

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

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

March 4-5, 2009

DRAFT MINUTES

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened at the Jekyll Island Club Hotel, Jekyll Island, Georgia, Wednesday morning, March 4, 2009, and was called to order by Chairman Mac Currin.

Mr. Currin: We'll call to order the Snapper Grouper Committee. Good morning, everyone, and thank you for being on time and ready to go. Everyone has had an opportunity to look at the agenda. Are there any suggestions for changes to the agenda? Is everybody okay with it? Without objection, the agenda will stand approved.

Everyone received audio files of the minutes. As we stated yesterday, I guess -- You may not be happy with the way you said it, but there's no denying that you said it and I assume that there aren't any corrections or additions or changes to the minutes. Without objection, then we will approve the minutes from our December meeting.

Before we get into our agenda items, Kenneth Fex, who is a member of our Snapper Grouper Advisory Panel, has asked for five minutes or so to address our committee. He was unable to be here tomorrow to provide comments and in fact, he said they weren't directly related to the interim rule issue and so I have agreed to allow Ken a few minutes to address the committee. Welcome. We're glad to have you here and thanks for your service on our AP.

Mr. Fex: Thank you, Mr. Chairman, and thank you, council. I came here last year opposing the LAPP program because there was uncertainties and there was unfairness to it, I thought. The spawning closure was a good idea, I thought, in my area. We might switch to different types of fishing, black bass and sea bass and king mackerel and stuff like that. The golden tile fishery opens for other people and so I thought that would be a good idea.

I've seen a lot of opposition against that and I understand that. The problem I have is all these other gear types trying to close the doors on the bandit fishermen. I see the golden crab people and there's only eleven permits of that and so I really don't see why there should be a LAPP program on that.

The black bass fishermen, the trappers, in my area, we've got a couple. One is the Sundancer and he goes out there and drops his traps and then he goes offshore and bottom fishes with his bandit reels at night and the same thing with the Fish Screamer II. He does that. He'll drop his traps and he'll go out there and troll for king mackerel with his bandit reels. These guys are interacting with my fisheries and doing different gear types.

As for the king mackerel guys, I hear them complain that the grouper guys might start doing what we do. Well, the king mackerel guys in my area, they go offshore in the morning and then the middle of the day, they go out there and bottom fish and catch grouper and snapper and then they come inshore and they sell them under the recreational limit.

As for the longliners, once their LAPP program is done under their golden tile or the golden tile quota is situated, they go ahead and take their longline gear off and start bandit fishing. Steve Shelley on the Molly D is one and the Maximum Retriever is another one. All these people are sitting here wanting to close me out of their gear types, but they're coming and interacting with

my gear type. That's why I have opposition to that.

As for the longliners wanting an endorsement for the golden tile, I see that very not logical. I don't know if you know what longlining is. It's a lot of hooks and a lot of bait and a lot of discards. Not many fish get thrown overboard and a lot are used for bait. I really can't see them getting an endorsement for golden tile.

As for all that, I think if they all want to close their doors, let's go ahead and all pick a gear type, the LAPP program and everybody, and then that would make my piece of pie a little bit bigger and then they might second guess closing me out of their fisheries and that's what I make the point on that.

I would like to thank the council though for -- I've been in these council sessions and stuff like that for about a year-and-a-half. Everybody before this used to always tell me that the council don't listen and I disagree with that completely. You guys have listened to me and you've listened to Fritz on the ear bone assessments for the vermilion snapper and you listened to Christy Clow for the dehooking and the venting. Even the Coast Guard has listened.

At the Wilmington meeting, somebody pointed the Coast Guard guys out and said they weren't doing their job and they come full effect. They manned the Marine Patrol, so good that they even caught one of our local House of Representatives out there handing a bluefin tuna over to another vessel, which I'm glad to see you guys caught them.

I would like to say that you guys have done a real good job on your scoping approaches. I commend him. He's very brave to sit in front of all them fishermen and take the abuse nowadays and I would like to comment on your LAPP outreach. I got this thing from Edge Research and I wrote all over it and checked all over it and I sent it in and I'm glad to see you guys sent that out. I see positives to the LAPP program.

Last year, Tony said that under stricter regulations that fishermen might come to the council to see the LAPP program as an idea. I think under better assessments and elimination of recreational sales and the stricter regulations that the fishermen might actually look at the LAPP program as an idea.

Personally, I'm going to try to see alternatives and see which way we can get this LAPP program to work. I would like to work with other people on the AP to try to figure out a situation for it. I see the Gulf has already voted on it. They were under derby fisheries for years. I read the *National Fisherman* all the time and I see now that they actually voted on it and you guys allowed them to do that and I commend you on that. I commend you on everything that you guys have done. You've very diplomatic on it.

I have to say though one thing. I've been taken observers out for a while, one through UNC-W. Kim Iverson knows about him and on my paper that I handed out, his information is on there. The problem that I have is the South Atlantic Fisheries Association had an observer go on my vessel and I thought that was great. He was doing the bycatch and I'm all for that.

Come to find out that he was sponsored by you guys or whoever and that's fine with that. A comment that he had made to me on the vessel is that when he sees a sea turtle, he's supposed to fill out a report and he laughed at me and said it takes too long to fill the report out and that I don't do that. That concerns me, because the longliners just got shut down in the Gulf for the same reason, for not seeing them sea turtles.

In my experience, I see them quite often, three or four a trip, and I'm only out for two to three days. That's why I've left my information on that observer, Nicolai, that goes through UNC-W. If you guys have any questions on any of the bycatch or any of the sea turtles, which it really concerned me about that, I would like you to contact him and see if he's seen any of them. That's all I really have to say to the council and I very much appreciate you letting me have a chance to speak.

Mr. Currin: Thank you, Ken. Hold on one second. George, have you got a question for Ken?

Mr. Geiger: Thank you, Ken. When you say the observer saw sea turtles on your boat, does that mean you encountered sea turtles on the hook or you just saw them free swimming?

Mr. Fex: I saw them free swimming. I have never interacted with a sea turtle. I've never caught one on a hook and line. I see them all the time and I make jokes about it. They'll pop up beside the boat and I'll say there's fish over there. I'm anchored up above the fish and I joke about it, but they come around the boat. They're not scared of the vessel, but I do not interact with them. It's more of a visual sight.

Mr. Geiger: You think the observer is under the impression that he has to make out a report if he sees a sea turtle swimming on the surface?

Mr. Fex: He made a comment to me specifically about that. He said that I'm supposed to fill out a report that every time I see a sea turtle and he said that I don't report it because it just takes too much paperwork. That's what concerned me, because if he's supposed to fill that out, that's showing that the sea turtles are there, but he's not doing it.

He's went out on several trips for the last year-and-a-half on different vessels, but if that information is needing to be recording and he's not recording it, I think that caused conflict with my fisheries, because the longliners just got shut down because of the sea turtles in the Gulf of Mexico.

Mr. Iarocci: Ken, thanks for your paperwork and your presentation. Two things. If you could, just give the council a brief explanation of your fishery, boat size and how you do fish and your average catch. Also, when you had mentioned supporting a LAPP program right now, you're talking about for the whole snapper grouper complex? I'm curious. Have you talked to other people about this in your fishery and outside your fishery in your area? What do they think?

Mr. Fex: On the second question, on the LAPP program, yes, I've talked to other people. What it is, it's like you said. The regulations, people ain't wanting to see them. People are aware of what's going on. You made a comment that they're not, but in my area, they are. A LAPP

program, we understand it's part of your catch history. We've all got good catch history where I'm at and so we all understand that, percentagewise.

If you guys would maybe get a formula together that we maybe have an idea. I think that the LAPP program would work if you don't select just individual species. Sometimes of years you catch more red groupers and sometimes you catch more black groupers. For you to try to catch a certain grouper is kind of hard. If you group the species into a group of all this is the amount of grouper you can catch, it would be easier to catch and be less bycatch, trying to interfere with other fish.

I forgot your first question. Oh, it was how my fishery is done. I bandit fish. I own a thirty-eight-foot vessel. Me and one crew member go out and we go out two or three days at a time. It takes a thousand dollars worth of fish for the crew to starting making money, which isn't much. It's three boxes of fish. If I catch \$4,000 worth of fish, I've made a good check and my crew has made a good check and that's plenty enough for me for a week.

Dr. Crabtree: Ken, we'll check on the protocol for the observer, because I think the observer you're talking about works for the Foundation and I don't know if they're supposed to report just seeing a turtle. I know the main thing we want from observers on turtles is we want to know when one is caught and comes into the boat and then we want to know where it was hooked and was it still alive and all of those kinds of things. That's the critical issue, but we'll check on the Foundation program and see what we can find out.

Mr. Fex: He did make a comment to me that he was supposed to report every time he had seen a turtle. That was my concern. We don't interact with them. I'm up and down so quick that turtle can't catch the lines, but that was my impression.

Mr. Currin: Thanks again, Ken. We appreciate it. We've got a number of presentations to ease us into the meat of our agenda and we're going to receive an update on the Oculina monitoring from Kim, on the outreach, and from Myra, I think, on the research and monitoring. Kim, you can start this off and Myra can jump in when she's ready.

Ms. Iverson: Thank you, Mr. Chairman. I just have a brief update on outreach activities associated with the Oculina Bank Experimental Closed Area and the subsequent habitat area of particular concern and also deepwater corals. That's Attachment 1 in your briefing book materials for additional information, but basically, we're working now with a contractor to create a tabletop display, a portable tabletop display, as part of the Oculina evaluation plan, the outreach efforts.

Included in the plan, it noted the need for such a display. It would be portable. It's similar to the council's display that's out in the lobby. It would highlight management of the Oculina Bank Experimental Closed Area. We're looking at using sort of a timeline for management. I don't have any presentation now at this point. We're working with a designer, G.H. Services, Karen Swanson, who recently retired from South Carolina DNR, to get the display up.

We provided her with the files and the text and the graphics. The display would have, again, the

timeline on management, some photographs of research and monitoring efforts that have been ongoing in the area, photographs of the corals themselves, of course, and associated fish and, of course, the map and regulations associated with the Oculina Bank Experimental Closed Area and the HAPC.

The partners that are working with -- The funding for the project is through the Coral Reef Conservation Program and so the partners would be noted on the display. We've also worked very closely with Harbor Branch, NOAA Fisheries Service Habitat Division, and UNC-W Undersea Research Center. Those partners would be recognized in the display.

It's meant to be self-sustaining. There would be two tablecloths associated with the display and so it could be used to distribute other promotional or informational materials, such as the Oculina Bank regulations brochures, the *Revealing the Deep* DVDs and also the Oculina Bank DVD that we reviewed last time from George Shibley.

We estimate that the display will be available on June 1st. Myra and I have been talking about possible uses for the display. It can be static. There again, at a meeting where staff may not be able to attend, but someone could borrow the display and have it used. We will also have a DVD monitor there so we could continue to display the *Revealing the Deep* and the Oculina Bank DVDs for the display. If anyone has any questions, I'll be glad to help answer those, as far as the display is concerned, and we should have the display ready at our June meeting in Stuart.

We also continue to distribute the regulations brochures. The pamphlets are very popular. During the scoping meetings that were held the end of January and the first of February, there was great interest, of course, with the Comprehensive Ecosystem-Based Amendment 1 and the deepwater coral habitats associated with those measures and the DVD *Revealing the Deep*. We distributed I would say at least a hundred copies during that scoping meeting series. It was very helpful to have for reporters and others that were interested in learning more about deepwater corals.

We're also continuing to work with Sea Grant. As you are aware, the deepwater MPAs have become effective in February. We are putting the final touches on the second layout for a document that will highlight those MPAs. It will give the coordinates, maps, and a brief description, background information, on how those areas came into being. That document should be available on our website within the next month or so and hopefully we can have some funding to print that document as well. We had additional information on the Oculina Bank Experimental Closed Area and HAPC included as part of that document and that concludes my report.

Mr. Currin: Questions for Kim on the outreach efforts? Good job and thank you. Go ahead, Myra.

Ms. Brouwer: Thank you, Mac. I don't have very much to report. I really only have a couple of sentences, but I thought I would bring you up to date on what's been going on with Oculina research. John Reed had the opportunity to participate in a cruise this past December that was funded by the Waitt Foundation, to do some mapping with an AUV.

It was one of those things where he was called at the last minute and so there wasn't a whole lot of time to plan. He did one dive in the northern portion of the Oculina HAPC, around Sebastian Pinnacles, and this is the area where the reef balls had been deployed previously by Chris Koenig and Sandra Brooke. He also did one dive in Jeff's Reef.

However, the current at this time was very strong and the AUV had a really hard time operating in that environment and so the preliminary data don't look so promising, but they are being analyzed for John by a student at the University of Miami. As far as future cruises for this year, that is still uncertain. There's been talk about planning an Oculina cruise for 2009 involving the NURC, National Undersea Research Center, but that, like I said, is still uncertain, pending budget. That's all I have.

Mr. Currin: Thank you, Myra. Questions for Myra on research and monitoring at Oculina?

Mr. Geiger: Thank you, Myra. One of the things that we were really hoping to do, speaking for myself anyway, when we implemented this Oculina program was to enhance and possibly use this as a tool that the researchers could use to improve their chances of getting funding for their research in that area.

