement issues and things associated with this, but I kind of agree with Gregg. The majority of people are going to do the right thing, when they know what it is. If this gets into rules, then when states are doing things like printing recreational fishing guides, this kind of information will go in there.

There's going to be an education component that's going to be built into this that will say the law

says that you can only fish with one hook. Now, of course there are going to be people who will fish with more hooks than that and you're right that we can't stop that, but I think a lot of folks really do want to do the right thing and if we tell them that this is the right thing to do and why, most folks are going to comply with that.

Even if it's not really totally enforceable, I'm okay with that. I just think that we need to have some kind of way to let people know this is what we want you to do and this is why we want you to do it.

Ms. Merritt: This issue came up in HMS regarding billfish and about the best that law enforcement and the advisory panel could agree upon was something along the lines that they could at least have a box of these hooks onboard that were non-offset circle hooks. That was just about the best they could do as far as enforcing the use of them.

Mr. Boyles: I'm not on your committee and I may have missed the intent here, but we've discussed issues like circle hooks and I'm glad Bob brought us the comments from the Law Enforcement AP, because we've heard it in South Carolina, about the difficulty of enforcing the definitions and whatnot.

The other thing is I think it's important that we don't miss, in our rush to create a regulation that is enforceable -- I don't think we need to miss on the importance of the education and the outreach associated with it, but having said that, I am concerned about us putting something in a regulation that is not enforceable and I think that lends itself to people getting jaded, I suppose, about what we're trying to do.

Unless I -- I may have misunderstood what the intent is here, but I think we really maybe ought to try to focus on education and voluntary compliance, rather than something that's just not going to have the force and the effect of law.

Mr. Currin: Thank you, Robert, and that's certainly the conclusion that a lot of people who have thought about this for a long time have come to regarding circle hooks, at least to my knowledge.

Mr. Geiger: Robert, I agree with you to a point. However, if it's not important enough for us to put in the form of regulation, is it important enough for the public to take seriously and do it voluntarily? If it's in the form of a regulation, they know we're serious about it. Whether it's enforceable or not, I maintain that most of this is all voluntary compliance and when we put the one fish bag limit in place, it was to discourage people from prosecuting the fishery.

I think we heard evidence this morning that the public has seemingly voluntarily complied with that one fish bag limit, because the catches are way down. That shows compliance and it shows the willingness on the part of the public, as Brian said, to do the right thing. I think most people will do the right thing, especially when you have three or four different guys who are fishing together. I don't think anybody wants to be the person to break the rule.

I think there's peer pressure there. You're always going to have outlaws, but you're not going to

be able to regulate those people. I speak in support of this and agree with Brian that this is an extremely important thing and if you don't put it in the form of a regulation, it's not going to be taken seriously that we really believe in it.

Mr. Robson: I think you make a very good point, George, but bag limit enforcement is something that fishers particularly understand and so I can understand why the compliance rate would be -- We would expect to see that. There's a much higher likelihood that those are the kinds of regulations that do get enforced.

I guess I'm still concerned that -- I can't speak for our law enforcement division in Florida, but we do enforce federal regulations. We have an agreement to enforce federal regulations and so it would become necessary to understand which regulations are meant to be enforced and which are not and I don't think that's a position that they want to get into. In all likelihood, of course, they're not going to enforce this type of regulation and so what is -- We just need to have a clear understanding of what all that means in terms of our enforcement agreements.

Mr. Currin: Thank you, Mark. George, before you go -- I'll give you the last word on this, but we need to move along on this. We've eaten up all of our time here and we've got more to do for this committee.

Mr. Geiger: Just to that point, Mark, you're right, but they already have that discretion and they issue a heck of a lot more warnings than they do citations and it's all about education. When you talk to the enforcers in the field and on the water, it is about education and they hand out warnings and data and this type of information to people as an education process. I think they already have that discretion and they're already exercising it judiciously, perhaps in some cases even more so than a lot of people would like to see.

Mr. Currin: 5C is definitely one hook and do you want include two hooks and then status quo, which is as many as you want? Is that a reasonable approach for this?

Dr. Chevront: Would we seriously consider allowing two hooks? If it's not an alternative that we're seriously considering, then I don't know that we want to burden staff with having to do the analysis for it.

Mr. Currin: We've got NEPA requirements that require us to look at a range of alternatives. I don't know whether that would be acceptable, to have those two alternatives, or not. Rick, you may want to weigh in on that or whether we would be better off to consider a little broader -- That encompasses the full range, other than just weights, I guess, but from one to unlimited, but I don't know.

Mr. DeVictor: Mac is right that you do need a range of reasonable alternatives. I think you have to ask yourself, does the two hook alternative achieve the objectives of the action? If it doesn't, then I can see -- You just put a reason to it and put it in the rejected alternatives appendix, but it's hard to tell without the data at this point and how many hooks are people fishing and such like that. It's almost best to leave it open at this point, until you get the data.

Mr. Currin: My understanding is the norm would likely be two, but there are people who use more than that. I don't know whether that's common in the recreational approach or not. Roy, did you have something?

Dr. Crabtree: I'm just curious, is there any data about how many hooks people use? I'm not quite sure what there would be to analyze.

Ms. Merritt: I can see that there may be the devil in the details here, too. Is a treble hook one hook or three?

Mr. Currin: I don't know whether that's defined. It may be somewhere, but I don't know.

Dr. Crabtree: We'll have to look. I'm not sure we allow treble hooks and if we pass the circle hook regulation, then we certainly wouldn't allow treble hooks.

Mr. Currin: That point would become moot if 16 goes through. Are we okay then with just two? Monica, are you okay with just two alternatives here, with status quo and single hook?

Ms. Smit-Brunello: I am right now.

Mr. Currin: That's good enough for right now.

Dr. Crabtree: If you think about it, the rationale is you don't want them to catch more than one deepwater fish at a time and the only thing that could assure that would be one hook.

Mr. Currin: Very true. That's very true. Okay, on to 5D, limit retention of deepwater snapper grouper species to one per vessel. Is there discussion on that alternative? This was kind of one of the alternatives that got tossed out of consideration of bag limits and that sort of thing. I'm not sure what sort of options you have as far as alternatives on this. I guess these could all be considered -- I don't know how they could be considered, under sub-alternatives of a broader alternative to reduce bycatch? I don't know, but I guess.

Dr. Chevront: Does this apply also to charter and headboats?

Mr. Currin: Yes, it would, as stated. Don't react that way. You're the one that made the motion to bring this up. I think you did. If this is not something that we want to seriously consider, then I would recommend that we remove it. What's your desire? We had some discussion earlier about the levels of approach. As an accountability measure, then this might be implemented at that point. Do we want to hold off and consider it under those circumstances, when they arrive, or do it here?

Dr. Chevront: On second thought, looking at this, I feel kind of like we did about 5E, that we've got stuff to work on with 5D. I'm not sure how realistic it would be to limit charter and headboats to one deepwater snapper grouper species, to one fish. That just doesn't seem realistic

to me. I don't know if we can come up now with an approach to this that would be easy to be dealt with between now or June or we realize that this is an issue and we just push it back to later.

Mr. Currin: Is that a motion to exclude 5D?

Dr. Cheuvront: **I'm going to make a motion that we exclude Sub-Alternative 5D.**

Mr. Currin: There's a motion by Brian and is there a second? Second by Tom. Is there discussion? **Any objection to that motion? I see none.** That was a good move. Alternative 4 is black sea bass. There is Alternative 3 there that specifies management measures to end overfishing of red snapper. We had some discussion of that earlier today.

Mr. Geiger: I just wanted to make it clear that we're not done talking about red snapper, obviously. I believe it's important to note that we acknowledge receipt of this preliminary SEDAR report and the condition of the stock as presented by staff.

That has not gone beyond any of us, I believe, and we're going to have to come back and seriously address this, but I also hasten to add that I agree with the fact that we have a process in place and that process is that before we react on any SEDAR, that our SSC has an opportunity to review that SEDAR and make the presentation.

As we've seen in the past, there are potentials there that there may have to be some adjustments made or there might be even an error in the stock assessment and until we get that report from the SSC, I think it would be premature to act, but with that said, I'm going to request that we put, as a formal item on the next meeting agenda, that we discuss the merits or discuss the potential, pending the receipt of a report from the SSC, the potential for an emergency closure for red snapper, or possibly even the shallow-water complex, or the mid-shelf complex, excuse me.

I just don't believe there's anything we can do between now and receipt of the report from the SSC and so we'll leave it at that, Mac, unless somebody on the committee wants to do something other than that.

Mr. Currin: Thank you, George. Any further discussion of that point, that issue? Let's move down to Alternative 4, which are a number of sub-alternatives dealing with the limits on the number of black sea bass pots, associated tags issued to fishermen at various levels, I should say. There's a whole host of suggested ways to deal with that. Again, this is an issue that's been pushed back. It's relatively complicated at this point and I would question whether we should give serious consideration to including it in Amendment 17. I think it complicates this amendment, in my opinion. Are there other thoughts on this?

Ms. Merritt: If I'm not mistaken, don't we have some cooperative research programs going on right now that are being looked at to decide just what effect these black sea bass pots have on the fishery? I would think it would be premature to do anything before we've got some final analysis in.

Mr. Currin: Thank you and I think you're right, Rita. There are some CRPs and perhaps some FRGs looking at aspects of the black sea bass pot fishery as well.

Mr. Cupka: **I would like to make a motion that we delete Alternative 4 from the amendment.**

Mr. Currin: Motion by David to delete Alternative 4. Is there a second? Second by Brian. Is there further discussion?