Possibly for the June meeting, could you put together a list of -- I know there's a research group and they've put together a list of research priorities and can we see that again and just see what's been accomplished, in terms of what they identified as priorities and what remains? Also, maybe somebody like John Reed or Andy could provide us with their opinion as to whether or not this program has helped them receive funding for their research, as a direct effort.

Ms. Brouwer: Certainly, I can definitely put that together. Just so that I'm clear, are you referring to projects that the Coral Reef Conservation Program has supported?

Mr. Geiger: No, everything specific to the Oculina research plan. If I might, Mac, in addition, Special Agent Otha Easley has provided us with a law enforcement report, which is the third leg of this stool, and it's included in the emails to all the council members.

Mr. Currin: Thank you, George, for bringing that up. Everybody should have received that as well. Other questions for Myra on research and monitoring at Oculina?

Ms. Iverson: I was just going to remind the committee members and the public as well that those Oculina enforcement reports are continued to be put on our website, on the council's website, on the Oculina Bank page. They're posted.

Mr. Currin: We have Dr. Rudershausen with us again. Paul, along with Tom Burgess and some other folks in North Carolina, have been actively involved in a number of research projects, trying to shed some light on issues that affect the snapper grouper fishery and fishermen. Tom, we're glad to have you, as always. You're all aware that Tom is a member of our AP and Tom brought his wife with him to enjoy Jekyll Island. Barbara, we're glad to have you here, too. Paul, welcome. I'll let you introduce your two projects that you're going to talk to us about this morning.

Dr. Rudershausen: Thank you, Mac, for having me and thanks to the council for inviting me to speak. It's some important research that we're doing with the cooperation of Tom Burgess, who, as you folks know, is a trap fisher out of Sneads Ferry. The first thing I've got to tell you about this morning is developing a fishery independent two-step design to better survey deepwater reef fishes.

As many of you know in the audience, deepwater reef fishes in our area are historically very difficult to sample and we think we've come upon a method, with the help of the cooperators here, Warren Mitchell, Jeff Buckel, Elliot Hazen, and principally Erik Williams, who is the mastermind of this idea, to better survey deepwater reef fishes in this area. That's what I'm going to talk about first.

As you folks know, there's a couple of reasons we want to develop a better method to survey deepwater reef fishes, fishery dependent samples, particularly in this era of catch quotas. They have limited our ability to derive any reliable assessment information for deepwater reef fishes in this area and fishery independent samples, especially in this era of budget cutbacks, are very spatially and temporally inconsistent.

Of course, as researchers, we have this additional huge problem of the difficulty, due to the vagaries of weather and the distance offshore, of sampling the deepwater snapper grouper complex, things like snowy grouper and speckled hind and species of that nature. Furthermore, based on our understanding, there's no current or proposed monitoring of the marine protected areas that have just been created, as Kim and Myra told us about, and so one of the reasons we wanted to commence this work for a fishery independent approach to monitoring deepwater reef fish species is to apply this to the marine protected areas that have just been created.

We had two goals in this cooperative study with Mr. Burgess. We wanted to design an approach to monitor these deepwater reef species and this approach has a couple of steps to it. First, we identify essential reef fish habitat or patchily distributed reef fish aggregations with high-end scientific-grade sonar and I'll describe that sonar here in a couple of minutes.

Then we acoustically measure the reef fish biomass. The beauty of scientific-grade sonar is you can replay the sonar images and quantify acoustic backscatter. We fish a subset of these marks either with traps or hook and line, which are the traditional gears to catch fish with either fishery dependent or independent methods, and then we develop a model where, as you can see in this graph here on the right-hand-side of the slide, where the more efficiently collected gear, which is acoustic backscatter -- Any boat can go out and collect acoustic backscatter and it predicts the traditional collected gear, the CPUE gear, on the Y-axis.

That was the goal in designing the study, to predict catch per unit effort of a traditional gear, such as hook and line or chevron trapping, from acoustic backscatter. Then, secondarily, as I told you, we wanted to apply this two-step approach in BACI monitoring, before-after control-impact monitoring, of the Snowy Wreck MPA and an associated control area. Please feel free to stop me at any point in my talk this morning, because this is certainly -- This talk and the next one I'm going to present builds on itself.

Our methods were to go out -- The bottom of these two boxes is the Snowy Wreck MPA. It's fifty-five to sixty miles, roughly, east of Southport and we sampled transects with this high-end acoustic gear in the entire Snowy Wreck MPA in 2007. What we found or what we decided at the end of the 2007 sampling, in applying for another year of sampling last year through the North Carolina FRG program, was that the bulk of the deepwater reef fish biomass was concentrated, and this isn't a surprise to many folks in the audience, that the bulk of the biomass in the Snowy Wreck MPA is concentrated right along the shelf break.

What we decided to do with another year of funding from North Carolina Sea Grant is to sample right along the shelf break to develop our acoustic backscatter/CPUE relationship, develop that X/Y relationship, and also in 2008 to develop this BACI-style approach to compare the MPA versus the control area. We sampled a similarly sized control area just to the north of the Snowy Wreck and that's the upper two of the boxes there in the slide.

Our methods, as far as catch per unit effort data, we collected catch per unit effort data in 2007 and 2008 using an electric hook and line, 8/0 hooks, and we characterized CPUE, or dependent variable in developing the model -- We characterized CPUE as catch per drop of all reef fish species combined.

Our acoustic data, as I told you, was collected with Simrad equipment. Simrad is a Norwegian-based company that develops high-end single-beam and split-beam sonar. It's fairly expensive equipment, but it does have multiple uses, including scientific-grade sampling. We also used a transducer that operated at thirty-eight kilohertz.

These photos on this slide show you the setup. On the right-hand-side of the left photo, with the data sheets on top of it, is actually the \$10,000 box. That's the transceiver itself and the transceiver interfaces with a laptop that provides us a digital output of the backscatter and then the transceiver, on the right-hand photo, the transceiver is hooked up to a pole-mounted transducer. Again, for purposes of this study and for developing the model, it operated at thirty-eight kilohertz.

There's a couple of advantages to the Simrad gear. One, like I said, you can quantify biomass. That's measured in decibels. The Simrad gear is portable and because it's portable, in theory, we can apply this vessel of opportunity concept. In other words, there's a lot of vessels transiting through these deepwater portions, including the shelf break portions, of the U.S. South Atlantic and they can be given this gear and when they're transiting through there for another reason or a similar reason, they can turn on this gear and they can collect data and they can furnish it to researchers that would then apply this model to estimate catch per unit effort of some of these deepwater species.

The other thing that you need in conjunction with the Simrad sonar hardware to develop a model such as this is Echoview software and what Echoview software does is it quantifies the backscatter coming back to the face of the transducer. This just shows you an example image of the backscatter that's being quantified by Echoview software.

In the olive-shaded portion here, you can see -- This is an image from last year in the Snowy

Wreck MPA and you can see in the olive-shaded area individual fish targets that have been identified, reef fish targets that have been identified, by Echoview software. Then that volume of water has been, in turn, estimated for a decibel, an amount, of backscatter coming back to the transducer.

As far as fitting a model, again, across the X-axis of this hollow graph, if you will, is acoustic backscatter or more efficiently collected data. Across the Y-axis is catch per unit effort, let's say of MARMAP style chevron traps or electric hook and line or even manual hook and line. What we're trying to do is predict catch per unit effort from acoustic backscatter.

We fit three different models to the data that we collected in 2007 and 2008, based on the appearance of the raw scatter of the data: a linear model, an exponential model, and a power model. Here are the results. AIC, Akaike Information Criterion, told us that all three models fit the raw data equally well.

We had seventy-three data points from the Snowy Wreck MPA and the associated control area over the last couple of years that we fit the linear model to. Two big trends that you'll notice from the scatter data. Acoustic backscatter, the more efficiently collected variable, was on the X-axis and catch per unit effort of all reef species combined with hook and line is across the Y-axis. The two trends is there's high variability about the model that's as yet unexplained. An adjusted R-squared has a fairly low value here.

The other thing that I'll tell you about, the more noteworthy thing, is the significant P value. There's a significant positive relationship between acoustic backscatter and catch per unit effort of reef species. This highly significant P value is telling me, and the other coauthors on this paper, that we can definitely predict catch per unit effort of these deepwater reef species, even preliminarily with this pilot data, from acoustic backscatter with this scientific-grade equipment.

This is a complex slide and this kind of gets at the essence of why we undertook this study and so let me walk you through it. On the left-hand-side of the slide is the shelf break portion of the Snowy Wreck MPA, off of Southport, of course. On the right-hand-side of the slide is a similarly sized shelf break portion of the control area, just to the north of the MPA.

The gray circles in each of the two boxes, the MPA on the left and the control box on the right, the gray circles are those areas where we sampled with both gears, this quote, unquote, new gear, the Simrad style acoustic equipment that we quantify backscatter with, and also the traditional gear to measure relative abundance of deepwater reef species, hook and line.

The gray circles were sampled with both hook and line and sonar gear. The open circles are a larger number of areas that we only had time -- In theory, using this ship of opportunity, you only have time to sample with one gear type, the acoustic gear type. The open circles show the utility of developing this fishery independent approach, whereby we can measure acoustic backscatter at a larger number of sites and then predict catch per unit effort based on our model, as, again, shown in the open circles. Are there any questions on that?

The second reason why we wanted to undertake this, like I said earlier, is because we wanted to

initiate a BACI-style approach to monitoring the MPAs. MPAs and nearby control areas in this region can be compared for backscatter, acoustic backscatter, with this scientific-grade sonar gear. We can use traditional metrics to compare MPAs to control areas, such as fish size or catch per unit effort, either of traps or electric hook and line or other traditional gears, and we can spatially compare MPAs and nearby control areas using the bubble plot, for example, using spatial statistical methods to compare the relative intensity of backscatter between MPAs and control areas.

This just gives you an example on this slide of one comparison that we just recently conducted looking at acoustic backscatter of MPAs versus control areas and someone could pick up the torch on this and do a similar comparison a decade from now to see how the MPAs are faring in helping restore some of the overfished species, deepwater reef fish species, in this region.

The black bars on this graph are the percent frequency of occurrence of acoustic backscatter from the control box and the gray bars are percent frequency of occurrence of acoustic backscatter from the marine protected area. You can see we see a significant difference in the shape of those distributions, based on that P value, between the control and the MPA areas.

The conclusions from this, early conclusions, from this pilot study to develop this fishery independent approach is that there's definitely a positive relationship between scientific-grade echo sounding and backscatter and catch per unit effort using a traditional gear type, i.e., hook and line. I do believe that further research will better explain the variability, at least about that linear model that I showed you a couple of slides ago, and certainly, again, in my strong opinion the two-step approach to this problem is to monitor reef fish abundances not only along the entire shelf break, but more specifically to monitor these recently created MPAs and nearby control areas.

We've got a couple avenues of future direction on this project. One is in 2008, in addition to collecting CPUE data with hook and line, we also collected it with chevron traps and over the next month, we plan to model the acoustic backscatter/CPUE relationship using this trap data as well.

I should also tell you that we've recently applied for CRP funding, Cooperative Research Proposal funding, to refine the acoustic/CPUE relationship and strengthen this BACI-style monitoring, where we're going to compare, using several metrics, we're going to compare the MPA and control areas, hopefully over the next couple of years.

The other big utility, and that's why I brought up this picture again in the bottom right of this slide, is that one of the thinkings is, if we get the CRP proposal funded, is we can more efficiently identify these patchily distributed aggregations of deepwater reef fishes by sampling with the Simrad sonar gear, sampling a wider swath of the continental shelf break than what we're currently doing by just sampling the two boxes here shown in red. We may turn this CRP proposal, again, if funded, into a wider sampling across a bigger area of the continental shelf break. Any questions?

Mr. Currin: Questions for Paul about this first effort here?

Dr. Cheuvront: Maybe I didn't catch it if you said it. In talking about your model and the variability in there, were you able to calculate an R-squared value for that?

Dr. Rudershausen: Yes and it's right there, just below the P value.

Dr. Cheuvront: I can see why you would want to look to see more what some of that other variability is. You've got a significant model going, but there's a significant amount of variability that's occurring there, things that you're not able to explain why this is happening yet.

Dr. Rudershausen: I'm glad you asked that question, Brian, and given time, I'll bring up this slide again and kind of explain that result. I should emphasize that Simrad gear costs on the order of \$15,000 for that gear that I just showed you in those photos hooked up to the laptop. It can identify fish aggregations in waters as deep as a mile.

The point is we were unfamiliar with our sampling environment and how the gear would function. When we developed this model, we include acoustic backscatter, or acoustic echoes, if you will, that probably, in hindsight, didn't represent reef fish aggregations. This model, including seventy-three data points, includes all the original data that we collected, even if it was a single target in 500 feet of water that would be very difficult to collect CPUE data on, as any fisher can tell you.

When you think about sonar gear, you almost picture a cone in your mind. At the top of an upside-down cone is the boat and the sonar beam or the acoustic beam spreads out in all directions. If you're trying to fish over a very confined target, that's going to be difficult in deep water. I think the model could certainly be cleaned up if we went back, and we're planning to do this, and deselect -- From including the model, deselect those acoustic marks that probably, in hindsight, weren't representative of reef fish aggregations.

Dr. Cheuvront: To follow up with that and in looking at your scatter plot and everything there, you've got kind of a basement effect, because of a zero CPUE. That looks like it's probably roughly half of your data points or something close to that. Your variability is constrained simply because it can't go any lower and I'm wondering if there's somehow -- If it's possible to look at the model without those zero CPUE things in there and see if that can help you further refine what you're missing in the model.

Dr. Rudershausen: That's a good point, Brian, and that's certainly a plan to do that. Another model that we could work on, and we've collected this data on Mr. Burgess's boat, is we've collected data on wind speed and current speed and depth and a variety of factors that will influence hook and line success in deepwater habitats. Another modeling approach would be to run something like a stepwise regression, where a statistical software will pick out and determine what variables are indeed important in explaining CPUE, based on acoustic backscatter and water depth and current speed and that kind of thing.

Dr. Cheuvront: Exactly. I think that's a great idea and I didn't want anybody to think that my comments are critical of this at all. I think this is actually very cool and has some really great potential applications for the future to help us to collect information on are our MPAs working

and exactly what are they going to do for us in the future.

I really like the idea that you're collecting your control data right up next to that MPA, because I've got a feeling that if there's going to be fishing pressure that's going to occur, it's going to be right outside those MPAs, because people are hoping for that bleed-over coming out of the MPA and that's what people are going to get. I just want to commend you on the work that's been done so far. I've been very impressed by it.

Dr. Rudershausen: Thank you, Brian. I appreciate those accolades. I will emphasize, again, and to make the point more lucid, potentially, than I did the first time is that the acoustic data is very efficiently collected. You can go out on a two-day trip with Mr. Burgess, an overnight trip, and just collect enough of these open circles where you just sample with acoustics and not the CPUE gear from a variety of habitats and a variety of sites and a very long swath of the shelf break. Again, I see there's great utility in developing this model and refining the model, as you suggest, just because the acoustic data is very efficiently collected.

Mr. Harris: Ken, that was an excellent presentation. I'm very curious as to -- You said the cost of the gear was about \$15,000, including the transducer, I guess. That's not a lot for a commercial fisherman to spend on sonar gear for deepwater fishing. How does this gear compare to what Tom has on his boat at the present time? Has he decided to change gear or is he still using his old gear or what's going on?

Dr. Rudershausen: I think Tom can catch fish with his eyes closed, but I'll let him speak better to that. Duane, I believe, and then I'll let Tom take the mantle in answering your question, but the bulk of what Tom catches for his commercial operations is in relatively shallow water and so his Furuno unit suits him just fine. Where the Simrad, the more expensive Simrad equipment, comes into the greatest use is in these very deepwater habitats.

It comes into use in developing this model because the Echoview software, used in conjunction with the Simrad equipment, can actually take a backscatter image and you can play it from now until the end of time and you can actually take an image such this in a certain volume of water and say what's the energy, measured in decibels, what's energy coming back to the transducer? So far as I'm aware, Tom does not have that at his disposal with his Furuno equipment. He can see an image, but he can't save it to a laptop computer and he can't replay it to quantify backscatter.

Mr. Currin: Other questions for Paul on this deepwater sonar project? I have one or maybe two. I understand fully why you selected CPUE as a variable. I'm just wondering whether through manipulation of the signal or the backscatter or scaling that in some way that you have any inkling of hope of being able to develop a biomass estimate with this type of equipment.

Dr. Rudershausen: Mac, if I understand what you're asking, that is certainly the hope and the goal, is to develop an estimate of relative biomass. I'm not sure if you're getting potentially -- You're asking, and please chime in if you are, whether we can develop relative biomass estimates of individual species. If you're asking the second question, that gets much more sticky, because we've used a single beam piece of equipment here.

A split beam Simrad gear, which is now called an EK60 instead of an ES60, allows you to resolve individual fish targets, i.e., identify a fish target that's either on axis or somewhere on the side of the cone. When I say resolve that, it can interpolate that target and where it is in the cone and estimate size, based on where it is in the cone. We can start getting at whether it's an *Epinephelus* grouper or a red porgy or things like that with the split beam technology. Just to develop this model, we used single beam technology.

Mr. Currin: No, I was pretty sure that you wouldn't be able to get down to species on them, but just relative biomass was my question. My other question, Paul, is do you have the ability to change, modify, enhance, degrade, if you so choose, the signals, the digital signals? Do you see what I'm getting at? I'm not sure exactly how to ask it, but just modify those signals to give you additional information or different information once you have it on a computer?

Dr. Rudershausen: That's a great question, Mac. You can modify the signal any way you want and so I'm glad this slide is still up, because let me just talk about that for a moment. We can take this olive-shaded area and right now, the olive-shaded area is giving us the acoustic backscatter from 0.25 to 5.25 meters off the bottom. You might say why did we pick 0.25 meters and it's because there's something very critical when you're estimating acoustic backscatter, as some of you in the audience I'm sure know, called the acoustic dead zone.

If you sample from zero meters off the bottom, i.e., from the bottom itself, from the mud/water interface to a certain depth off the bottom, then some of the returning echo is going to be the bottom itself and so we need to have that 0.25 meter -- See that really thin black line between the red and the olive there and we need to have that little line there to compensate for the acoustic dead zone.

Then that olive-shaded area could go up ten more meters, if we're most interested in something like vermilion snapper, which apparently are known to undertake diurnal migrations somewhere up in the water column a little ways, or we could restrict it to the bottom let's say two meters of the water column, so we go from 0.25 to 2.25 meters off the bottom.

What we felt as an initial approach would be good, to not exclude any potential reef fishes, was to go from 0.25 to five meters off the bottom, meaning roughly about fifteen feet, but certainly we could rerun the model with a variety of different depths off the bottom and by arbitrarily eliminating those echoes that we felt, in hindsight, weren't representative of reef fish and things of that nature.

Mr. Currin: Thank you. Other questions for Paul?

Ms. Merritt: I don't have a question, but just to compliment you. I really feel strongly that the work that you all are doing on a cooperative basis and having people such as Tom giving his time and equipment to do the research is so important, from an accountability standpoint, when we put in any protected areas, that we have that accountability to know whether or not what we're doing is right and what direction we may want to take in the future, if any. I really appreciate it and thank you.

Mr. Currin: Paul has got another project that he's going to tell us about that he and Tom have been working on, looking at discard mortality of black sea bass.

Dr. Rudershausen: My second talk this morning is going to be discussing our attempts to refine the discard -- This is an entirely discreet topic as opposed to the last talk. It's talking to you about refining the discard mortality rate of black sea bass using a two-step tagging approach developed by some folks at Mote Marine Lab and also with the help of a model developed by John Hoenig, who is a statistician at the Virginia Institute of Marine Science. Again, this work was conducted with the help of Tom Burgess and funded by North Carolina Sea Grant as well.

We had one main objective in this study and there's some sidebars that certainly came out of this work. We're in the latter stages of concluding it and I'll talk about some of those sidebars and be happy to answer any more questions at the end of my talk about those, but the core objective in this research was to determine whether the 15 percent assumed discard mortality rate for black sea bass that's currently used for assessments is a realistic rate or not.

There's a couple of reasons why I wanted to undertake this study and not only because black sea bass is a very important reef species in this region, but because prior research, including by ourselves, and when ourselves, it's me and Jeff and Buckel and Erik Williams, indicating that black sea bass discard mortality rates differed substantially where we're talking about between an immediate rate ship-side or a model-delayed rate.

There's two little bits of data here. The top-half of the slide shows data that we published for black sea bass that were hooked between nineteen and seventy-one meters deep, an immediate rate of discard mortality of 4 percent, that is just observed ship-side and a model-delayed rate much, much higher. That model-delayed rate assumes that all fish with obvious pressure trauma, like a stomach coming out of the mouth, go on to die after release.

For black sea bass that were trapped, the bottom half of the data on this slide, we observed a very low immediate discard mortality rate of 0.9 percent, i.e., less than 1 percent, but then, again, if we estimated that fish with obvious barotrauma go on to die, that rate of discard mortality tripled to 2.5 percent. Again, dramatically different rates of discard mortality where we're talking about immediate or delayed rates.

At the end of these publications, we were still confused with regards to black sea bass as to what the delayed effects of gear trauma and pressure trauma and predation might be in influencing the discard mortality rate for this species, among others.

Here is the two-step approach to estimate discard mortality of black sea bass, or any other reef species for this matter, given that you've got enough recapture data. I'll talk more about that here in a second. In the first step, fish are tagged and assigned a certain release condition. In the second step, we use tag returns to estimate the relative survival of fish in increasingly greater compromised conditions and poor conditions relative to fish in the best condition. This relative survival rate is estimated just with this equation, the simple algebraic equation at the bottom of the slide. I can certainly elaborate more about the model if you so choose at the end of the talk.

There's a couple of critical assumptions to the tagging model and the most critical of those is that fish in the best condition -- When we throw back fish at the side of the boat, we're calling some of those fish in our best condition and those fish are assumed to survive 100 percent of the time.

A couple other assumptions about the model is that there's the same survival rate of fish in various release conditions and we're calling this period of recovery a period of days. The catchability, reporting rate, and tagging effects furthermore are assumed equal amongst fish in these different release conditions.

Our methods were to fish over the last couple of years using, on Mr. Burgess's boat, a variety of different gear types, traps and hook and line, electric hook and line. We worked in Onslow Bay, North Carolina. We marked fish with internal anchor tags. We recorded fish length, the presence or absence of pressure trauma, the presence or absence of hook trauma, and we scored immediate release condition.

Here are the release scores. There's five of them. A release score of 1A is a release score that we give to fish in the best condition that we're assuming survive 100 percent of the time. These fish had no obvious hook or pressure trauma and swam down vigorously. A score of 1B is a black sea bass that had obvious hook or pressure trauma but still swam down vigorously, regardless of that trauma.

A fish in Condition 2 swam down slowly. A fish in Condition 3 was alive, but floated to the surface and a fish in Condition 4 was obviously dead. In the cases of scores of 1A, 1B, and 2, we're assuming that those fish survived. In the cases of 3 and 4, we assume that those fish died, as we have assumed the same things in past studies. I'll talk more about that in a second, the validity of those assumptions.

I should tell you that selecting a depth range over which to work for any reef fish tagging study, including this one, if you're going to mark -- If you're going to do a mark recapture study of reef fish in this region, it's really important to do a mark recapture study over a very narrow depth range, because you need to separate the declining fishing effort, the inherently declining fishing effort, as you move offshore with increasing greater rates of pressure-related trauma as you angle fish from deeper waters.

To make that separation, we chose a very narrow depth range, which is only a swath about six to eight miles wide in Onslow Bay, and this depth range is ninety-five to 110 feet, i.e., twenty-nine to thirty-four meters. Fortunately, for our purposes, black sea bass are really abundant over that range and they exhibit a really wide variety of release conditions.

Here are the results as far as black sea bass tag returns through the end of last month. Like I said, we're just about finished tagging black sea bass. We've tagged just over 3,000 individuals. 650 have been returned once, 105 twice, and ten fish have been returned three times, for a return percentage of 25 percent.

I should tell you that if you get a return percentage for a reef fish tagging study of 25 percent that you're doing really well and the black sea bass is an ideal species to work with to apply this

tagging model and I think to some degree is a surrogate or a representative of the behavior over similar depths of how other serranids might fare when they're caught and released, again, with the caveat being if you're working between twenty-nine and thirty-four meters.

I should just tell you that we have tagged other fish and we hoped for a better return rate and so we've tried to apply this tagging model to estimate discard mortality rates of other reef species shown in the left-hand side of this table: red porgy, white grunt, vermilion snapper, gray triggerfish, and red grouper. The return percentage in the right-hand column of this table is really low and so that's really hindered our ability to develop tight confidence intervals around our discard mortality estimates for these other reef species. I'm just going to be talking about black sea bass this morning.

Here now are our relative survival rates of black sea bass in increasingly more compromised conditions across the X-axis of the slide compared to the best release conditions, compared to the 1As, which we're assuming survive all the time. You can see these are relative survival estimates, plus or minus 95 percent confidence intervals. There's a 73 percent survival estimate for fish in Condition 1B, a 64 percent survival estimate for fish in Condition 2, 11 percent survival estimate for fish in Condition 3, i.e., your floaters, and fortunately, all the fish that we thought died have gone on to die. We haven't got any fish in Condition 4 back yet, which, like I said, is somewhat of a good thing, because you're hoping you can observe death when it happens.

This slide shows you the relative survival rates compared to fish in Condition 1A on the left-hand side of the graph just for pressure traumatized fish and on the right-hand side of the graph just for hook-traumatized fish. Recall that I told you earlier that a bunch of folks, including ourselves, assumed in the past that all fish with obvious pressure trauma go on to die after release.

In contrast, what the model results are telling us, at least, again, over twenty-nine to thirty-four meters and talking about black sea bass, that the majority of fish with obvious pressure trauma survive after release. This is for pressure-traumatized fish, whether we're talking about the 1Bs or the 2s or the 3s, that the majority of them are surviving after the release over our depth range. I have a caveat and I'll be happy to answer other questions, but we are venting these fish, but I can talk more about that, if you're interested, at the end of the talk.

On the right-hand-side of the slide, in contrast, for fish that are obviously hook traumatized, gill hooking, gut hooking, eye hooking, these fish are not surviving, in the majority of cases. The majority of these fish are dying after the release and there's only a 16 percent survival rate.