Mr. Munden: Just a little quick history note. Both the Mid-Atlantic Council and the Atlantic States Marine Fisheries Commission considered limiting the number of black sea bass pots about four or five years ago and did not go forward with that. There was so much opposition from the fishermen that they felt like that was somewhere they didn't want to go.

Mr. Currin: Thank you, Red, and we've received some opposition from the seven people who fish more than fifty or seventy-five pots, I think, as well. Anyway, is there further discussion on the motion?

Mr. Geiger: In fairness, however, we did receive support for limiting the number of pots as well. It was not universally overwhelming.

Dr. Crabtree: Mac, are we talking about moving this to some other amendment and that we would come back to this issue?

Mr. Currin: The discussion so far, Roy, and the motion is to just remove it from 17. Rita made the point that there's some CRPs and I think you were here and heard that. It would be probably prudent to wait until the results of that, but I think the intent is to consider it at some point in the future.

Mr. Cupka: That was certainly the intent of my motion, although I didn't say that, but it was just to take it out of this particular amendment. Certainly we need to come back to it at some point.

Mr. Currin: Would it be best to at this point try to place it into some definite place or just leave it hanging and, as we could, trust the staff to bring it forward at the appropriate time?

Mr. Geiger: Can we get a recommendation from staff if we can put it some place? I'm afraid if we leave it -- We've already moved it now how many times? This has been pushed from pillar to post and if it's our intent not to move forward with this, then let's discuss not doing it, but if we're going to do it, let's put it some place.

Mr. Waugh: Under the Allocation Committee, we discussed how many sub-allocations you might want to do within the commercial sector and so perhaps we should wait until we sort out how we're going to do allocations and then come back and look at this fishery as what needs to be done. If you create a sub-allocation for black sea bass pots, then how do you manage that

sector? It may be cleaner to look at it once we take care of the allocation.

Mr. Currin: That's a good suggestion, I think, Gregg, and it may be done in whatever amendment that is that -- If we do go to sector allocations, it could be done at that point.

Dr. Crabtree: To me, this is something that I would like to do at some point. I think we need some limits on sea bass trap pots. I just want to make sure that it doesn't get lost and exactly where we put it, I don't know. I understand the reasoning for taking it out of this document, but I think it is an issue that -- We have had fishermen come to us asking us to do this and I think there are a lot of reasons not just for the black sea bass fishery, but I have concerns about right whale entanglements and those sorts of things as well. I would like to see us find somewhere at some point, and I don't think we have to decide right now, but just so staff knows this is something we do want to deal with in the short term.

Mr. Currin: I had a call just last week asking about status of this.

Mr. Geiger: To that point, Gregg, would you capture this as an action item and that we don't lose this black sea bass issue, please?

Mr. Currin: That sounds good to everybody, doesn't it? All right, Rick, what have we got? We need to vote on this. The motion is to remove this alternative from Amendment 17. **Is there any objection to that motion? Seeing none, that motion is approved.**

Dr. Crabtree: Mac, we went by the management measures to end overfishing of red snapper and I guess I'm a little concerned. Rick, you really don't have any guidance on that and if we're going to bring this in at the next meeting, don't you need something more on that, in order to put that together?

Mr. DeVactor: George went through this a little bit, but I thought we were going to wait until we get the SSC report and have a presentation in June about a possibility of emergency action at that point. It's up to the committee if you want to give the team guidance.

Dr. Crabtree: I'm not talking about emergency action, but I'm talking about as part of Amendment 16. If we're going to deal with that in this document, then we're going to have rebuilding strategy and rebuilding timeline and all the required components of a rebuilding plan and then we're going to have to have management measures in there that we're going to look at, right?

Mr. Currin: I think you're right. I'm not sure this is the place we need to do that, though.

Dr. Crabtree: I thought we had decided we were -- That's the decision. Do we want to deal with red snapper in this document or do we want to deal with red snapper rebuilding in a separate document? This gets back to what I think the team had some concerns about. If the idea is we've got to have all our alternatives laid out today, then we need to have some real discussion.

I'm not quite sure how to do that, because we don't know what the rebuilding timeline would be right now and I don't think we -- Obviously we don't have any projections or anything like that and I'm not sure we can have those. I guess we could go ahead and ask the Center to give us those, but they would be doing that before the SSC has reviewed the assessment and I suppose that's okay, unless the SSC finds an issue and then you might have to repeat them. We need to think about -- I think we need to give this a lot of thought.

Mr. Waugh: As a part of the assessment -- John, correct me if I'm wrong, but given that is overfished, the assessment report should include various scenarios for rebuilding and rebuilding time periods, just like we've done for other species. That's usually a deliverable. Red snapper has to be addressed and put in these SFA parameters in this amendment.

Dr. Cheuvront: I think there's probably two alternatives that we know that we can put in at this point. One is no action and then the other would be no take. We can't fill it in between yet, but there's no reason why they couldn't start doing the analyses for those two actions and if they need to add more later on, that could happen, but I think those are two things that we definitely would have to consider on this species.

Ms. Smit-Brunello: Couldn't you do a single species amendment that dealt with red snapper, if you didn't want to put it in Amendment 17?

Mr. Waugh: Just remember -- Look back at our schedule we went through in Executive/Finance. There's no way, no way.

Dr. Crabtree: John, help me out here. I think we normally, as part of the deliverables, would get generation time and time to recover in the absence of fishing mortality and so as a deliverable, I guess you can calculate what the maximum rebuilding period is, but we're going to have to look at a series of other rebuilding periods and really, the way we need to come at this is what's the shortest possible time to rebuild this stock and then what's our rationale for lengthening it?

I don't know how we can -- I don't know what to do with that right now, except ask staff to take that information and come up with some things and then there are various ways to rebuild the stock. Are we going to have a constant F rebuilding strategy of some kind or are we going to increase TACs every few years or are we going to close the fishery down and say it's discards only and we're going to have the minimum F we can have in place?

There's a whole lot of things like that that are going to need to be addressed in this and we're not going to see any of that until the next meeting, which will be the first time we've seen it. I don't know what to do with it, except ask staff to develop some alternatives to go with that.

Mr. Waugh: We can do that based on the suite of alternatives that we developed for other SEDAR-assessed species. I think the direction to the team would just be to look to other SEDAR-assessed species and bring that same suite of alternatives. There are a couple of things that we need Bonnie's help in getting the analysts to provide.

We still do not have a table showing total removals in one common unit. They're continuing to not provide that and that's going to be difficult. We still don't have the minimum stock size threshold ratio. They've continued to not provide that. We need those provided to us as soon as possible, but by the June council meeting at the absolute latest.

We can't even construct a table of total removals. We went through this with gag and we thought we had it fixed and it's obviously not fixed. It's the same thing for red snapper and amberjack. At least with amberjack, they calculated the biomass ratio as compared to the minimum stock size threshold, but we don't have that for red snapper.

Dr. Crabtree: I don't know if this is the way the scenario will play out, but I have some indication that it might, from discussions with folks. What are we going to do though if you can close this fishery down and because of the discards, that's not sufficient to end the overfishing and it will not recover in the allowable timeframe?

Now you're in a very difficult situation that is going to require a revamping of how we manage this whole snapper grouper complex and how is staff going to come in -- We need to tell staff how we want to deal with that now. I guess what we're going to be looking at is we're going to have to go in -- It seems to me you would have to go into the logbooks and determine what species are co-caught with red snapper and you would have to go in the MRFSS data and figure all that out and then you're going to have to look at closing down multiple fisheries.

Now, it may be that most of the red snapper is caught in one area and so maybe you just close those fisheries down there. It may be you can do an area closure and close things down, but there's an awful lot of -- If that is what we're faced with here, there are going to be an awful lot of decisions and ways to look at that. That's kind of my concern about the timing with all of this.

Mr. Waugh: I think we've got to eat this elephant one bite at a time. We can't swallow the whole thing. It will just kill the process. What we've got to do in Amendment 17 is prohibit all directed harvest.

We've got to do what we can to reduce the bycatch mortality and then in a future amendment, once we get our other ACLs, figure out how we deal with this across the whole fishery and species. If we try and deal with the entirety of red snapper in this amendment or within the next two years, it's going to kill our process. We've got to do it sequentially.

Mr. Currin: I think you're right, Gregg. It would be the last snapper grouper amendment.

Dr. Crabtree: The problem you have is I don't think we can approve anything you submit to us for a rebuilding plan unless you can demonstrate it has at least a 50 percent probability of rebuilding. I'm not sure submitting a partial attempt at this will work. If you think that biting that apple off is going to take a lot of time and be a real problem, which I think it is, I don't think you're going to have any choice other than to deal with red snapper in a separate amendment.

If you submit something to us that all of the analyses say won't rebuild the stock, we'll disapprove it, because we can't approve it. The courts have already ruled on that. We can't put in place measures that aren't sufficient to rebuild and so you don't have the luxury of saying we're going to take a couple of years to do this. You've got one year after you get I guess a letter at some point, but we're going to have to do it and we're going to have to do it now.

The current thinking now is -- Maybe this is the kind of circumstance where you can justify taking the longest period of time, but in general now, the guidance is to not take the longest amount of time, but that's the problem we've got, Gregg.

If what you're saying is accurate, then to me, it almost says we're going to have to pull this out of this document and deal with it separately. I just don't know how we're going to get it done to go to public hearing in June, because we literally could be looking at shutting down half the species in this complex for an extended period of time or figuring out where are these red snapper being caught and put in placed a big area closure. I just don't know.

Mr. Waugh: I think it's important to get clear guidance from NOAA GC on this. If what Roy has just described is accurate, then we're going to have to look at closing down this fishery, this snapper grouper fishery, for an extended period of time, if the SSC approves this SEDAR assessment.

My understanding of what the results show is that you cannot rebuild red snapper with the existing discard mortality. The only way to do that, if indeed we have to take and rebuild that weak link, then the only alternative is to shut the fishery down. If we can't indeed take this in a step-wise progression, then the analysis is pretty simple.

Mr. Geiger: Gregg, honest to God, I listened to your response to Roy's comments and I didn't hear a difference, because you characterized what we needed to do, was address removals and bycatch. When you address the bycatch, it sets up the scenario that Roy addressed. You all are -
- From me listening to what was said back and forth, I heard the same thing.

Mr. Waugh: It's not going to help us to take it out in another amendment. We can't do another amendment within the next two years. To address what Roy has said, the action is to close the snapper grouper fishery.

Dr. Crabtree: I don't know that. I haven't seen an analysis that shows that. If you mean close it all year, I don't know if that's the case or not, Gregg, and I don't know if that's been looked at. Again, it may be that all the discards are occurring in one area and so yes, you may have to close a big area down. I just don't know and I haven't seen the analysis yet, but I can tell you this, that the law requires that you end the overfishing of red snapper in 2010.

If that can't be done without addressing the bycatch issues, I think you'll have to address the bycatch issues. Monica can comment on that, but I think the law is pretty clear about what has to happen.

Ms. Smit-Brunello: I think that's correct and I think that this is good discussion as well, but Roy is right that we haven't seen the assessment yet and so let's take a look at it when we get it. NOAA General Counsel will tell the Fisheries Service it can't approve a rebuilding plan that just goes partway and doesn't fully rebuild the fishery.

Mr. Harris: I'm just wondering how much effort would be involved -- Since we've already heard that most of the discard mortality comes from the recreational end of the fishery here, how difficult is it to determine where most of that takes place and could we have an alternative at this point in time that would set out some closed areas as one of the alternatives for rebuilding the red snapper fishery?

Mr. Currin: Duane, I don't know whether -- We may know where those areas are. I don't know, but Jack may be able to help us with that or Roy.

Dr. Crabtree: You can certainly look at that. Based on what I understand of it, it's mostly off Florida. You can pull that right off the landings page, but you can go back into the MRFSS data and break it down more carefully and see where they're coming in.

The issue of do you have to close everything down, well, if the whole problem is mostly recreational, then you may only have to close the recreational fishery down, which would go over like a ton of bricks. I just think there's a lot of things to look at and we don't have the answers to any of it now. It might be that a six-month closure of a lot of things down, along with a harvest prohibition, gets you there. I just don't know.

Mr. Currin: We've got a lot of problems, but -- That's an understatement. The immediate problem is how do we deal with what we have to in 17 or if that's infeasible, then how do we accomplish creating another amendment, a separate amendment, with the staff jammed up and got a plateful over the next year-and-a-half or two years? That's the real dilemma. It doesn't make sense to me to try to expand this document in time or on time and have it available for approval in June, including the red snapper.

Dr. Crabtree: An important suggestion to this is let's break for lunch and think about this and talk about this a little over lunch and come back in. How about that?

Mr. Currin: I'm fine with that. Let's come back in early. Let's be back here at 1:15 to start. We've still got one presentation on some work that's been done pre-closure on the MPAs and Stacy is here and we want to make sure we give her an opportunity to tell us about that and we do need to get this committee's business taken care of.

Mr. Geiger: For anybody interested, the State of Florida has an aircraft at the landing strip about a half-mile to north that has an example of the latest forward-looking infrared radar technology and they're actually going to do an over flight and down link to the ground, to show how it operates and you're all welcome to go to the airport and watch that demonstration, if you would like.

Mr. Currin: We'll recess until 1:15.

(Whereupon, the meeting recessed at 11:45 o'clock a.m., March 5, 2008.)

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, Wednesday afternoon, March 5, 2008, and was called to order at 1:12 o'clock p.m. by Chairman Mac Currin.

Mr. Currin: If we could, let's go ahead and reconvene the Snapper Grouper Committee. If we get started now, we'll have eighteen minutes that we can utilize. The Joint Habitat and Ecosystem Committee is going to start at 1:30, or thereabouts, and so we've only got a limited amount of time.

There's a couple or three issues left over in 17. The one we were talking about before we broke was red snapper and how to deal with that. A number of us sat down and discussed this during lunch, over lunch, and I think the consensus, among that group anyway, was that it would best be handled in a separate amendment. I don't know whether we need a motion to do that, Gregg or Rick or --

Mr. Waugh: I think it would be helpful to have a motion saying that you want a separate amendment and the other part is that we would scope it during the public hearings for 16.

Mr. Currin: Yes, we've got planned public hearings for Amendment 16 and we'll tack on a scoping for whatever amendment the red snapper amendment ends up being. I guess that's 19 or whatever. That's at this point not critical, I don't think. **I would entertain a motion to move red snapper from 17 into a separate amendment, with scoping to be conducted in conjunction with public hearings for Amendment 16.**

Mr. Geiger: **So moved.**

Mr. Currin: Motion by George. Is there a second?

Ms. Shipman: Second.

Mr. Currin: Second by Susan. Is there discussion? **Is there any objection to that motion?**

Mr. Geiger: In terms of discussion, I just want to make sure that -- There was a lot of discussion we heard this morning pretty emphatic from Gregg that there was no way we could do another amendment. In fact, during these discussions that were held at lunchtime, there's really no other way to address this, actually, and get it done in a timely manner. We're going to have to figure out how to do that. I've tasked Gregg to go back and look at our planning document, our schedule, and include this amendment and to be able to show us at full council what it's going to look like.

Both Rick and Jack are both very comfortable with moving it out and moving it into a separate

amendment and moving forward with it and so I think it's the most expeditious way to go. We're all onboard and this is the way we're going to attack red snapper.

Mr. Robson: I agree. I would like us to try to do everything we can to get all of this out in front of the public and to get as much feedback as we can as early as we can and particularly in the case of Florida, where it might have a significant impact, what we end up doing. It certainly would help our commission to understand what's going on and be able to react to it a little bit more timely.

Mr. Currin: Any other discussion? **Any objection to that motion? Seeing none, that motion is approved.** Thank you and it's really -- It's another large action to be piled upon the large actions that are already upon us and it's going to take Herculean effort by everybody involved to keep this as close as we possibly can to the timelines that we're held under. We'll do the best we can, as we always have. Rick, what else in 17? We've got two things, I guess. One is the consideration of some species that occur primarily in state waters to be removed from the management unit. This is Action 3 on page 13. I think that's the next one, is it not?

Mr. DeVactor: There's one on 12, but we can do either one first.

Mr. Currin: Go ahead and let's take them in order.

Mr. DeVactor: There's an action on page 12 and it's in Section 2.2.2.3. It's called Measures to Monitor Progress of a Fishery and Reduce Chance of Exceeding ACL. I think this was put in the last committee meeting, where you all were looking at different ways of improving the data collection process to reduce the chance of exceeding the ACL and so you have the no action alternative, which is do not change the methods to monitor the commercial and recreational landings.

Alternative 2 would be to track the landings using logbooks, and this is the commercial sector, dealer reports, and trip tickets and close the fishery when the quota was projected to be met. I believe that this is already being done and so maybe we could put that to the appendix. Alternative 3 deals with the recreational sector, to track landings using MRFSS and headboat and change regulations and/or close the fishery when the allocation is projected to be met. I think we kind of dealt with this before, where we had the accountability measures in the document.

Alternative 4 is to improve recreational catch data, for-hire logbooks, private recreational logbooks. The MRIP program certainly is looking into this in more detail. Alternative 5 is to improve biological sampling. ACCSP has a biological review panel that looks at the biological samples by fishery each year and so that could be handled by ACCSP, possibly.

Alternative 6 is to improve bycatch data and fully implement ACCSP and Alternative 7 is to improve fishery independent surveys. As John mentioned earlier, there's some SEAMAP funding that's going to be applied towards MARMAP, as I understand it. Roger knows more about it than I do, which should improve the MARMAP survey. Those are the seven alternatives currently in the options paper.

Mr. Currin: What's your pleasure on these? Rick mentioned several that are being addressed previously or are being addressed within this amendment, in other ways. Are there others here that are important to continue to include? Do we want to remove some of these or any of these? Do we want to leave them all where they are?

Ms. Merritt: As Rick mentioned, Number 2 is already being done. Isn't that just covered under no action? I would move to remove Alternative 2, since it is covered under no action.

Mr. Currin: Are there others in there that we might want to include in this motion, so we don't have to make a motion on each one? That would be the most efficient way to do it. If we want to remove a number of these, let's remove them. We can't fully implement ACCSP and so let's try to make a list, Rita, if we don't mind, before we make that motion, if that's okay with you.

Mr. Robson: I just have a question about Number 4. Specifically, what are we talking about doing beyond things that are being looked at in the MRIP program that we would put in an amendment to improve recreational catch data?

Mr. Currin: The best I remember, what that was getting at is I guess it would require a permit for all recreational anglers fishing for any snapper grouper species and require that they complete logbooks on their efforts, just as the commercial fishing industry does. Is that correct? Somebody correct me if I'm wrong, but I think that was the intent of that.

Ms. Shipman: I was just looking at Number 3 and it sort of goes to Rita's point about Number 2 is already being done and Number 3 is contemplated in some earlier actions we took and to me, it seems redundant. The accountability measures, I think we've already accounted for that one and so I think that could come out as well.