Recall that I told you earlier that we assume that all black sea bass in Conditions 3 or 4, the floaters, die after the release. How valid an assumption is this? So far in the course of the study, we've collected and tagged and released 206 fish in Conditions 3 and 4. Computed from the tagging model, we are seeing a small, but significant, fraction of these fish going on to live after the release and the significant chi-squared test statistic at the bottom of the slide is telling us that the assumed and the observed ratios of living to dying fish differs significantly from each other. We're seeing a small, but significant, fraction of bass that are floating still live after the release.

Also recall that I told you earlier that we assume that fish in Condition 1 or 2 are living after release. This is a bigger deal than the previous slide, because so many studies and so many of the fish out of the thousands of fish that we've observed out of the lab over the last roughly half-decade of work on this issue, between sixty and 130 feet, so many of these thousands of fish that we've observed are swimming down after release and so is that a valid -- Just because a fish swims down, is this a valid proxy for survival?

So far in the course of this study, we've tagged just over 3,000 black sea bass that are in Condition 1 or 2, but computed from our tagging model, the bottom row of data in this table, we're seeing a large fraction -- In that bottom right-hand cell, we're seeing a large fraction -- Not a large fraction, but we are seeing a fraction of these fish go on to die after the release. Again, like the previous slide, the assumed and the observed or the computed data differ significantly from each other, based on this chi-squared test statistic.

This is a thick slide, but there's really only some important parts and I'll walk you through it. Over roughly the last half-decade, we've collected six datasets on black sea bass discard mortality. I'm now looking at the left-hand column of the data of the table. Two datasets have been collected with electric hook and line, the top two rows of data, and two with manual hook and line and two with traps, at the bottom left there.

The depth of capture is the second column in the table. The depth varies widely. It's twenty-nine to thirty-two meters deep for electric hook and line and twenty to thirty meters deep for manual hook and line and twenty-one and thirty-one meters for trapping.

In the body of the table are black sea bass released in the sample sizes of black sea bass released in these various release conditions, 1A, 1B, 2, 3, and 4. Now, applying the results from our tagging model is the meat of the table on the right-hand column, the discard mortality percentage for black sea bass.

A couple of things stick out at me here. One is the discard mortality percentage depends on the gear and it also depends on the depth. What I'm telling you is we see huge ranges in the discard mortality percentages, 22 and 34 percent for electric hook and 12 and 25 percent for manual hook and line and 2 and 25 percent for traps. Again, it's depending on gear type and depth.

This result here on this graph isn't surprising, because almost all the studies that I've read and that you folks know about in this room equating rates of discard mortality of reef species in depth shows that there's a positive relationship and using those six datasets that I just showed you in the last slide, this is no exception for black sea bass. We see a positive and highly significantly trend between percentages of discard mortality and depth of collection.

Now, recall that I told you that the most critical assumption of the model is that we're assuming all fish in the best release condition go on to survive after release. What we've done is we've contracted with a scuba diver to observe predation, roughly, and we've got more data just recently to continue this work, to estimate predation rates on fish in Condition 1A, the best condition fish.

He has observed predation on the order of roughly 10 percent. What we do then is if we have -- For a talking point right now, if we have a 10 percent rough predation rate on fish in the best release condition, is the revised discard mortality percentage for each of the six datasets that I presented a couple of slides ago -- That revised discard mortality percentage needs to be adjusted upwards.

I'm now looking at the right-hand column of data. The old discard mortality percentages is in the second column from the right and the revised is in the right-hand most column. The revised percentage, based on this 10 percent predation on 1As, is now 30 and 40 percent discard mortality rate for electric hook and line and 21 and 33 percent for manual hook and line and 12 and 32 percent for trapping. Again, depending on gear type and depth of capture.

I should also tell you that over the course of our sampling there's what appears to us to be certain fishing practices in depths where we can dramatically reduce waste and the one caveat about this slide, this table of data, is that this doesn't factor in changing fisher behavior with changes in regulations. Certainly if a fisher goes out and catches a trap full of sublegal fish or hook and lines a dozen sublegal fish, he or she is going to change their behavior based on that experience, but all other things being equal, here is the percentage of dead discards as a percentage of the entire black sea bass catch for the six datasets that I talked about over the last couple of slides.

The top two datasets here are electric hook and line. They differ only in the hook size, 5/0 j-hooks and 3/0 j-hooks, respectively. The middle two rows of data are manual hook and line collected with 3/0 hooks and the bottom two rows of data are black sea bass data that's been collected with a regulation trap and that is having full inch-and-a-half mesh with a two-inch back panel and the bottom row of data is the full two-inch trap that some folks out of Sneads Ferry and Southport elect to use.

This really shows -- One of the outstanding trends that I want to tell you about here is it really shows the size selective nature of trapping relative to hook and line. In the right-hand column of data in this table, if you look at dead discards as a percentage of the entire black sea bass catch, it varies widely for electric hook and line. In fact, in the second row of data there, we see a 20 percent dead discards compared to the entire catch and it also is fairly high for manual hook and line.

Then when we go down to our trapping, we see there's a strong size selective nature of the traps, where fishers can maximize their harvest of legal fish and minimize their harvest of sublegal fish based on this trap mesh size. For the regulation trap, we're seeing a 0.3 percent of dead discards compared to the entire catch and for the full two-inch trap, it's 0.1 percent.

The preliminary conclusions from this point in our study is that pressure trauma does not appear to be a reliable proxy for mortality, as has been previously assumed. We're seeing the majority of pressure-traumatized black sea bass at least between ninety-five and 110 feet survived after the release. Submergence success does not appear to be a reliable mortality proxy either. We're seeing a large fraction of fish that swim down after the release go on to die, at least according to computations from the tagging model. The big take-home message for you folks is that the observer coverage and the discard mortality rate that's applied to black sea bass needs to be

depth and gear specific. I'll take any questions.

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

Mr. Geiger: Paul, thank you for that and thanks for this work. This is extremely important and very, very interesting and thank you. My question -- I actually have two, if you'll indulge me, Mac, or I'll take them in turn after the other people ask. I drew a conclusion that because you didn't differentiate and talk about the different sizes of the fish that were released and tagged that there's no difference in mortality between smaller fish and larger fish.

Dr. Rudershausen: That's an excellent question and I'm about to tackle that over the course of the next month and one of my concerns when I tackle that is of these roughly thousand people that have called in this toll free site saying I've caught a tagged black sea bass, there's a large fraction of those individuals that have not cut a tag off a sublegal fish. They've just taken the sublegal fish and thrown it back with the tag intact and saying that I caught a sublegal fish and I didn't record the tagging number.

I think one of the dangers is there's probably an inherent size bias to people reporting actual tag numbers as opposed to just telling me that they caught a tagged fish and they threw it back with that recorded number. We can run that data through the model and see if there's a size-based component to survival of different sizes of black sea bass compared to other sizes, but there is an inherent danger there, based on fisher behavior when confronted with a sublegal fish with a tag in it.

Mr. Geiger: When you have the divers go down and observe the discard mortality on the bottom, have they observed any or do they observe any predatory mortality associated with other fish eating fish that are not perfectly healthy?

Dr. Rudershausen: That's a good question and so I'm going to provide probably a longwinded answer. The short answer is we believe most of the predation happens in the water column by probably two species. One is amberjacks, at least in our region, and the other is king mackerel.

What we've proposed to do, because we think most of the predation occurs as the fish is attempting to get back down to the reef, is put a diver on the bottom and catch fish in 1A, or assume they're 1As, and force them back -- Not force, but assist them back to the bottom in a trap. Once they're at the bottom, release them from the trap and then have the diver commence his observation by looking at fish to make sure they're not picked off when they're on the bottom, because that component of them getting back down to the bottom has been taken care of by us assisting them back down to the bottom. I'm not sure if that answered your question.

Mr. Geiger: Yes, it does and thank you again for this excellent, excellent work. I appreciate it.

Ms. Merritt: Thank you, Paul. I guess George covered a couple of the things that I had to question, but one more would be on bycatch. You had listed some other species earlier that you collected information on, but I didn't see in there any squid and I understand that that has been a bycatch and although that's not part of our management, I was just interested if there were other

species that you noticed as bycatch and then the other question has to do with the deployment of the traps. Were these traps done singly or in multiples and was there any difference in how that was done in retrieval?

Dr. Rudershausen: This study, Rita, didn't look into bycatch. We've conducted a trap study with Mr. Burgess that's already been published in the *North American Journal of Fishery Management* and there's an online PDF of it at the North Carolina Sea Grant website, where we characterize bycatch over the typical depths that Mr. Burgess works in Onslow Bay, roughly sixty to seventy feet. All the bycatch is listed there. There was no squid bycatch. There was some octopus.

This is not bycatch. This is directed, us hook and line targeting fish, reef fish, with hook and line for capture and release to try to get a discard mortality estimate. This has nothing to do with bycatch. This is other targeted species with hook and line that we tried to develop discard mortality estimates for, but we can't at this point in time, because the return percentage is so low compared to black sea bass.

Mr. Iarocci: Thank you, Paul, and thank you for the great work. I noticed in your study it says that the depth and gear is very important and I'm curious. In other fisheries, the variable hauler speed comes into play a lot coming out of the deeper water and I'm curious of the speed or did you do any studies on the variable speed, where if you pulled them up fast you would blow them out or the slower hauler speed? I'm curious about that.

Dr. Rudershausen: That's a great question and one of the advantages I have and one of the questions I have for my cousin, who is the person working with this and scuba diving -- He uses a rebreather and he is from Chicago and does very deepwater diving and his contention, I believe, is that it doesn't matter and it doesn't matter because let's say you have a trap that retrieves a fish at a rate of a meter a second and you've got another trapper that retrieves a fish at a rate of 0.1 meter per second, only ten times as fast.

To overcome pressure-related trauma, you would need to retrieve a trap -- From a hundred feet, you would need to retrieve that trap over the course of several hours, almost like you're a scuba diver coming up from the bottom, or a greater fraction of an hour. It's not realistic to have that kind of retrieval time and I think the difference in retrieval times that might be between boats would not -- In my strong opinion, and I think the opinion of my cousin, it would not have any bearing on rates of pressure-related trauma for these fish.

Dr. Crabtree: I may have missed this, but you vented fish, correct? In your view, has venting increased their survival probabilities?

Dr. Rudershausen: No, venting does not increase it and I was shocked to do that analysis, Roy, about a week or so ago, in advance of giving this talk, because in *Fisheries*, the most recent issue, there was a meta analysis just conducted that determined that venting -- The overall conclusion was that venting did not work for animals with physoclistic bladders. Physoclistic means there's inefficient gas change between the swim bladder and other tissues of the body.

What we had at our disposal here, Roy, is roughly 220 fish where we tagged them and we inserted our internal anchor tag into the belly of the fish and in my strong, an internal anchor tag is a de facto form of venting. You can hear the gas come out of the belly, because the bladder is ruptured and gas is spilled into that abdominal cavity.

We tagged the fish once and we assign a release condition and we put them back. 220 fish have been caught been by us when we're on an associated research trip a second time and then re-released. We've got two release codes for those same fish and what we can do is some relatively elementary statistics at this point in time and compared the median release scores between fish that have been caught a first time and assigned a release score and those same individuals that have been assigned a second release score after their capture, but not tagged a second time, and then re-released.

We're finding that the fish that are captured the second time and not vented have a more favorable release score. That is, a higher survival probability than fish that are captured and released the first time. That's my preliminary take, again, with a strong caveat being over this depth and with this species.

I do think venting, based on my preliminary observation of venting some snowy grouper in 400 feet of water, there's no way a snowy grouper could get down in 400 feet of water unless you've depressurized it. That's a different beast altogether.

Mr. Harris: My first question was regarding the venting and you said you had floaters and I wondered if those floaters had been vented and still floated. That's the first question.

Dr. Rudershausen: Yes.

Mr. Harris: The second question is the release technique. When we caught and tagged black sea bass in the early 1970s along the coast of Georgia, we tagged over 5,000 of them. If we tagged them and then we started them down headfirst and kind of gave them a little shove, they seemed to do better than if you just tossed them overboard and they had a chance to belly up. Did you have a certain release technique or did you just toss them overboard?

Dr. Rudershausen: We just tossed them overboard, probably similar to a typical Paul practice or a typical Tom practice or a typical commercial or recreational fisher practice. I think that's the typical thing, is to throw them overboard. I didn't really notice any trend. What I tried to do is you can kind of top load this data, if you will, to say let's assume, for the sake of argument, that the average fisher takes five minutes to process a fish.

We catch it and it's just on the deck and throw it back and these fish are very hearty and I held some fish on the deck for upwards of fifteen minutes and you throw them back and they still swim down vigorously. At least they survive according to that shipside behavior. Whether they do long term is a different question altogether, but the floating versus non-floating doesn't appear to be dependent on -- At least in my observations, it doesn't appear to be dependent on how they're treated either in the ship or as they're being thrown back.

Mr. Harris: Thank you. I think that's important and the other thing you didn't say anything about the size of the fish and I know that black sea bass are probably the heartiest fish that we've ever tagged out there. Their survival seems to be much greater than the survival rate of any other species of reef fish that we've tagged off the coast of Georgia. You didn't say anything about the size and did you collect any data on size?