Dr. Crabtree: I don't really see why we need this whole action in the amendment. It's fine to talk about for-hire logbooks and things like that, but we're not going to implement those in this amendment and so I don't really see that there's any need to have this whole action in here, unless, Rick, you see some need, but it seems like to me that all this is covered. **I would move that we remove this section from the document.**

Mr. Currin: Motion by Roy to remove these measures under 2.2.2.3 from the Amendment 17. Is there a second? Second by Rita. Discussion? Again, there may be some issues here that we want to resurface at some point. No discussion? **Any objection to that motion? Seeing none, that motion is approved.**

Now we're on to Section 3 and is that right, Rick, the fishery management unit. As you recall, we've had some discussions of this in the past. There's some language under Alternative 2 and I guess that came from one of the twelve or thirteen amendments, A, B, or C, with a number of species there. Rick has got projected on the board some analysis that's been done. It's not in our briefing book and these are the percentage of landings, I guess it's total landings, that occur in state waters for a number of different species under our jurisdiction.

I think most of these are Florida species. Many of them are managed by Florida. They do the stock assessments, for example, for mutton snapper and for yellowtail snapper. Just before we reconvened, I had Rick go through and we looked at a number of species that might be removed if we looked at 75 percent of the landings occurring in -- At least 75 percent of the landings occurring in state waters and there were nineteen.

If you go up to 80 percent of the landings that occur in state waters, you remove one species and that's mutton snapper. Granted, that's kind of arbitrary value, but it's three-quarters of the entire landings occurring in state waters and it would seem to be fairly significant. We haven't looked at what would happen if you dropped that down to two-thirds of the landings, sixty-seven-plus percent. You're probably going to add a handful more species. This is what we've got before us, with some additional analysis on the board, for consideration. We'll open the floor for discussion of this action.

Keep in mind, and we heard it earlier, that we've had some concerns expressed by the NGOs, a number of the NGOs, about removing any species from the management unit that's under our jurisdiction, because of concerns that we would be trying to avoid the assessment and setting the ACLs for these things, but Rick has also got some information on the landings themselves and I think those are up there on that chart as well.

Dr. Crabtree: I think we need to be clear that really what we're looking at is whether there's a need for federal management and whether we have any reasonable ability to influence or alter what's going on with these stocks. It seems to me when you have a fishery that's 95 percent in state waters that we're not going to be able to have a significant impact on the status of that stock.

I guess my question would be -- We've got an awful lot of workload right now and these stocks are all status unknown and so the ACLs for these aren't required until 2011. I wonder, is there any benefit from tackling this now, as opposed to tackling this when we do the second ACL amendment that would be the one that would actually address these stocks?

This might be something we could defer to that second amendment and at that point, we would have the benefit of the ACL guidelines having been published and I believe that this is a topic that I think at least is going to be addressed and touched on in those guidelines. Rick, do you see any real advantage from dealing with this in this particular amendment, as opposed to dealing with this in the second ACL amendment?

Mr. DeVactor: No, I don't and I think you bring up a good point, to wait for the ACL guidelines and see what that says, so that we don't go ahead with something that's very different than what's in the ACL guidelines. It could save us time if we waited, possibly.

Dr. Crabtree: **I think, Mr. Chairman, I would move that we defer this portion of this document to the second ACL document and we revisit it then.**

Mr. Currin: Motion by Roy to move the consideration of removal of species from our management unit to the second ACL document.

Mr. Cupka: Second.

Mr. Currin: Second by David. Is there discussion?

Mr. Robson: I think this is a good idea and that will also give -- Particularly for a number of these species, it will give the State of Florida a chance to look at it and coordinate -- If they do get taken out of the fishery management unit for the federal side, to ensure that they're managed appropriately at the state level and I think we can certainly address any concerns that there might be about that.

Mr. Currin: We certainly want to make sure nothing falls through the crack here, even as minor as they are. Is there further discussion? **The motion is to move the action intended to remove species from the fishery management unit to the second ACL document. Any objection to that motion? Seeing none, that motion is approved.**

I think the last one is Number 4 and we've got four minutes to do it. That's perfect. I think it will work. We've got the extension of the snapper grouper regulations into the Mid-Atlantic Fishery Management Council's jurisdiction and this is for, I think, just deepwater groupers and tilefish. It excludes -- We certainly don't want to include black sea bass, golden tile, and scup, which are already managed under the Mid-Atlantic. Rick, did I miss something or --

Mr. DeVactor: I think it would apply to all the species, as it's written now, in the snapper grouper FMU, for the exception of black sea bass, golden tilefish, and scup, which are managed by the Mid-Atlantic Council. That's as it is written now.

Mr. Currin: Thank you for correcting me. All of our species, with the exception of black sea bass, golden tilefish, and scup. Is there discussion?

Dr. Crabtree: Red, has this been discussed by the Mid-Atlantic Council and how do they feel about it?

Mr. Munden: I briefed the Mid-Atlantic Council after our December meeting about Amendment 17 and I heard no opposition expressed by any of the council members. Mr. Chairman, I would request that whenever we hold the public hearings that there be several public hearings in the Mid-Atlantic area of jurisdiction, primarily in the Virginia Beach and Hampton, Virginia area and probably Ocean City or Cape May. I would be glad to discuss that with the Mid-Atlantic Council, but I'm not aware of any opposition to extending the range for the snapper grouper plan north of the North Carolina/Virginia border.

Mr. Currin: Thank you, Red. When we start trying to schedule those, perhaps those hearings could be scheduled in conjunction with some hearings already scheduled by the Mid-Atlantic, to include this issue. That would certainly be the most efficient. Is there other discussion? Is there

a motion to include this in Amendment 17 or to move it somewhere else?

Mr. Munden: So moved, Mr. Chairman.

Mr. Currin: Which one, to include it, I presume?

Mr. Munden: Include it.

Mr. Geiger: Second.

Mr. Currin: Actually, I don't think I need a motion to include it, but it was just to exclude it. Everybody is comfortable with that? All right. We'll keep that, as long as the staff is comfortable as well. What else have we got, Rick? We've got timing and I think we've talked about that some.

Mr. Waugh: Just one question there. If we do that, then we're going to continue to have the harvest of particularly those deepwater species, and snowy is the main one, continue. We're going to have a very low recreational allocation for our area and they will greatly exceed that amount in the Mid-Atlantic's area and we're going to let that continue until we pick this up in the second ACL document.

That was the purpose of considering this extension, was particularly to provide some additional protection for snowy grouper and also the deepwater species and so just to make sure everybody is aware of that.

Mr. Currin: Are you under the impression that we were removing this from the amendment? I think you're looking at the removal of species from the fisheries management unit, the previous one.

Mr. Waugh: I'm sorry. The extension of the management unit is still there?

Mr. Currin: Yes.

Mr. Waugh: I apologize.

Mr. Currin: No problem. Everybody is comfortable with that? Okay. What else have we got, Rick? Is that all the business to come before the Snapper Grouper Committee? Thank you all, very much. We're done with our business at this point.

(Whereupon, the meeting adjourned at 1:33 o'clock p.m., March 5, 2008.)

Snapper Grouper Committee
Jekyll Island, GA
March 4-5, 2008

Certified By: _____ Date: _____

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April 2008

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

**Jekyll Island Club Hotel
Jekyll Island, GA**

March 4-5, 2008

TABLE OF MOTIONS

PAGE 12: Motion to alter Alternative 4 to indicate the intent to use dealer reporting to track quotas and remove the reference to the state trip ticket and logbook programs. The motion carried on page 13.

PAGE 21: Motion to adopt Alternatives 2, 3, and 5A as preferred. The motion carried on page 21.

PAGE 28: Motion to adopt Alternative 2 as the preferred. The motion carried on page 28.

PAGE 29: Motion that Alternative 3A be the preferred alternative. The motion carried on page 30.

PAGE 31: Motion that Alternative 4D be the preferred alternative, except that the closed season would extend through May 15. The motion carried on page 32.

PAGE 36: Motion to adopt Alternative 5C as the preferred alternative. The motion carried on page 36.

PAGE 46: Motion to approve Amendment 16 for public hearing. The motion carried on page 46.

PAGE 107: Motion to retain Alternatives 5A through 5D in Amendment 17. The motion carried on page 112.

PAGE 113: Motion to remove Alternative 5A from Amendment 17. The motion carried on page 113.

PAGE 120: Motion to exclude Sub-Alternative 5D from Amendment 17. The motion carried on page 120.

PAGE 121: Motion to delete Alternative 4 from Amendment 17. The motion carried on page 122.

PAGE 128: Motion to move red snapper from Amendment 17 into a separate amendment, with scoping to be conducted in conjunction with public hearings for Amendment 16. The motion carried on page 128.

PAGE 130: Motion to remove 2.2.2.3 from the Amendment 17. The motion carried on page 130.

PAGE 131: Motion to move the action intended to remove species from the fishery management unit to the second ACL document. The motion carried on page 131.

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** Members will be appointed to the
Bluefish, Calico Scallop, and
Dolphin/Wahoo Committees, if these
committees need to meet during the
year.

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Am 30A AMS

(1) * * *

(iii) Recreational quota for greater amberjack. The bag and possession limit for greater amberjack in or from the Gulf EEZ is zero.

* * * * *

7. Section 622.49 is added to subpart C to read as follows:

§ 622.49 Accountability measures

(a) Gulf reef fish--(1) Greater amberjack. (i) Commercial fishery. If commercial landings, as estimated by the SRD, reach or are projected to reach the applicable quota specified in § 622.42(a)(1)(v), the Assistant Administrator for Fisheries, NOAA, (AA) will file a notification with the Office of the Federal Register to close the commercial fishery for the remainder of the fishing year. In addition, if despite such closure, commercial landings exceed the quota, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the quota for that following year by the amount of the overage in the prior fishing year.