Dr. Rudershausen: Yes, we did collect data on size and we're tagging sublegal and legal fish, but due, again, to this gentlemen's question about is there is size-based component to survival, relative survival, based on size of bass, it's kind of a sticky issue to get into right now, because of there's a lot of sublegal fish that weren't called in as far as a tag return because that information wasn't recorded, but yes, we tagged all sizes of black sea bass.

Mr. Harris: Just one other observation. You don't seem to have a whole lot of barracuda, which is what we have here, and they seem to be much more aggressive at feeding on tagged and released fish than amberjack and king mackerel, at least off of our coast. The last thing I would say is I just want to introduce Rick Robbins, who is the Chairman of the Mid-Atlantic Fishery Management Council, and has come in. Rick, welcome, and we're glad you're here.

Mr. Robbins: Thank you very much, Mr. Chairman. If I may just offer my thanks for your hospitality today. It was nineteen degrees when I left Virginia this morning and I very much appreciate you receiving a displaced snowbird in your company. Greetings on behalf of the Mid-Atlantic Council and thank you.

Mr. Harris: Thank you and welcome. Mac said it was thirty-one degrees here and so not that much difference. Anyway, that's all I have, Mr. Chairman, and thank you.

Mr. Currin: Thank you and, Rick, welcome.

Dr. Laney: In defense of the council chairman, Mr. Harris, Paul, I will note that we have -- At least we haven't collected data on the phenomenon, but when we spike our tagged striped bass down headfirst upon release, they seem to be able to kick down better than the ones we just toss over, Duane. Maybe there is something to that. The question to you, Paul, is do you want to speculate on why the return percentages for those other species are so much lower than for black sea bass?

Dr. Rudershausen: I'm not even sure it's really speculation, and I'll let Tom chime in if he so chooses, but I think black sea bass, particularly in their overwintering reef habitat in this area, have very high site fidelity and in contrast, I think these other more tropical reef species, such as on this list here, move around much more, either between patches of reef within the season or between patches of reef among the different seasons.

Mr. Munden: Thank you for the excellent presentation, Paul. If you would go back to I think it was the last slide you put up, where you had the mortality associated with a Number 3 or a Number 5 j-hook, I noticed here that the water depth is different by about three meters, approximately ten feet, and you have a significant difference in mortality. According to this slide, it looks like the mortality is related to the size of the hooks.

In one of your early slides, you showed hook and line mortality and I think you had twenty meters and thirty meters and you showed a difference in mortality and so my question is, have you compared the two slides? Is the mortality difference between the water depth or the size of the hook there?

Dr. Rudershausen: That's a great question, Red, and there can certainly be -- The mortality differences between the two rows of data here could certainly either be due to hooks or depth, as you just discussed. My bigger point in bringing up this slide isn't to compare, for the moment, if you'll allow me to -- The bigger issue in this slide isn't to compare within a gear, but it's to compare across gears and to say there's certain gears -- Unequivocally, there's certain gears targeting black sea bass hook and line and traps and one gear is much more size selective and will reduce the overall discard mortality percentage compared to the other gear.

Trapping is a much more size selective beast than hook and lining and therefore, you're going to have a much lower discard mortality as a percentage of the entire catch compared to hook and lining. That's the big message from this slide, is that trapping is a very efficient means to capture legal fish and not capture sublegal fish.

Mr. Currin: Paul, I had one on the same slide, basically. I noticed the same thing Red did, that the 5/0 j-hook seemed to result in less discard mortality. My question was, were the legal fish retained or were all fish caught with the 5/0 hook released or is this mortality only from sublegals? Does that make sense? Do you understand my question?

Dr. Rudershausen: I think so. If this doesn't answer it, let me know, Mac, but this is for -- If you look at this middle column of data, total number of black sea bass caught, that total number caught were released regardless of size. This dataset doesn't apply to given the current regulation of a ten-inch minimum size limit for commercial gear or a twelve-inch minimum size limit for recreational gear. Does that answer it?

Mr. Currin: That would indicate to me then that the mortality associated with those larger hooks is lower than it is, perhaps, with some of the smaller hooks. Anything else for Paul?

Dr. Laney: I guess, Paul, the one obvious question is how do you feel, after having done the study, about that 15 percent rate that we're presently using?

Dr. Rudershausen: That's a great question, Wilson, and that cuts right to the chase. Again, the finding of -- This slide right here, the right-hand column of data on this slide, reiterates the need for more comprehensive, including potentially with this vessel monitoring system that's been talked about, more comprehensive observer coverage in the U.S. South Atlantic for fisheries such as this, to collect three sets of data, three pieces of information: discard rate, depth of capture, gear type. That essentially covers it.

Really, the discard mortality rate is, again, depth specific and gear specific. I would say apply that discard mortality and instead of a one-size-fits-all approach to discard mortality of black sea bass, we really need to apply it individually amongst these different sectors and depths.

Mr. Currin: Paul, thanks very much for being here and thanks for the work you do and while he's getting de-rigged and maybe George Sedberry is coming up for his presentation and before I let Tom Burgess speak, just to remind the council, and I'll do my best to ask formally at our council session, for support for the North Carolina Fisheries Resource Grant Program, which has funded a lot of this work and some others as well.

Apparently it's being threatened for elimination by our governor in these tough economic times and I intend to ask the council to write our new governor a letter to tell her about the good work that the FRGs have done for our management efforts and the State of North Carolina's as well.

Mr. Burgess: Just briefly, there has been a lot of fishermen that have switched to a full two-inch trap and I think the trend is growing voluntarily and I like that. They have a choice to do as they so choose and I'm not interested in changing the rules, but I just bring that to your attention, that the lady who makes the traps for 90 percent of the South Atlantic made all two-inch traps this year except for one fisherman. It's a growing trend.

Mr. Currin: Maybe he'll feel left out before it's over with, Tom, or she'll quit making the other ones. Thank you, Tom. We appreciate it and thanks for being here as well. Dr. Sedberry, you're back again and I think asking the council to generate some management regulations to govern the research area of Gray's Reef and is that correct?

Dr. Sedberry: That is correct and I am back again. I think the last two council meetings I've talked about this proposed research area for Gray's Reef and we're now at the stage where we've gone through public scoping and have a Draft Environmental Impact Statement and through the National Marine Sanctuary's Act and with our memorandum of agreement with the South Atlantic Council, we go to the council and ask them to draft regulations for fishing within Gray's Reef National Marine Sanctuary.

There's a lot of options there. They can draft the regulations or we can draft the regulations for their approval or they can just defer to the sanctuary program to draft the regulations. What we've done is drafted some regulations that we would to present right now for action to determine whether the council wants to use this draft language.

Just to back up a little bit, for those of you that aren't familiar with it -- I'm not going to go into all the details about the research area, because I have in the past, but I can answer any questions about it. Again, what we want today is to provide the council with the opportunity to prepare draft fishing regulations for the Gray's Reef National Marine Sanctuary Research Area.

Gray's Reef, as you've heard before, was designated in 1981. It's HAPC for coral, coral reefs, and live and hard bottom in the region. It's HAPC for snapper grouper near-shore hard bottom and our management plan was revised in 2006, the first revision since 1981, and in that revision, through public comment about a research area for the Sanctuary, we have proceeded to develop the concept of a research area that would limit other kinds of activities.

I also want to point out since we've had a lot of discussion at this council meeting on HAPCs and the newly designated marine protected areas that there is some connectivity between Gray's

Reef National Marine Sanctuary, which is this little tiny box here, and some of the actual marine protected areas and the HAPC.

We have deployed satellite track drifters, the red track, in the Oculina Bank during the spawning season for snowy grouper, showing a connectivity between drift of snowy grouper larvae, or at least the water masses, through the other marine protected areas under the South Atlantic jurisdiction and then back inshore. The purple track shows a draft from the Edisto Marine Protected Area. That drifter was deployed during the gag grouper spawning season and shows that that water mass drifts back through Gray's Reef National Marine Sanctuary and then into inshore nursery habitats that both of these species utilize. There's connectivity between Gray's Reef and the other marine protected areas and essential fish habitat in the region.

We've done extensive mapping at Gray's Reef and this GIS map shows the boundaries of the Sanctuary, the four different kinds of habitats that we've mapped in the Sanctuary. The dots indicate where we have observed fishing boats in the Sanctuary and then the ledges that are marked show popular fishing areas. There's quite a bit of fishing that goes on at Gray's Reef.

We took to public comment several options for closing part of the Sanctuary, so that we could have a control area to conduct research, where we could minimize other kinds of human impacts. As a result of that public scoping, we have moved forward with the southern boundary option. It was the preferred alternative in terms of public comment and we've passed it by our Research Area Working Group and our Research Advisory Panel and the scientists have approved of this and it's about one-and-a-half by four-and-a-half square nautical miles and encompasses about the southern third of the Sanctuary.

Again, we looked at a lot of other alternatives, including one that included the biggest and best ledges, alternatives that -- That would have a lot of impact on the fishermen, because that's where most of the fishing takes place. We looked at alternatives that would minimize the displacement of fishermen and then compromise alternatives.

We didn't want to have too big of an impact on the fishermen and so the optimal scientific boundary was not a preferred alternative. These other boundary options are good, but difficult to enforce, because they create a whole new set of boundaries within the existing boundaries.

We also looked at different quadrants of the Sanctuary, which would simplify enforcement, because we could use two existing boundaries, but those did not contain enough of the habitat to set up replicate experiments and so for scientific reasons, those were not considered further.

In the preferred alternative, which is the southern third of the Sanctuary, we would prohibit all fishing at all times. We would allow transit through the area with no stopping and all fishing gear must be stowed and unavailable for use. We would prohibit all recreational diving and this would enhance enforceability of the no fishing regulations and it would also protect the integrity of the research area by prohibiting another kind of human impact.

We've done a socioeconomic analysis of many of the options for a closed area and this is the results for the preferred closed area, the southern third, indicating between 0.1 and 0.8 percent

loss of revenues due to -- Loss of saltwater fishing revenues. This assumes that if fishermen are not allowed to fish in the closed area that they will stop fishing altogether and so it's the maximum potential loss.

Other alternatives that we analyzed but are not considered, that we don't consider to be preferred alternatives, include no action and that would be just the status quo, to allow some kinds of fishing, to allow trolling or tournament fishing, to allow transit with stopping, to allow recreational diving with permits, but these are not preferred alternatives.

A scientific advisory group would be established to go along with this research area. It would not have a sunset clause, but would be periodically reviewed. We're required to review our management plan every five years. In addition to that five-year review of the management plan, we would conduct an annual evaluation of the positive or negative effects of the research area and any research that's coming out of it.

Our timeline is right now, we are requesting the council to take action by writing regulations, fishing regulations, for the Sanctuary. We would finalize and clear a draft proposed rule and Draft Environmental Impact Statement late this spring or early summer of this year. When it's cleared, we'll have public comment on the Draft Environmental Impact Statement and the entire concept again, probably sometime this fall. We would consider those comments and then draft the final rule to be presented in 2010.

We have drafted model language that the council can adopt or, again, the council can write their own model language or the council can just defer the regulatory activity to Gray's Reef and essentially all it does -- What it does is it prohibits all taking of any living organism within that closed area. It would be an additional subparagraph that would be added to the existing regulations and it would prohibit, as it says here, injuring, catching, harvesting, collecting, attempting to injure, catch, harvest, or collect any marine organism or any part thereof, living or dead. Then it would include the rebuttable presumptions and the transit without stopping provisions as well. That's where we are and, again, the action that the council can take is to adopt this language for the regulation, draft their own language, or defer to the Office of National Marine Sanctuaries to draft the language. Are there questions?

Mr. Currin: Questions for George?

Mr. Geiger: Thank you, Dr. Sedberry. I guess my question is the council initiated the habitat area of particular concern around the Oculina back in 1984, I believe it was, in an effort and convinced the public that research was going to go on, yet no research activities were ever mapped or delineated in real terms. When the sunset came, we went through that whole hoo-ha of what research had been conducted. Is there a research plan to be conducted in this area over -- In some terms of time, a five-year plan or a ten-year plan?

Dr. Sedberry: There's not a specific five-year or ten-year plan, but there is a list of research priorities that our Research Advisory Panel has compiled for us. We have some limited amount of funding to fund research projects, mainly pilot kinds of studies that could be used to develop further funding. We have about \$100,000 to get that going.

We've actually started one project where we're doing acoustic tagging of snapper and grouper species to determine their habitat preferences within the closed area and how they recognize the borders. They don't recognize the borders, but how frequently they would move in and out of the closed area and in and out of the Sanctuary and what their habitat preferences are. That is a big part of the study and that's already underway, but do have additional funding for other work as well.

It's not much, but I think it can fund some good pilot studies and our partners, our university partners, that have been conducting research in the Sanctuary for a long time are very much interested in this and they believe that it will improve their chances of funding if they can have a control area in which to do their studies.

Mr. Geiger: As a follow-up, would you be agreeable to coming back to the council and delineating those research plans and programs and keeping us updated on what's happening?

Dr. Sedberry: Sure. Yes, we plan to do a report on that every year and so I would be happy to present that to the council when we do that.

Mr. Harris: George, thanks once again for being here. I have the perennial question that I've asked you every time. Are you going to mark the boundaries of the research area?

Dr. Sedberry: That's a very good question and we've changed our minds on that a few times. We initially thought it would be very important to mark the boundaries, to show the public that we're serious about this and this is an important thing to do and to make it easier to comply with. It would improve compliance and help enforcement.

We've since gotten a lot of advice from our scientific panel and our own review of the literature that indicates the presence of buoys themselves might compromise the research area. The buoys will attract fishermen. They will certainly attract fish. There's data that show that buoys and pelagic FADs, fish attraction devices, like buoys do have an effect on the benthic fish community, particularly in shallow water.

There's been nothing done as deep as Gray's Reef, but it's possible that the buoys themselves, in addition to attracting bait fish, will have an effect on the bottom fish community as well. We would like to not have buoys in the Sanctuary. It is a compromise. I think it will improve the scientific integrity, but there may be an increased problem with enforcement and with violations of the research area, which would then compromise the research area.

There's a tradeoff there and right now, we're going without buoys, but nothing is in stone at this point. We could actually, if we could get the funding to support the buoys, which are about \$5,000 apiece, set up buoys and have that become part of the experiment. We would buoy it and then as the buoys disappear, which they inevitably will, determine if there's any kind of effect on the benthic fish community as part of the research we would do in the research area. Right now, we're not planning to buoy it.

Mr. Cupka: I was just curious, when you were talking about the buoy issue, did you consider

buoys with some sort of buffer zone, perhaps?

Dr. Sedberry: That's possible. In fact, the whole concept of the research area, from the researchers' standpoint, they wouldn't do research -- They may do research along the borders, but that would be part of their experiment, to see if there's a border effect. The experiments that are going to be set up in the closed area would be set up far away from the borders, to really minimize the human impact, so that there could be kind of an implied buffer around the buoys. We could maybe even set the buoys further outside of the border than the actual border, but I don't know the legalities of doing something like that, but yes, we have considered that.

Mr. Robson: I have a couple of questions and I guess they're procedural. You all had a working group for siting out locations in terms of the National Marine Sanctuary. Do you view that as kind of the end of your public input process? I guess the South Atlantic Council, the way it's worded, is we have the opportunity to draft regulations. I presume that means that if the council doesn't do that or doesn't do that to the satisfaction of the Secretary of Commerce that they would implement the closed area.

Dr. Sedberry: That's correct.

Mr. Robson: I guess what I'm getting at is if we're going to do rulemaking, I presume that means we would have to go through our normal process of public input and development of rules and --

Dr. Sedberry: That I don't know. I think so, but I'm not certain on that.

Ms. Smit-Brunello: Mark, I'm not quite sure what you mean exactly, because I think that the Sanctuary Program is going to do the rulemaking.

Mr. Currin: That's the question. There's kind of three options, I guess. Typically, as per the MOU, they have come to us, the council, in the past and asked us to do the rulemaking. That's one option. The other is we could ask them to do the rulemaking.

Ms. Smit-Brunello: If the council does a rulemaking, you will necessarily have to get additional comment of some sort, but even if the Sanctuary goes ahead and does a rulemaking, they'll get comments in the DEIS and they'll also get comments on the proposed rule as well.

Dr. Sedberry: That's right. There will be another public comment opportunity regardless, but I think if the council writes the regulations, their public comment process will be different and I don't know exactly how.

Mr. Robson: Just a follow-up then. Our staff then would take these draft rules and put them in the form of some kind of a document for public input and whatever the NEPA requirements -- I'm just trying to understand if this is a pass-off to us then we go through the entire rulemaking process. That's the way I understand this would work.

Dr. Sedberry: I think so, but Monica may want to address that.

Ms. Smit-Brunello: Yes, we would have to follow the Magnuson Act. This is a little -- Perhaps the council did this way back when with the Florida Keys National Marine Sanctuary, but I don't believe they did and maybe, Bob, before I opine further, you can just kind of give us a little history lesson on that.

Mr. Mahood: I'm not positive, but I believe what it is is the Marine Sanctuary folks, when we dealt with down in the Keys anyway, they came to us and they proposed what they wanted to do and I think under the Act that they have the ability to offer the council the first opportunity to do it. If the council says what you're doing is fine with us and you go ahead and run it through your process, then I don't think the council has to do anything.

Dr. Sedberry: That's correct.

Ms. Smit-Brunello: That part is true. I was just thinking about if the council wanted to go ahead and go through rulemaking, but it's clear that if the council chooses not to do the regulations that the Sanctuary Program can go ahead with rulemaking.

Mr. Mahood: It's never been a problem over in this part of the world, but I know in other council jurisdictions that there have been some conflicts and the council wanted to go ahead and then, of course, you've got to go through the Magnuson Act process to do that. We've never encountered a problem with the sanctuaries over here.

I think, for most of you that have been here for a while, we had quite a few meetings with the Keys National Marine Sanctuary folks as that was being developed and we helped have input, but we did not choose to put any of the regulations in under the Magnuson Act.

Dr. Sedberry: If you'll recall, I think from the last two council meetings, we talked about spearfishing regulations as well and the council decided to defer to the Sanctuary on those spearfishing regulations and those are proceeding.

Ms. Shipman: That was going to be my comment and also, I would like to make a motion that we defer to the Sanctuary for rulemaking on this. My reason is we have such a full platter right now. I just don't see how we can undertake any more rulemaking that we have the option to defer to another body who is doing all the work on it anyway. It just will save us a tremendous amount of administrative work and our staff is absolutely slammed with the workload.

Mr. Currin: Motion by Susan and a second by half the committee. David Cupka, I heard your voice, to allow Gray's Reef Sanctuary to develop the rules governing their research area designation. Is there discussion?

Mr. Harris: I would speak in favor of the motion, Mr. Chairman. Susan is absolutely right that we've got our platter full right now, but the (ii) that was up there, the second part of the regulation, is gone now and it was the rebuttable presumption about transiting through the research area with any fish and presuming that they were taken within the research area.

You're right next to an area that has been and is going to continue to be heavily fished and you're also immediately south of the area that's primarily fished and that's the transit area for the people from the Brunswick area and so I think it's going to be pretty difficult. They're going to have fish onboard their boat and I guess you're going to make them go around either way and so I think you need to reconsider the wording of that one, maybe.

Dr. Sedberry: We have considered and reconsidered and on the advice of counsel, that's what we've got now, but we can reconsider it again. Again, we're trying to make it as simple as possible for compliance and for law enforcement and this is what -- On the advice of the law enforcement agents and the attorneys, this is what we've come up with, but we can look at it again.

Mr. Harris: To that point, Mr. Chairman, didn't they also recommend that you buoy the area though?

Dr. Sedberry: They did.

Mr. Wallace: Because of the buoy issue, I was looking and you've got a certain percentage of the ledges that's within this closed area, in order to make it scientifically valid. Are any of these ledges close to the perimeter of the borders? If there's no buoys there, you're going to get some encroachment. People is going to push the limits, especially if they don't have a -- They're going to say, well, I didn't have my loran on or my GPS on or -- I'm just wondering, is that going to bias the study?

Dr. Sedberry: There are ledges close to the border and ignorance is not an excuse for violating the law and everybody -- The people that are out there, I don't know that everybody does, but they have GPS and we can give everybody a free geo-PDF that will -- They can upload these coordinates to their navigation system. Those that are out there that don't have GPS or other ways to navigate are just going to have to be more careful. They're not going to be able to fish right along the borders.

If they're inside -- I'm not a law enforcement agent and so I'm sure some of those officers allow some tolerance. It's sort of like the five miles over the speed limit, but I don't know what the tolerances are. It may just be a warning and, of course, we can have a long lead-in period to this, where we only give out warnings and make sure that the public is aware of the boundary, even though it's not marked with buoys. I don't know if that answered your question, but --

Mr. Wallace: It does, because you touched on that. Yes, most law enforcement is going to give you a grace area, I guess you would say. I guess over time it will -- You'll be getting consistent numbers, because you're going to probably get the same amount of encroachment year after year after year. I was just curious if some of the ledges were close enough to the boundaries that it may bias the study.

Dr. Sedberry: There are some right on the boundary and, again, it's up to the individual researchers to design an experiment or study that takes that into account and they make sure that they have ledges wherever they want them in relation to the fishing effort.

Mr. Geiger: I would speak in favor of the motion. The one caveat though, George, is that it's being reserved for scientific and research purposes and I think it's really important that the research takes place and it's not just an area that's blocked off to fishing and access to the public. I can't stress how important that's going to be in the future.

Dr. Sedberry: We know and that was expressed to us during public scoping at every step of the way, that we can't just set these things up and not do research in them.

Mr. Currin: David has a comment regarding the motion and then --

Mr. Cupka: **I would like to make the motion a little bit more specific and make it relative to the establishment of the research area and not just give them carte blanche for rulemaking, period. They may want to do some other things and so let's make it specific to the research area.**

Mr. Currin: Yes, that's probably good, instead of carte blanche. Susan, you're okay with that? I think everyone understood the intention, but thank you, David. It's good to make it clear. Something like that written or recorded could come back to haunt us at some point. David, you were the seconder and I assume --

Ms. Shipman: I accept those changes.

Mr. Currin: Ms. Shipman is fine with that. Any further discussion of this motion? Is there any objection to the motion? I see none. **The motion is approved then and will be a recommendation to the council from this committee.** Thank you, George. Good luck with all that. It's after noon. Let's try to get back here ready to go at quarter to.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened at the Jekyll Island Club Hotel, Jekyll Island, Georgia, Wednesday afternoon, March 4, 2009, and was called to order at 1:45 o'clock p.m. by Chairman Mac Currin.

Mr. Currin: We'll reconvene the Snapper Grouper Committee meeting. Thank you for being back on time. Mr. Dennis O'Hern from the Fishing Rights Alliance is here and he let me know that he has set up a little video camera and his plan is to broadcast this or air it on a website somewhere and make it available for viewing for folks that aren't able to attend the meeting and the like. Just to make you aware of that. I'm sure it won't affect anyone's behavior or comments, but it's an interesting concept and it will be interesting to see what kind of feedback and response we get from that from folks who are unable to make the meeting.

We'll get back into our agenda and Jack McGovern is going to bring us up to date on the final annual catch limit guidelines that were published. Everybody has a copy of the final rule under Attachment 3. Just as a comment, I guess, from deliberations of our SSC next door -- Most of you are aware that they've made considerable progress at this meeting and I think the existence of these final guidelines probably has helped that out quite a bit. They know exactly where they stand and we're real pleased with progress they've made.

Dr. McGovern: I'm going to just give a very brief update on the National Standard Guidelines and just kind of summarize what the differences are between the proposed guidelines and the final guidelines. Just very briefly, in 2007, the Magnuson-Stevens Act was amended to include new requirements for annual catch limits, also known as ACLs and accountability measures, and a revision to the National Standard 1 Guidelines was conducted to incorporate these new requirements.

The proposed rule for National Standard 1 guidance was published on June 9 of last year and some of the major items included in there included things such as relationship between MSY and OY, OFL, acceptable biological catch, ACL, annual catch targets, guidance of use of ACL and AMs, statutory exceptions to ACLs and AMs and so on. You had a presentation, I think from Mark Milliken, last year that summarized all this and so I'm not going to go into it.

The final guidelines were published in January and the rule became effective in February and there are very few changes from the proposed guidelines. The only really major change is that annual catch targets and annual catch target control rules are now optional and they're considered to be a type of accountability measure. With the exception of the changes to the ACT, there's some minor clarifications to text.

Now we have a situation where we have the ACT dropped and so now the OFL is greater than or equal to the ABC, which is greater or equal to the ACL. The final guidelines state that if the council recommends OFL equal to ABC equal to ACL, the Secretary can presume that this proposal will not prevent overfishing.

As I said, the annual catch target is the major change to the final guidelines and the final action retains the concept of the ACT, but it does not require it. It says that ACTs are better addressed as a type of accountability measure, particularly for fisheries that don't have in-season management control.

Some of the clarification to the text, one of the clarifications concerns ecosystem component species classification. The final guidelines indicate that this is not required and the council or Secretary may include this. Rick asked me to add this section down below in italics that provides some guidance on what requirements are for possible classification for an ecosystem component species and this include that a stock or species should be a non-target species or a non-target stock and it should not be determined to be undergoing overfishing, approaching an overfished condition or overfished or in the future become subject to overfishing or overfished and the stock or species should not generally be retained for sale or personal use.

Some of the other clarifications in the final guidelines are that there are two categories of accountability measures, in-season accountability measures and accountability measures when the ACL is exceeded and ACTs are now recommended as a type of accountability measure.

FMPs should include in-season closure authority if it's determined that an ACL is to be exceeded or projected to be reached and another clarification has to do with the ABC control rule. There was some discussion I think in the proposed rule that the ABC control rule should be in the council SOPPs, but now it's specified that it should be described in the FMP.

Rick also asked me to add this slide. This is not a change from the proposed and the final guidelines. It just summarizes what the exceptions are to the ACL requirement and that is the exceptions are species with a life cycle of approximately one year, unless subject to overfishing, or managed under international agreement of which the U.S. is a part of. ACLs only apply to stocks in a fishery in the FMP and would not apply to ecosystem component species.