(ii) Recreational fishery. If recreational landings, as estimated by the SRD, reach or are projected to reach the applicable recreational quota specified in § 622.42(a)(2)(ii), the AA will file a notification with the Office of the Federal Register, to close the recreational fishery for the remainder of the fishing year. In addition, if despite such closure, recreational landings exceed the quota, the AA will file a notification with the Office of the Federal Register, at or near

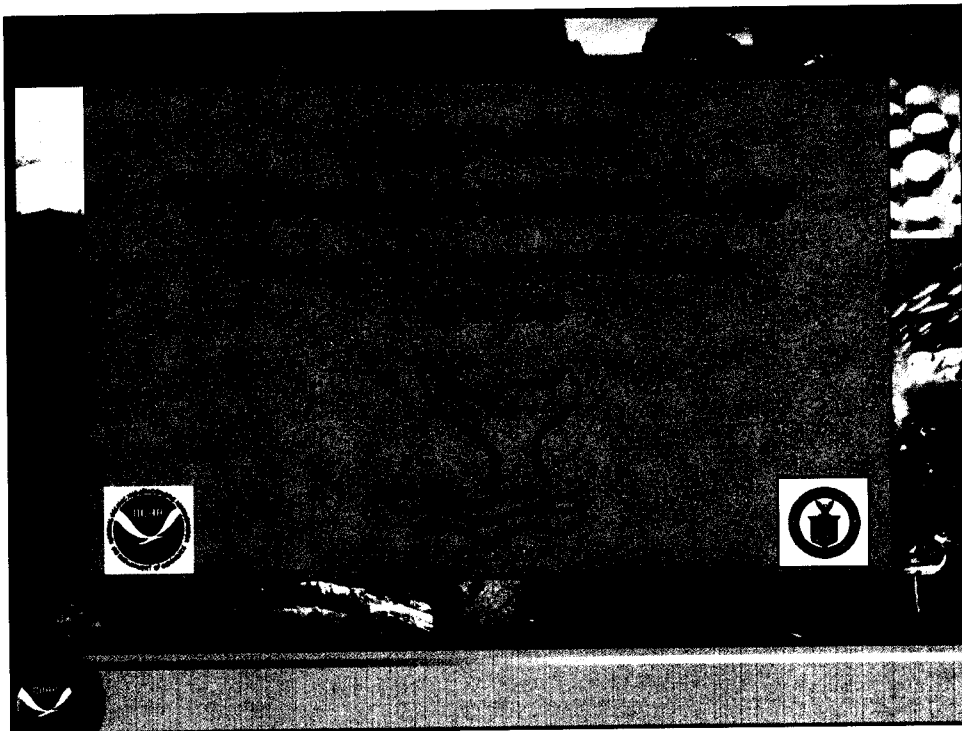
the beginning of the following fishing year, to reduce the length of the recreational fishing season for the following fishing year by the amount necessary to recover the overage from the prior fishing year. If necessary, the AA may file additional notification with the Office of the Federal Register to adjust the reduced fishing season to ensure recreational harvest achieves but does not exceed the intended harvest level.

(2) Gray triggerfish--(i) Commercial fishery. If commercial landings, as estimated by the SRD, reach or are projected to reach the applicable quota specified in § 622.42(a)(1)(vi), the AA will file a notification with the Office of the Federal Register to close the commercial fishery for the remainder of the fishing year. In addition, if despite such closure, commercial landings exceed the applicable annual catch limit (ACL), the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the quota for that following year by the amount the prior-year ACL was exceeded. The applicable ACLs are 105,000 lb (47,627 kg) for 2008, 122,000 lb (55,338 kg) for 2009, and 138,000 lb (62,596 kg) for 2010 and subsequent fishing years.

(ii) Recreational fishery. If recreational landings, as estimated by the SRD, exceed the applicable ACL, the AA will file a notification with the Office of the Federal Register reducing the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational target total allowable catch for that following

fishing year. The applicable ACLs are 394,000 lb (178,715 kg) for 2008, 426,000 lb (193,230 kg) for 2009, and 457,000 lb (207,291 kg) for 2010 and subsequent fishing years. The recreational target total allowable catches are 356,000 lb (161,479 kg) for 2009 and 405,000 lb (183,705 kg) for 2010 and subsequent fishing years. Recreational landings will be evaluated relative to the applicable ACL as follows. For 2008, only 2008 recreational landings will be compared to the ACL; in 2009, the average of 2008 and 2009 recreational landings will be compared to the ACL; and in 2010 and subsequent fishing years, the 3-year running average recreational landings will be compared to the ACL.

(b) Reserved.



Preliminary Economic Analysis of Recreational Fishing in the Proposed GRNMS Research Area

Georgia Saltwater Fishing Statistics 2008

148,000 Georgia Saltwater Anglers
1,707,000 Georgia Saltwater Fishing Days

Total Economic Impact of Saltwater Fishing in Georgia in 2008:

Total Expenditures	\$118,260,000
Total Impact – Sales	\$153,361,000
Total Impact – Income	\$63,021,000
Total Impact – Employment	1,892

Sources: Southern Sportfishing Association, Sportfishing in America, January 2009
 US Fish and Wildlife Service, 2008 National Survey of Fishing, Hunting and Wildlife
 Association, November 2008
 NOAA, 2008, Marine Angler Expenditures in the Southeast Region, 2008
 NOAA, 2008, The Economic Importance of Marine Angler Expenditures
 in the United States, 2004

Methodology and Assumptions

•GRNMS boat location data sources: multiple, including aerial photography and on water GRNMS and DNR patrol boat records.

•Boat location data spans 1999 to 2007. 1,286 boat locations identified.

•Approximately 50 percent of these occurred on fishing tournament days. No difference in spatial distribution of kingfish tournament days compared with non-tournament days.

•Assumptions for GRNMS fishing analysis:

-All boats identified are fishing

-Average of 4 fishers per boat

-Trip expenditure profile of charter boats used for trip expenditure profile of tournament boats

-50 percent private/rental and 50 percent charter/tournament

-95 percent Georgia resident and 5 percent non-resident

•This analysis assumes that all economic value associated with the areas closed are lost. Any factor that could mitigate or off-set the level of impact is not addressed. The estimated impacts are thought of as "maximum potential losses." Rarely does society fail to at least mitigate or off-set most losses.

GRNMS Fishing Expenditures

4,694 person days = \$2,017,340 total fishing expenditures

(Statistical analysis of boat location data estimated a typical year of person days of fishing within GRNMS.)

GRNMS		Average Person Day Expenditures		Total Expenditures	
Trip Expenditures	Mode	Resident Spenders (\$)	Nonresident Spenders (\$)	Resident Spenders (\$)	Nonresident Spenders (\$)
Private Transportation	Charter	17	7	78,759	508
	Private/Rental	7	19	18,524	1,142
Food	Charter	30	25	85,857	2,595
	Private/Rental	14	38	31,682	4,155
Lodging	Charter	28	41	122,295	1,782
	Private/Rental	349	27	879,355	2,189
Public Transportation	Charter	19	116	34,371	12,881
	Private/Rental		41		4,914
Boat Fuel	Charter	13	13	34,103	2,495
Charter Fee	Charter	178	144	887,892	16,655
Accessory/Boat Lending	Charter	6	7	12,985	321
	Private/Rental	3	4	12,785	456
Equipment Rental	Charter	195	77	488,718	6,980
	Private/Rental		11		1,308
Bait	Charter	13	18	28,031	1,855
	Private/Rental	11	3	25,090	987
Ice	Charter	2	4	4,844	481
	Private/Rental	2	3	2,389	378
Total	Charter	808	421	1,555,918	55,425
	Private/Rental	148	181	814,891	18,364

Scenario 1: Optimal scientific option

RA Selection Criteria:

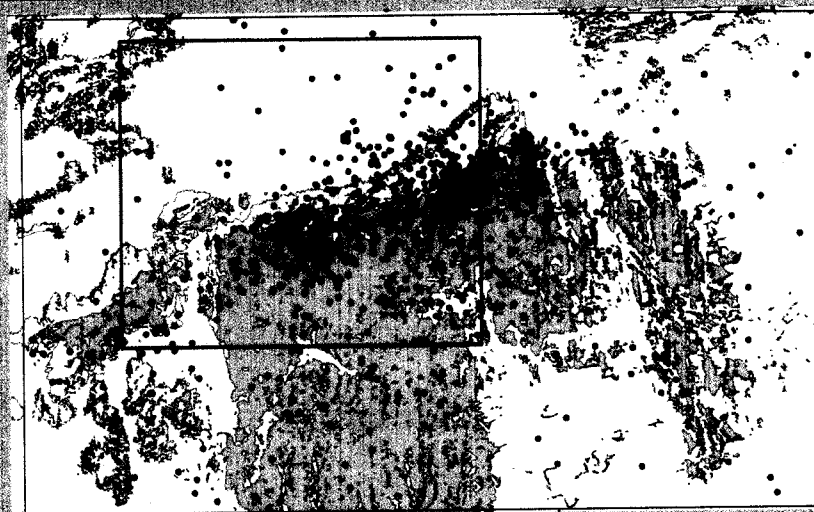
- 4 by 4 km squares
- 30 of each edge type (S, M, T)
- Representative proportions of other bottom types

Resulting Characteristics:

- 6 options
- Sufficient edge and other bottom types are outside the RA and available for comparative research (and fishing)
- All options include the data buoy
- All options include Long Term Mon. site
- Encompass ~2/3 of boat sightings