This is my last slide and also a slide that Rick asked me to include that shows exceptions to the requirement to prevent overfishing and they apply under limited circumstances, including that a fishery must not be in an overfished condition and will result in a long-term benefit to the nation, mitigating measures have been considered, and the resulting fishing mortality will not cause any stock or stock complex to fall below the minimum stock size threshold more than 50 percent of the time. That's a very brief summary. The major change is that ACTs are now optional and considered to be a type of accountability measure.

Mr. Currin: Thank you, Jack. Questions for Jack on the final guidelines for National Standard 1? I see none. Thank you very much. Our next item is Amendment 17. I want to make sure everybody has the right copy of that. It's Attachment 4. It's not the one that came in either the first or the second briefing book. Just as a means of identifying it, it's Attachment 4 - AM17022009 and if that will help you out, it's a 4,530 kilobyte-size file. Make sure everybody has got the latest copy.

While you're looking for that, if you're having trouble, let me know or let Mike know. He's got copies, CDs. I just want to take the opportunity to thank the staff and the team for a lot of work that was done between the first briefing book and the time we got to the council meeting to flesh out 17 with a number of options that are there and as indicated in the email that everyone received, all those changes between the first and last versions are indicated in a highlighted gray area. Does everybody got it?

Dr. Cheuvront: Can you tell us that file name again?

Mr. Currin: It's Attachment and the File Name is AM17022009. The file size, since that's obvious on your desktop, is 4,530 kilobytes. It was emailed and Mike has a hard copy if you need it. We'll turn it over to Rick to walk us through this and he will give us -- He's done his homework and got all the PDF page numbers so that we can get everybody there quickly, instead of referring to the document number. Is everybody okay and ready to go? I see nobody squawking and let's roll.

Mr. DeVactor: To remind everyone, Amendment 17 is the amendment that specifies ACLs and AMs for ten species that are undergoing overfishing in the snapper grouper complex. As Mac said, in this version you'll see what is shaded gray is the new information that had changed from the first briefing book version and the second briefing book version. All the new material is highlighted.

What I typically do is just run through, starting with the first action, and go through the alternatives. Again, we're looking for the range of alternatives in this case and any preferreds, if you have them. What I want to do is -- Actually, the first action deals with golden tilefish and

what I would like to do is actually start off with the second action, which deals with speckled hind and warsaw grouper, as there are alternatives in there to prohibit all catch or harvest of deepwater species. That has the largest implications for the deepwater fishery. In the next version, if you don't mind, I would like to put speckled hind and warsaw as the first action.

Mr. Currin: Rick and I talked about this and it makes the most sense to me, because the impacts -- If we can select a preferred on this deepwater complex and decide how to deal with that, that will affect everything else we do through there and I believe there's appropriate analysis in the document now to enable us to do that. If there's no objection to that, that's how we will proceed.

Mr. DeVactor: Just as a general comment, this document is not largely different, in terms of how we analyze the impacts, from the one that you looked at in December. Most of the impact analysis is currently in there for the alternatives. Again, one of the major changes that you all told us in December was to beef up the no action or status quo alternative, the fact that we already have ACLs, ACTs, and AMs in place for much of our species.

To start off, again, speckled hind and warsaw grouper. What I'll do is I'll name off the PDF page and you can type that into the box. For this action, it's 173 or document page 151. It's fastest if you just type in "173" up top there and it will take you right there. Alternative 1, of course, is the status quo alternative there. It would retain the existing regulations for speckled hind and warsaw grouper, which is, as you know, one per vessel per trip for each of those species and no sale, trade, or transfer at sea.

We currently do not have ACLs in place for these two species, because we do not have a commercial quota in place and so we do not have an ACL. The recommendation, if you all recall, from the council's SSC was an ABC equal to zero, but then they clarified for us that for these two species that the value of that ABC equals zero is for landings only and not bycatch. That's important to note.

Alternative 2, 3, and 4 all set the ACL equal to zero. Alternative 2 would prohibit all commercial and recreational fishing for, possession, and retention of speckled hind and warsaw grouper. If you go through the biological impacts on the following pages, you'll see that there's not a large positive biological impact from this action right now, whereas the catch of speckled hind and warsaw, as bycatch when you're targeting co-occurring species, would still occur. That would satisfy the current SSC recommendation of an ABC equal to zero, no landings. That's only landings.

Alternative 3 has greater positive biological impacts, as that prohibition would include all deepwater species, the deepwater species listed below there: snowy grouper, golden tilefish, et cetera. That brings up the question where earlier this week the LAPP Committee discussed possibly putting in a LAPP program for the golden tilefish fishery. This alternative here would prohibit all harvest of golden tilefish commercially and recreationally.

Finally, the fourth alternative is prohibiting catch of deepwater species. It's the same as Alternative 3, but it would allow harvest for golden tilefish in specific locations, because it's believed, again, as we talked about, longlining for golden tilefish, for the most part, occurs over

mud bottom and harvest of speckled hind, warsaw, and snowy is mostly occurring over rocky or hard bottom. They could longline in the mud areas and not have bycatch of speckled hind and warsaw grouper.

What I would like to project at this time for this alternative is a possible closure that captures the mud bottom that Roger put together. This is separated by the north and the south. What Roger looked into is the known mud bottom habitat and this is between 100 meters and 300 meters and this is the north section. Under Alternative 4, this would be the locations where golden tilefish harvest would be allowed, between these two yellow lines. Those blue dots are the Amendment 14 MPAs.

Mr. Wallace: Is that the traditional fishing grounds now?

Mr. DeVactor: Roger told me that this is the area that's been identified through SEAMAP as being mud bottoms. This is where golden tilefish fishing does occur, on the mud bottoms.

Dr. Crabtree: There's a fair amount of that fishery though down off of Florida, isn't there? That's a different --

Mr. Currin: It appears that that runs to the EEZ, Rick, is that -- Okay. It's not the EEZ, that red line to the right, that more or less travels with the yellow line, the far right yellow line.

Mr. Waugh: Part of the reason these issues are linked is the issue we have to deal with is we have to eliminate as much of the mortality for speckled hind and warsaw as we can. The ACL is zero and so that means there can't be any directed harvest, but we know that there would be a bycatch mortality in the speckled hind fishery. There can be some bycatch while they're fishing for golden tile, if they get on the edges of the mud near the rocky area, but we also know that there's a bycatch of juvenile speckled hind and warsaw in the mid-shelf fishery.

If you're going to allow a mid-shelf fishery, that's already going to incur some speckled hind and warsaw bycatch mortality and that seems to argue more for considering Alternative 4, which the way you would do that is, in essence, define that deepwater area with a series of latitude and longitude points and prohibit all fishing for snapper grouper species in that area.

That gives us the most effective method of limiting the amount of speckled hind and warsaw mortality. The ACL is zero and we have to keep directed harvest at zero. If you close the deepwater area, that would help reduce the bycatch and discard mortality. If you allow golden tile fishing in an area that's just mud bottom, you minimize the amount of speckled hind and warsaw bycatch mortality and you would allow a mid-shelf fishery that is going to incur some bycatch mortality. A part of this would allow some benefits to red snapper as well that are caught in deeper water. You would incur some benefits for other species in other actions.

Mr. Currin: I think it's important, in reference to John's question that John -- I would consider these lines kind of preliminary at this point. This is what Roger's best guess of the best area to put this and identified the mud areas and I'm sure as this moves along, if this is where we end up, that we'll get input from golden tile fishermen that might modify those some.

Mr. Wallace: Looking at those lines, and maybe it's just because of the scale of the map, but does that overlap the deepwater trawl area of the Coral HAPC? Maybe it's just because of the scale, but is that going to present a problem?

Mr. Waugh: What we've put together here is a first cut at an area that encompasses within the 100 meters to 300 meters in the mud bottom. Certainly that would exclude any areas that are MPAs or Deepwater Coral HAPCs. Those areas would not be included, but the rest of the area that's between the 100 and 300 that's mud bottom, the intent is -- As Mac stated, we will get with the golden tile fishermen to refine this area, but the intent is to allow fishing for golden tile in the mud bottom areas and that would be where they have historically fished.

Mr. Currin: It's for now and I think that's the critical point. I think everybody has to feel that way, for now.

Mr. Geiger: Gregg, you touched on it, but my question was, do we have an analysis of what type of red snapper reductions we would see as a result of implementing this action?

Mr. Waugh: I think when we get to that that John Carmichael is going to be in here and John and Rick have worked this up and I think at that stage we'll be able to give you some idea of what the savings are.

Mr. Currin: John's got a little program and a map that you can select grids. Now, granted, they're fairly large, but we can select grids and try to overlap those with this area and I think the machine miraculously spits out whatever the savings are in red snapper, based on landings.

Mr. Robson: The question is related to red snapper and I think I understand now. You're talking about reducing bycatch of red snapper if you have these areas, because this would just prohibit fishing for all the deepwater grouper species.

Mr. Waugh: The intent of this would be that you close the deepwater fishery. There would be no fishing for snapper grouper species in that area. The way we've got it worded here is you're prohibiting all fishing for or possession of the deepwater species. The only effective way to do that without incurring a lot of discard mortality is to delineate that area with a series of latitude and longitudes, like we've done for our other closed areas, and then there would be no bottom fishing seaward of that, any deeper than that.

Mr. Robson: I'll probably show my ignorance here, but red snapper is not a deepwater species. We're talking about bycatch?

Mr. Waugh: Correct and what we're saying is there may be some reduction in the level of bycatch mortality on red snapper if you go ahead and adopt this. That's sort of why we're presenting this to deal with the deepwater first, because once you make your decisions about how you're going to manage the deepwater, that provides benefits for some other species that can be accommodated later on.

Mr. Harris: Gregg, you said in that area and I know you're talking about seaward of the line, but

what is that line? Is that the line that's depicted?

Mr. Waugh: No, that line would have to be developed.

Mr. Harris: We don't know what that line is right now?

Mr. Waugh: Correct. We have had a depth zone before, but, again, we would work with the scientists and the fishermen to delineate a series of latitude and longitudinal points, similar to what we've done for our Deepwater Coral HAPCs.

Mr. Wallace: Just to wrap my head around it, we're going to do something similar to the deepwater shrimp and give them an allowable fishing area? Is that the concept that we're going after here?

Mr. Currin: For golden tile, that would be correct. Then there's going to have to be another line, seaward of which there would be no allowable bottom fishing, with the exception of the allowable golden tile area, for specific gears.

Mr. Wallace: We're only going to be designating these two areas, one in south Florida and one between North Carolina/South Carolina, or is it going to be any place that's got mud bottom?

Mr. Currin: It's the whole coast. You can't see it because it's on two different maps, but those lines intersect there somewhere, to the south. They join. They don't intersect, but they join.

Mr. Robson: I guess we'll come to this, but if we go down this path, then that would address -- It would effectively -- There would not be any catch limit, for example, for snowy grouper. We wouldn't have a harvest of snowy grouper at all.

Mr. Currin: That would be the implication and keep in mind as well that we're scratching our heads now with trying to manage the harvest of, on the recreational side at least, 500 fish. That's difficult to impossible to try to manage. It's a very, very small quota and it's unclear, to me at this point at least, how we might effectively do that. There are a lot of implications to Alternative 4, selection of Alternative 4. It addresses a number of problems that we're going to have to address in some way.

Mr. Robson: Is it fair to say if we, for example, take one of these alternatives that that would automatically establish an ACL for the rest of the deepwater species of zero?

Mr. Currin: Yes.

Mr. Waugh: You're going to have some catch in the mid-shelf fishery and so, for instance, for snowy grouper, you wouldn't necessarily want to set the ACL to zero, because you would want to allow retention of any that are caught as bycatch in that mid-shelf fishery.

Mr. Currin: That would be one approach, yes.

Mr. Harris: Gregg, what you all are asking us to do is decide if we want to include all of these as alternatives and if we want to pick one as a preferred alternative at this time or is there anything else you want us to do?

Mr. Currin: I think that captures it well, Duane. Selection of a preferred at this point will help guide the staff in the analysis and the development of the document and depending on which one it is, it has ripple effects throughout the entire amendment.

Dr. Cheuvront: Gregg, I would like some clarification on something you just said. As I read these alternatives, it says, for example, prohibit all commercial and recreational -- Alternative 3, for recreational fishing for, possession, and retention of all deepwater species. You just said that if snowy grouper were caught in the mid-shelf that it could be kept, but I thought this species belonged to the group and that would mean that if we did this and we shut it down, that would mean no retention of snowy even from the mid-shelf. Am I misunderstanding that?

Mr. Waugh: That's the way it's worded here, but I was just discussing this with Rick and if you all are looking to include this idea of closing seaward of a line to all fishing, then we would need to modify this language, because I don't think you would want to require people to throw back snowy grouper from the mid-shelf fishery. I agree with you the way it's worded here in Alternative 4 that that's what it says. That's something you could clarify how you want us to approach it.

Dr. Cheuvront: Just to follow up with that, do we have any idea of what the actual depths are of where that mud bottom is or where that line would go? That's going to be pretty significant in determining whether fishing for snowies is even going to occur or not. I would need to know something about depths before I could feel informed about voting on this issue, depending on how the council chooses to go. Not just the bottom type and that, but I would need to know something about those specific depths.

Mr. Geiger: Do we have information that can satisfy Brian's question at this time?