Research Area Scenario 1 (with boat locations)



Scenario 1 Impacts to Fishing Expenditures

87.0 percent of GRNMS fishing impacted = \$1,351,651

GRNMS		Expenditure Impacts Scenario 1	
Tie Expenditures	Mode	Estimated Expenditures (\$)	Estimated 80% Expenditures (\$)
Private Transportation	Charter	54,508	500
	Private Rental	10,867	785
Food	Charter	44,820	1,974
	Private Rental	21,548	2,770
Lodging	Charter	81,540	3,211
	Private Rental	440,105	2,125
Public Transportation	Charter	23,020	5,641
	Private Rental	-	3,225
Boat Fuel	Charter	25,200	1,795
	Private Rental	208,371	11,552
Access/Boat Launching	Charter	8,540	800
	Private Rental	9,585	304
Equipment Rental	Charter	287,915	6,870
	Private Rental	-	273
Bait	Charter	18,781	1,228
	Private Rental	16,811	635
Ice	Charter	2,910	323
	Private Rental	3,915	213
Total	Charter	749,079	23,885
	Private Rental	546,917	12,689



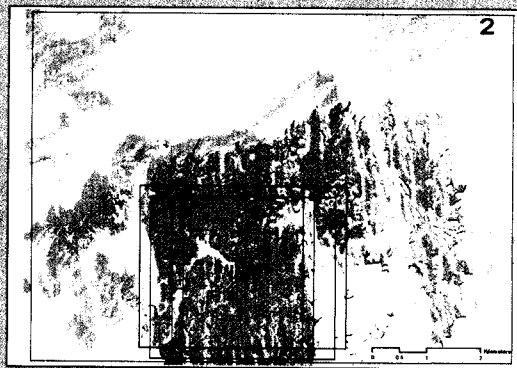
Scenario 2: Minimize fishing displacement

Selection Criteria:

- 3 by 3 km squares
- 30 of each ledge type (S, M, T)
- Lowest level of fishing impact

Resulting Characteristics:

- 19 options
- Sufficient ledge and other bottom types are outside the RA and available for comparative research (and fishing)
- Little if any flat sand included
- No options include the data buoy
- No options include Long Term Mon. site
- Encompass ~15% of boat sightings, not in main fishing area



Scenario 3: Compromise option

Selection Criteria:

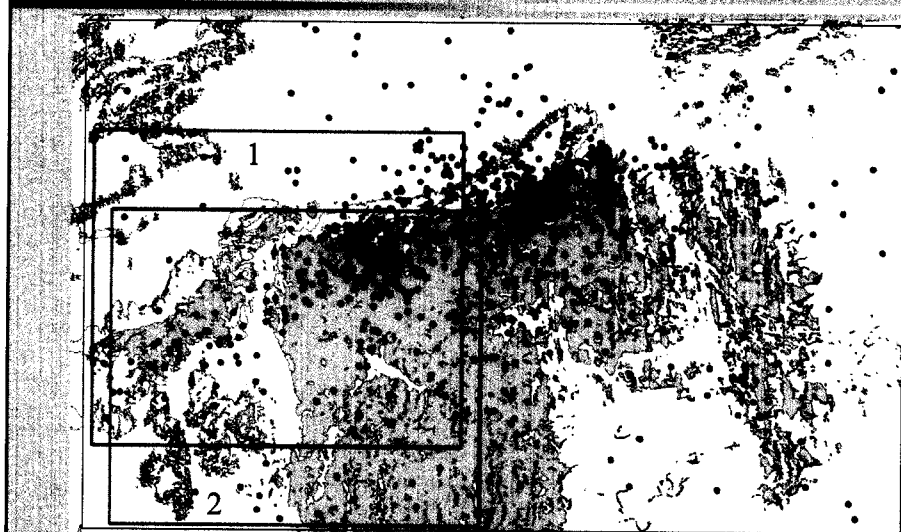
- 4 by 4 km squares
- 30 of each ledge type (S, M, T)
- Lower level of fishing
- Representative proportions of other bottom types

Resulting Characteristics:

- 22 options
- Sufficient ledge and other bottom types are outside the RA and available for comparative research (and fishing)
- No options include the data buoy
- All options include Long Term Mon. site
- Encompass ~1/3 of boat sightings



Research Area Scenario 3 (with boat locations)



Scenario 3 Impacts to Farming Expenditures

Boundary 1: 100 percent of domestic fishing imported = \$724,825
Boundary 2: 50.0 percent of domestic fishing imported = \$361,700
Boundary 3: 25.0 percent of domestic fishing imported = \$180,850

Senior & Southeast Ordway

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- SEE quadrant of CFMMS

Resulting Opportunities

- 1 system
- Includes a number of short (22), medium (23), and tall (25) ranges
- No list and included
- Most large types are outside for comparative research (and flinting)
- Long Term Mon. site and data fully included
- Encompasses 9% of books
- Much less prior research



Research Area Scenario 4 (with boat locations)



Scenario 4 Impacts to Fishing Expenditures

6.7 percent of GRWAS fishing impacted = \$136,168

Expenditure		Expenditure Impacts Scenario 4	
Trip Expenditure	Mode	Resident Expenditure (\$)	Nonresident Expenditure (\$)
Private Transportation	Charter	2,708	54
	Private/Rental	1,037	76
Food	Charter	4,485	197
	Private/Rental	2,135	277
Lodging	Charter	5,194	321
	Private/Rental	44,818	212
Public Transportation	Charter	2,303	584
	Private/Rental	-	323
Boat Fuel	Private/Rental	9,535	180
Charter Fee	Charter	25,637	1,132
Access/Boat Launching	Charter	584	88
	Private/Rental	587	23
Equipment Rental	Charter	28,762	527
	Private/Rental	-	84
Bait	Charter	1,379	123
	Private/Rental	1,591	83
Ice	Charter	291	32
	Private/Rental	385	21
Total	Charter	78,997	3,499
	Private/Rental	56,069	1,574

Scenario 5: Southwest Quadrant

Selection Criteria:

- SW quadrant of GRNMS

Resulting Characteristics:

- 1 option
- Insufficient number of tall (21) ledges inside
- All bottom types are included
- Most ledge types are outside for comparative research (and fishing)
- Long-Term Mon. site and data buoy excluded
- Encompasses 10% of boats
- Much less prior research



Research Area Scenario 5 (with boat locations)



Scenario 5 Impacts to Fishing Expenditures

14.5 percent of GRNMS fishing impacted = \$292,295

GRNMS		Expenditure Impacts Scenario 5	
Trip Expenditures	Mode	Baseline Expenditures (\$)	Non-impacted Expenditures (\$)
Private Transportation	Charter	5,332	117
	Private/Rental	1,220	185
Food	Charter	5,894	427
	Private/Rental	4,817	589
Lodging	Charter	17,718	894
	Private/Rental	97,150	459
Fuels Transportation	Charter	4,980	1,280
	Private/Rental		587
Boat Fuel	Charter/Rental	7,839	389
	Charter	97,803	5,449
Access/Boat Launching	Charter	1,506	119
	Private/Rental	1,593	54
Equipment Rental	Charter	42,242	1,013
	Private/Rental		189
Bait	Charter	4,091	289
	Private/Rental	3,635	137
Ice	Charter	529	70
	Private/Rental	791	46
Total	Charter	195,189	7,382
	Private/Rental	115,079	2,749

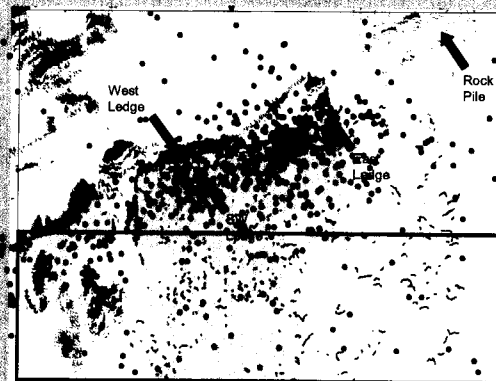
Scenario 6 – Southern Expansion (with boat locations)

Selection Criteria:

- Enlarge from southern border until 30 ledges of each types are included (S, M, T)

Resulting Characteristics:

- 1 option
- 2.41 by 8.5 km
- 21.28 km²
- 30 short, 52 medium, 36 tall
- All bottom types are included
- Sufficient ledge and other bottom types are outside for comparative research (and fishing)
- Long Term Mon. site and data buoy excluded
- Encompasses 8.5% of boats



Scenario 6 Impacts to Fishing Expenditures

0.2 percent of GROSS fishing impacted = \$10.6M

[illegible]

Summary

It is suggested that the economic impact of a research area on Georgia recreational fishing will be between 0.01% (scenario 4) and 1.17% (scenario 11) of statewide economic activity. This is considered to be the maximum potential loss.

Business #	Business #	% GROSS SALES Impact	Impacted GROSS Percent Date	Impact to GROSS Sales Filing	% Impact to G4 Percent Days of Sales Filing	% Impact to G4 Total Sales Filing
1	1	5.3%	5.4%	\$1,581,681	0.58%	1.3%
2	2	12.4%	5%	\$2,650,046	0.95%	0.2%
3	3	12.2%	57%	\$2,648,176	0.95%	0.2%
4	4	6.8%	41%	\$177,404	0.06%	0.0%
5	5	6.3%	5%	\$179,716	0.06%	0.1%
6	6	6.3%	1.8%	\$174,123	0.06%	0.1%
7	7	6.2%	1.8%	\$957,190	0.34%	0.8%
8	8	5.1%	31%	\$154,165	0.05%	0.1%
9	9	4.3%	50%	\$263,705	0.09%	0.2%
10	10	3.2%	40%	\$145,552	0.05%	0.1%

Scoping for Research Area Draft Environmental Impact Statement

Send comments to:

GRNMS, 10 Ocean Science Circle, Savannah, Georgia 31411
email: grnms.researcharea@noaa.gov
Fax: 912/598-2367

Public meetings 6:00-8:00 p.m.

- March 18 - Camden Public Library, Kingsland, Georgia
- March 20 - Armstrong Center, Savannah, Georgia
- March 24 - Statesboro Regional Library, Statesboro, Georgia
- March 25 - Stevens Wetlands Center, Richmond Hill, Georgia
- March 27 - Best Western Sea Island Inn, Beaufort, South Carolina

<http://graysreef.noaa.gov> for more information



Spearfishing and Gray's Reef NMS

■ Considered for regulation 1981 – only powerheads prohibited

■ Complete prohibition considered 2003

■ No changes 2006 – only socioeconomic survey



Spearfishing and Gray's Reef NMS

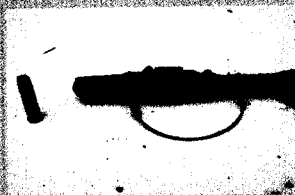
Concerns - Compatible with resource protection?

- ✓ Highly efficient gear
- ✓ Alters abundance, size structure
- ✓ Greater overall impact on reef fishes than hook and line fishing
- ✓ Effectiveness and efficiency resulted in overharvest and restrictions
- ✓ Restrictions imposed many other parts of the world
- ✓ Targets the largest fish
- ✓ Selective fishing on males can make population susceptible to sperm limitation
- ✓ Spearfishing removes more biomass per outing (i.e., larger fish)
- ✓ Largest fish important as predators maintaining balanced/complete ecosystem; causes ecological imbalance
- ✓ Spearfishing alters fish behavior; fish move to different (and perhaps less favorable) habitats

Spearfishing and Gray's Reef NMS

Concerns - Compatible with resource protection?

- ✓ Vulnerable pre-spawning aggregations of gag occur at GRNMS
- ✓ Regulatory discards are dead; no catch-and-release spearfishing
- ✓ Allowing spearfishing at GRNMS makes enforcement of powerhead ban difficult or impossible



Spearfishing and Gray's Reef NMS

Socioeconomic Assessment

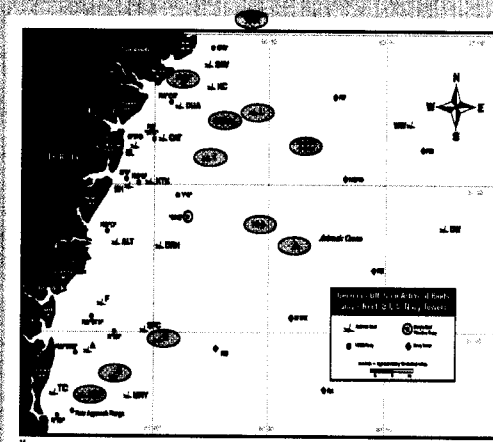
- ✓ No dive charters go to GRNMS
"Break even" business
- ✓ Dive club one trip a year (1 day, six divers)
- ✓ Private boat-based use estimated $\leq 1\%$ of all fishers
- ✓ Private boat-based survey difficult, cost prohibitive *"A statistically valid sample would be nearly impossible to obtain."*



Spearfishing and Gray's Reef NMS

Socioeconomic Assessment

- ✓ Abundant substitution opportunities
- ✓ Bottom line:
No measurable economic impact.



Spearfishing and Gray's Reef NMS

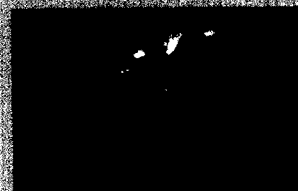
■ Concerns – Does spearfishing equal hook-and-line fishing?

- ✓ Hook-and-line fishermen usually reach bag before catching the largest fish; bag dominated by smaller fish
- ✓ Spearfishing bag usually includes the largest fish
- ✓ Numbers of spearfishermen relative to anglers is small
- ✓ Banning of spearfishing will have little or no socioeconomic impact
- ✓ Banning of all fishing could have more of a socioeconomic impact

Spearfishing and Gray's Reef NMS

■ Next Steps:

- ✓ Regulations Request for SAFMC – June 2008?
- ✓ Draft Environmental Assessment - Summer 2008?



Spearfishing and Gray's Reef NMS

Existing regulation:

(5)

(i) Injuring, catching, harvesting, or collecting, or attempting to injure, catch, harvest, or collect, any marine organism, or any part thereof, living or dead, within the Sanctuary by any means except by use of rod and reel, handline, or spearfishing gear without powerheads.

(ii) There shall be a rebuttable presumption that any marine organism or part thereof referenced in this paragraph found in the possession of a person within the Sanctuary has been collected from the Sanctuary.

(6) Except for possessing fishing gear stowed and not available for immediate use, possessing or using within the Sanctuary any fishing gear or means except rod and reel, handline, or spearfishing gear without powerheads.

Possible regulatory language:

(5)

(i) Injuring, catching, harvesting, or collecting, or attempting to injure, catch, harvest, or collect, any marine organism, or any part thereof, living or dead, within the Sanctuary by any means except by use of rod and reel, and handline gear.

(ii) There shall be a rebuttable presumption that any marine organism or part thereof referenced in this paragraph found in the possession of a person within the Sanctuary has been collected from the Sanctuary.

(6) Except for possessing fishing gear stowed and not available for immediate use, possessing or using within the Sanctuary any fishing gear or means except by use of rod and reel, and handline gear.





Socioeconomic Assessment of Georgia Offshore Spearfishing

Rod Ehler, Economist
NOAA National Marine Sanctuary Program
February 2008

Spearfishing was considered for regulation during the original 1981 GRNMS designation and again during the management plan review from 1999 until 2006. Spearfishing with powerheads was prohibited in 1981 and, although a prohibition on all spearfishing in the sanctuary was proposed with the draft revised management plan, no changes were made in the 2006 final plan. The sanctuary concluded, instead, that there was little data on the actual level of spearfishing at GRNMS and the sanctuary would, therefore, gather additional socioeconomic information on this activity in GRNMS and review the issue again in two years.

Results from the socioeconomic study indicate that no dive charters made spearfishing trips to GRNMS in recent years and none plan to in the future. A scuba club reported one spearfishing trip (1 day, six divers) a year to GRNMS. A small amount (no more than 1 percent of all fishing) of private boat based spearfishing at GRNMS can be assumed, but has not been documented. The combination of no charter spearfishing activity at GRNMS and the abundant substitution opportunities lead to the conclusion that a prohibition on spearfishing at GRNMS would result in no measurable economic impact.

Dive Charter Interviews

In September 2007, in-person interviews were conducted with all businesses and organizations offering scuba diving trips along the Georgia coast. Four charter scuba diving operations and one scuba diving club were identified and interviewed. The interviews gathered information that included operating profiles, preferred diving locations and methods, detailed business data (revenue and costs), and general opinions of the current state of scuba diving and spearfishing off the Georgia coast. A total of 10 businesses offering scuba diving charter trips at some point during the past 5 years off the Georgia coast were identified. Of these, only 4 currently remain in business. Three are associated with dive shops and one is charter boat only. The 6 others have either gone out of business, moved away from the area, or are dive shops that no longer operate charter trips.

Findings

Person-Days of Scuba Diving

Dive charters reported a total of 1,747 person-days of scuba diving off the Georgia coast in 2007. Approximately 55 percent of these person-days were non-consumptive (no spearfishing) person-days, 44 percent were consumptive (spearfishing) person-days, and the remaining 1 percent was sightseeing/sportfishing. None of these person-days occurred at GRNMS.

One scuba club reported a total of 24 person-days of scuba diving off the Georgia coast with 6 of these person-days spent at GRNMS.

A person-day is defined as one person undertaking an activity for any part of a day or a whole day.

Revenue and Operating Costs

The table below summarizes the revenue and operating costs of the Georgia offshore scuba diving charter fleet as of 2007. Charter operations appear to be a break even business with most stating that they use it to get customers in the dive shop. It is important to note that major variable and unexpected costs are not factored in to the table. These variable costs typically include major engine repair or replacement and equipment repair or replacement.

Table 1. Revenue and Operating Costs of the Georgia Offshore Scuba Diving Charter Fleet, 2007

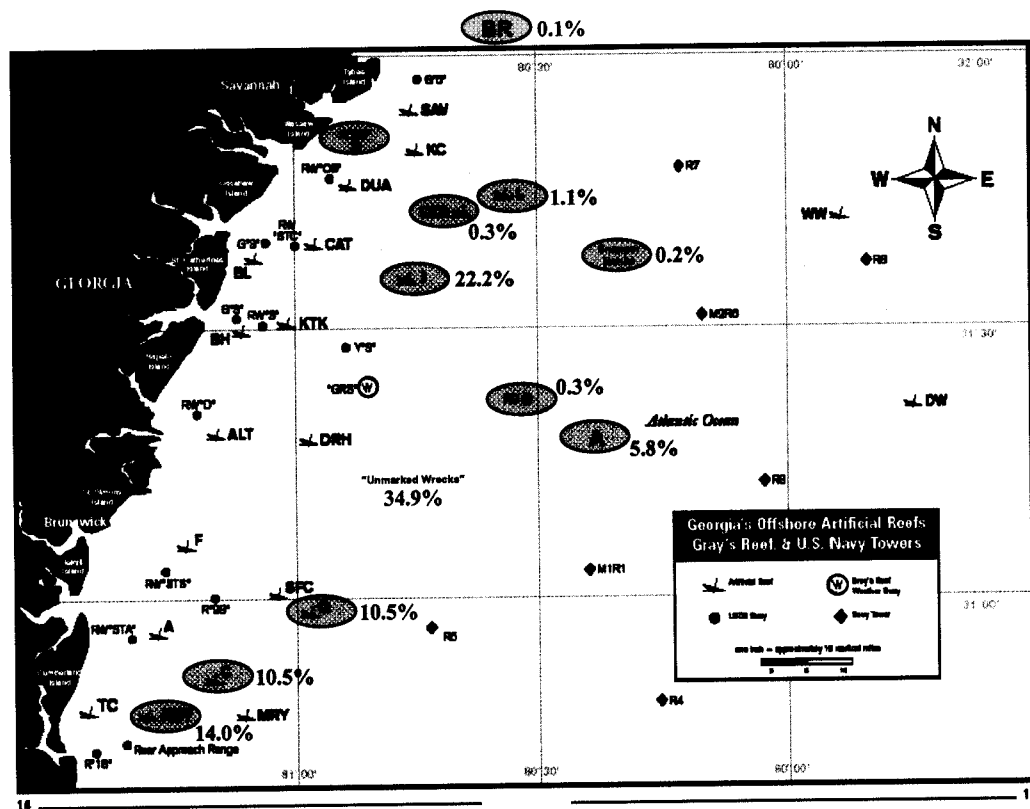
Gross Revenue from Charter Diving	100,000
Operating Costs	
Wages, Salaries and Benefits	3,500
Fuel	21,180
Repair & Maintenance	6,200
Equipment Rental and Leasing	41,920
Dock	7,200
Insurance	6,800
Interest Payments	15,600
Total Operating Costs	101,800
Loss from Charter Diving	(1,800)

Preferred Spearfishing Locations

Figure 1 below is a map of Georgia's offshore artificial reefs, US Navy towers and Gray's Reef NMS. The spearfishing locations mentioned during the interviews are indicated with green ovals, the percentage of reported visitation is indicated with red numbers, and GRNMS is marked with a red circle. The map demonstrates the extensive substitution opportunities for scuba diving and spearfishing that exist off the Georgia coast. Even if there were significant levels of spearfishing activity reported at GRNMS, the network of other locations would significantly decrease any economic impact. The single most popular site is J Reef. "Unmarked wrecks" are where the majority of trips are made.

GRNMS's location, 17.5 nautical miles off Sapelo Island and more than 30 nautical miles from Savannah and Brunswick, makes accessing the sanctuary difficult. The map below demonstrates the multitude of spearfishing opportunities that exist closer to the primary access points of Savannah and Brunswick.

Figure 1. Georgia Preferred Scuba Diving Locations as Reported by Dive Charters and One Scuba Diving Club.



Comments and Opinions from the Interviews

The interviewees expressed comments and opinions concerning spearfishing at GRNMS. Below is a summary of these comments and opinions.

I haven't been to GRNMS in two years
Don't plan on going back to GRNMS
Not enough reef at GRNMS, too patchy
Drift dive only at GRNMS, too difficult for most divers
The better spots are Snapper Banks and J Reef
I don't trust people diving at GRNMS
Too many sharks at GRNMS
Visibility not reliable at GRNMS
GRNMS is valuable for advertising to out of state
customers, then we take them to better locations
Make no money running dive charter business in GA,
it just gets customers into the store

Private Boat Based Spearfishing at GRNMS

A formal study of private boat based spearfishing at GRNMS has not been undertaken. A small amount (no more than 1 percent of all fishing) of private boat based spearfishing at GRNMS can be assumed, but has not been documented. This is based on on-water observations from fishermen, scuba divers, and researchers. As mentioned above, any potential economic cost would likely be absorbed by the multiple substitution opportunities off the Georgia coast.

A formal economic study of private boat based spearfishing would be difficult and cost prohibitive to complete. A telephone survey would not be feasible due to the extremely high number of calls that would be required to identify spearfishers who visit GRNMS. A statistically valid sample would be nearly impossible to obtain. Only a very small fraction of calls would result in a spearfisher who visits GRNMS. On-water surveys are also not feasible due to the open ocean weather conditions. Additionally, surveys would be opportunistic with no valid sampling method.

Gray's Reef NMS and Spearfishing

Concerns: Compatible with resource protection?

- Highly efficient harvesting gear
- Alters abundance and size structure of grouper and other fish populations (Chapman and Kramer 1999; Jouvenel and Pollard 2001; Matos-Caraballo et al. 2006)
- Shown to have greater overall impact on reef fishes than hook and line fishing (Meyer 2007)
- Effectiveness and efficiency has resulted in overharvest and restrictions on the fishery
- Restrictions imposed many other parts of the world (e.g., Colla et al. 2004)
- Targets the largest fish (Sadovy et al. 1994; Morales-Nin et al. 2005; Myer 2007)
- Selective fishing on males can make the population susceptible to sperm limitation (Alonzo and Mangel 2004)
- Spearfishermen remove more biomass per outing (i.e., larger fish) than other recreational fishing modes (Morales-Nin et al. 2005)
- Largest fish important as predators maintaining balanced/complete ecosystem; selective removal causes ecological imbalance (McClanahan and Muthiga 1988; Dulvy et al. 2002)
- Spearfishing alters fish behavior, causing fish to move to different (and perhaps less favorable) habitats (Jouvenel and Pollard 2001)
- Vulnerable pre-spawning aggregations of gag occur at GRNMS
- There is no catch-and-release spearfishing
- Regulatory discards are dead
- Allowing spearfishing at GRNMS makes enforcement of powerhead ban difficult or impossible
- Hook-and-line fishermen usually reach the bag limit before catching the largest fish; the bag is dominated by smaller fish; spearfishing bag usually includes the largest fish

PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

Snapper Grouper Committee Jekyll Island, GA Tuesday, March 4, 2008

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

FENTRESS MUNDEN (MAFMC)	252-808-8009	PO Box 769 MOREHEAD CITY NC
Eileen Dougherty EAF	243-737-4400	Charleston, SC
TONY DEFALCO, MFCN	503-234-3505	4184 SE DIVISION, PORTLAND, OR 97202
BOB SPANGLER	912-598-2381	10 OCEAN SCIENCE Circle SA 31411
Dick Brame	910-338-0012	WILMINGTON, NC
CAROLYN BELCHER (GADNR)	912-264-7218	BRUNSWICK, GA
Robert Hawk	893-737-1207	215 04 Rd, Columbia, SC 29205
DAVE Allison	202-933-3900 Oceana	WA D.C.

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

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Snapper Grouper Committee
Jekyll Island, GA
Tuesday, March 4, 2008

<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
Amanda Dengard USC School of Law (Student)	843 708 2493	1001C Bent Tree Lane, Columbia, SC 29210
Tyler Arnold (USC Law)	803 400 1881	1100 Pulaski St #318 Columbia, SC 29201
Meg Boyle Food & Water Watch	202 683 2445	1616 P St NW Ste 300 Wash., DC 20036
DANIEL PARSHLEY-SAF	912-566-8869	274 PARLAND RD BRUNSWICK, GA 31523
James Reeves	772-332-2828	14390 orange AVE Ft. Pierce FL 34945
Tess Geers, Oceana	231-519-1276	Washington, DC
GREG D. DOMINICO		N.J. Cipe May F.A.
SEAN MCKEON		AKFA
PATT HIGGINS		USF

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<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
Libby Felherston	Ocean Conservancy - FL	
Michael Jepson	813-286-8390	GSAFFE, Tampa, FL
Sherry Larkin	352 312 1845	UF/GAINESVILLE, FL
Sera Harold (MFCN)	910-762-4401	Wilmington, NC
Scott Bussell	321-863-2353	M.I. FL 32953
Sarah Fangman	912-528-2420	NOAA/Savannah, GA 31411
CHARLES Kinney	803-361-7522	325 Rosewood Dr, Columbia, SC
JOSH EAGLE	803 777 2436	USC SCHOOL OF LAW
Karly Miller	513-479-0514	Columbia, SC 29201

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Snapper Grouper Committee Jekyll Island, GA Wednesday, March 5, 2008

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

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Darden Rice	727-560-2479	11018th Ave S St. Pete, FL 33705
DAVE Allison	202-833-3900	Oceana 2501 M. St NW #300 Washington DC 20037
Tess Geers, Oceana	231-519-1276	Washington, DC
Margot Stiles, Oceana	202-833-3900	Oceana
John Williams	727-934-5090	SSA P.O. Box 1577 TARPON SPRINGS, FL 34688
Richard Vercell.	912-222-8796	SSA P.O. Box 1781 Bk GA 31525
Robert Hawk	843-737-1207	Columbia SC
Buffy Baumann	202-833-3900	Oceana Wash, DC
Margot Stiles	202-833-3900	Oceana

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Snapper Grouper Committee Jekyll Island, GA Wednesday, March 5, 2008

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PHONE NUMBER

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32408

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CITY, STATE & ZIP

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Karen Raine		6 Cefje
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Karly Miller	513-479-0514	1823 EUGENE ST. Columbia, SC 29201
JOSIA BAKER	803 777 2484	USC SCHOOL OF LAW
Amanda Bernard	843 708 2493	1007C Bent Tree Lane, Columbia, SC 29210
Scott Zimmerman	(305) 614-0039	PO Box 501404 MTH, FL 33150
MILTON BRELSFORD	(912) 267-7999	COGARD STA BRUNSWICK 102 CONSERVATION WAY BRUNSWICK, GA 31520

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