Mr. Waugh: We can perhaps get something put together. We don't have anything right now prepared. I can go back and look at Amendment 13, where we were talking about this, and look and see the depth. I think there was a depth in there that we had some input from the fishermen on. I can pull that up in a couple of minutes.

Mr. Currin: Other questions or comments at this point? I think that is probably a very critical piece of information that we would need, certainly before selecting a preferred alternative here.

Mr. Robson: Just a question. I'm trying to recall some public testimony or somebody that we've talked to. Is there any relationship in terms of the golden tile fishery with blueline tilefish and are those two kind of linked in terms of at least commercial harvest?

Mr. Currin: Jack may be able to shed some light on the biology.

Dr. McGovern: The blueline are more caught with the snowy grouper. They're caught in rocky

habitat and the same depths as snowy grouper. The golden tilefish are caught in the mud habitat.

Mr. Harris: I think the difficulty we're having with these alternatives is there's not enough specificity for us to say -- For sure for us to pick an alternative as a preferred, but I think we really need to see some depths associated with some alternatives before I can feel comfortable that these four alternatives are the alternatives that I want to consider. That's where I am right now.

Mr. Currin: Other thoughts or comments? I'll just make an observation, based on the results of our discussions in the Golden Tile Committee and the like. Alternative 3, without major modifications, doesn't seem to be one that's realistic for consideration.

Dr. Chevront: I appreciate that. I think there's not enough information here for me to say that Alternative 4 would be a preferred alternative, from my perspective. If the rest of the council or the committee chooses to decide that they want to follow with Alternative 4, that's fine. That's just chosen as the preferred. It doesn't mean it's what we're going to end up with, but without it -- The only one that I could support at this point, for example, would be Alternative 2. I think that's not going to be satisfactory to a lot of the members of the committee, as well as the full council. My guess to you all is -- I would like more information. If you want to select the alternative now, we can always change it later, can't we, the preferred alternative?

Mr. Currin: There's no problem with that. Just the idea here and the reason we're walking down this path is that if the committee could come to agreement on an alternative on this issue, it would have ripple effects throughout the rest of the amendment and it might simplify some of our approach.

Dr. McGovern: I just want to ask Brian -- I might have missed it, because I was talking, but what additional information do you need so that we can put that in the analysis?

Dr. Chevront: I would like to know what the depths are of what this line is, this theoretical line that folks are talking about. I would like to know which side the hard bottom is on of this mud bottom that we're talking about having open. I would just like to know a little bit more about it. For one thing, the way it's set up now, this means that if Alternative 4 was selected, the way it's worded, that means that there would not be any harvest whatsoever of snowy grouper and I want to find out if we choose this line, what is that impact going to be on snowy grouper?

Mr. Harris: I would like to see an alternative in there that does, as 4 does, allow for golden tilefish harvest in a specified area to be more adequately defined, as well as an allowance for the harvest of snowy grouper in those shallower water areas. I think there's a lot to be said for preventing the harvest of those deepwater species in those deepwater areas and allowing the continued harvest of tilefish, but I think inside of that line, I think we ought to allow the harvest of snowies.

Dr. Crabtree: I think that's kind of what we already have for snowy grouper. Recall when we did Amendment 13C that we put the quota in place and I think we're at a 100-pound trip limit right now. The idea behind the 100-pound trip limit was no one would target snowies at that

level, but it would allow some incidentally caught fish to come in. I think that's kind of what we did in 13C and it appears to be working. The quota we put in place hasn't been hit yet and there are issues on the recreational side, at least apparently in North Carolina, but I think that's kind of status quo for snowies right now.

Mr. Currin: I think if I'm interpreting the sense of the committee here, perhaps modifying Alternative 4 by inserting a depth contour, to prohibit all fishing seaward of some depth contour, and we're missing that value at this point. That would satisfy at least your initial concern. Duane has a concern about allowing retention of snowy grouper landward of that line as bycatch species in both commercial, I presume, and recreational fisheries as well. I think as guidance to staff here if we can craft some sort of motion to give them some guidance, that would be best and give them the direction that they need for future development.

Mr. Wallace: Just a question. Is this a VMS-mandated fishery? You don't have any? Okay. In doing this, it would require that it would be, probably, if you're going to designate this area again.

Mr. Waugh: Here's the information that I was talking about in Amendment 13. This is back in 2003, when we were looking at this and talking about at that point having a directed quota and once the directed quota was filled or projected to be filled, prohibiting any fishing for or possession of deepwater species. In regards to depth, during the AP meeting in December, fishermen suggested thirty-five to forty fathoms be used to separate the deepwater fishery from the other fisheries. Somewhere around thirty-five or forty fathoms would be the depth and so it would prohibit fishing deeper than that.

Mr. Currin: There's a value for you for consideration now that was recommended by our AP during the development of Amendment 13C. If we suggested a modification to Alternative 4 such that it would read to prohibit all fishing for, possession of, or retention of all deepwater species seaward of -- Whatever is required to be easily interpreted by law enforcement and the like, but the general concept is there of thirty-five to forty fathoms. We can convert that to feet.

That would allow the fishery to occur inside of that area as a bycatch fishery for both sectors, or all sectors. Yet, it would provide some protection for speckled hind, warsaw and all the other deepwater species as well seaward or eastward or whatever. I don't know how to say it exactly. That's kind of what we're after? I don't know that we can refine that better through the science. We've got some --

Mr. Geiger: **I'm ready to make a motion that we select Alternative 4, which is to establish an ACL of zero and prohibit all fishing for, possession and retention of all deepwater snapper grouper species seaward of thirty-five to forty fathoms and allow harvest for golden tilefish in the specified area or allow golden tilefish harvest without any speckled hind and warsaw grouper mortality.**

Mr. Currin: It probably would be best, just as a suggestion, to either pick one depth or to perhaps select two alternatives, one at thirty-five and one at forty or one at forty and one at fifty or I don't know, but just --

Mr. Geiger: **Let's pick forty.**

Mr. Currin: Okay. Let's make sure we get it captured.

Mr. Geiger: This would be for a preferred alternative. Retention of all deepwater snapper grouper species.

Mr. Waugh: Was that supposed to be the preferred?

Mr. Currin: That was George's motion, that it be selected as a preferred. Robert, are you going to second that? Okay. Motion by George and seconded by Robert to establish an ACL of zero and prohibit all fishing for or possession and retention of all deepwater snapper grouper species seaward of forty fathoms and allow harvest of golden tilefish in a specified area and that that be a preferred alternative. Is there discussion?

Dr. Crabtree: The way I read that though, that means you would allow fishing for and possession of deepwater species inside of forty fathoms and so I don't see how the ACL then is zero. If the ACL is zero, you're not going to allow fishing for or possession or retention of them anyway. It seems like that's an inconsistency, unless I'm misunderstanding it.

Mr. Currin: I think the intent there is that the ACL for speckled hind and warsaw be set at zero. Perhaps that modification would clarify it.

Dr. Crabtree: One other just -- There's a table on page 155 in the document that shows what's caught on trips where at least one pound of warsaw grouper was caught or one pound of speckled hind were caught. It shows that two tilefish were caught on trips where at least one pound of warsaw grouper was caught and four tilefish were caught on trips where at least one pound of speckled hind was caught. Am I reading this right?

Dr. McGovern: That's the number of trips, I think.

Dr. Crabtree: Tilefish were only caught on two trips where at least one pound of warsaw grouper was caught and tilefish were only caught on four trips where at least one pound of speckled hind were caught. Just looking at that, it looks to me like there's very little overlap between tilefish and speckled hind. There seems to be much more overlap between vermilion snapper and scamp. I'm not sure we're not worrying more than we need to be about bycatch in the golden tile fishery, because it looks to me like there's very little of it, at least for warsaw and speckled hind.

Mr. Waugh: One of the concerns with the need for coming up with an allowable area for golden tilefish is if you look historically, that's what fishermen have done in the past with the fisheries open in the past. If we put in all these regulations, there's going to be a lot of effort shift. The concern that we're surfacing here is that there's going to be an effort shift to golden tile and the available mud area and the fishermen we met with, and Kate could probably comment on this if we need her to, but the fishermen are concerned that if a lot of boats switch over and start trying to longline for golden tile, or even just fish hook and line for golden tile, the available mud

bottom is going to be taken up and people are going to fish on the edge of that and get into more hard bottom areas. Then your bycatch of speckled hind and warsaw are going to go up.

Roy is exactly correct that there is a bycatch mortality of speckled hind and warsaw in the mid-shelf fishery and so what we're suggesting as possible alternatives is to lower the amount of bycatch mortality the maximum extent that you can in deep water, because you already -- If you're going to allow a mid-shelf fishery, you're already allowing a certain level of bycatch mortality.

Dr. Crabtree: We've got a golden tile quota now that I suspect will be reduced some in this and I think the trip limit kicked in in May of this year, Jack?

Dr. McGovern: Last year.

Dr. Crabtree: Last year, which pretty much shuts the longline fishery down, unless they're cheating on it somehow, but it's hard for me to see how many more vessels are going to switch to longlining for golden tile, because I think the quota would be caught up so fast. I don't know how it would be profitable for them to go out and spend the money and get longline gear and get into this fishery.

It seems to me there's a relatively small number of boats in it now and if it went up by very much, this fishery would be shut down in a matter of a few months. Then I don't see how they're going to make any money out of it. I guess it's possible that that could happen, but it doesn't seem very likely to me.

Ms. Shipman: With HMS having to presumably set ACLs and AMs and all of that, is there the potential that you're going to have shark longliners shifting out of that fishery, potentially into this one?

Dr. Crabtree: As I understand it, there's already -- A lot of the shark longline boats and the golden tile longline boats were already some of the same guys, but you know they're getting squeezed from every direction and I'm just not sure how many are going to -- You potentially have a situation where a lot of the Gulf grouper boats are getting displaced too, but I don't think they have the permits. I don't think any longline vessel is going to be able to stay in business by fishing golden tile, because you're not going to be able to fish but for a fraction of the year.

Mr. Currin: Other discussion on the motion? Roy's suggestion is that we're not gaining much by establishing allowable golden tile areas, that there's not that much traditional overlap. The concern Gregg expressed, that everybody heard, was that there might be new entrants that might not have the history and might be squeezed and pushed up closer to the areas where warsaw and speckled hind are more common. Any further discussion on the motion? **All in favor of the motion raise your hand, six; opposed, six. I will vote in favor of the motion at this point.**

I think we've probably got some work to do on this, but we will certainly receive some input as we go along. Keep in mind this is not a locked-in-stone preferred alternative, but it may allow us to move along in this amendment with more efficiency. All right, Rick, when you're ready.

Mr. DeVictor: Next we deal with golden tilefish, which is on PDF page 166 or in the document, page 144. What we currently have for golden tilefish is a commercial ACL which is set at the overfishing level, which is the FMSY level. That's something that you all are looking at, dealing with possibly lowering that down to the FOY. We do not have a recreational ACL or AM in place currently.

There's a minor recreational component to this fishery. It's shown two pages after this, showing the catch, but it's not been greater than 9 percent over the last seven years. That's the recreational harvest and PSEs are typically between 40 and 60, pretty high. What we currently have, that's the no action alternative.

Then Alternative 2 would establish a commercial ACL or quota at the FOY level and we have what that would be and so that's 321,003 pounds whole weight and 286,609 pounds gutted weight. That's Alternative 2. Alternative 3 would establish a single ACL. This gets at the problem of not having a recreational ACL currently. You would combine that and have a single ACL that would have the commercial quota at the FOY level and the recreational harvest that's allowed at the OY level. The total ACL would be 326,554 pounds whole weight.

That wouldn't get at the problem of this high PSE and recreational being a low component of the catch, because the recreational harvest would be used to track the single ACL. I just wanted to bring that up. You have a variable recreational harvest of golden tilefish and if that's really high in one year -- If you look at the table, it did shoot up in 2005, but you could possibly be shutting down that single ACL, be shutting down the fishery.

Alternative 4 is establishing a recreational accountability measure that would implement a one golden tilefish per vessel when the single ACL is projected to be met. That's putting in a recreational AM.

Alternative 5, this alternative was added by the team, after we talked about it. This would track the commercial quota at the FOY and then when that is met, you would close down the fishery, the commercial and recreational fishery. That alternative, Alternative 5, the recreational harvest would not be used to close down the fishery. It would just be the commercial quota. Those are the current five alternatives before you. We just need guidance if we should add Alternative 5, if you all feel that, because that was suggested by the team.

Dr. Crabtree: One comment on the way we're handling the quotas at the FMSY level and at the FOY level. Looking at this, I believe you're using equilibrium estimates of the yield at FMSY and the yield at FOY. Actually, the yield at FOY would be substantially less than what is in the document here, because I think if you now believe you're fishing at the FMSY level and then you want to go to the FOY level, I think you would have to reduce the catches by 25 percent, because you're not at equilibrium. That's kind of a theoretical concept.

The reason you don't see much difference here between the yield at FOY and the yield at FMSY is because it's figuring an equilibrium. The biomass at OY is greater than the biomass at MSY and so even though you're fishing at a lower fishing mortality rate, you're fishing on a higher biomass.

Clearly just because we select a change to the FOY level, that doesn't miraculously create all that additional biomass out there. There is whatever biomass there is right now and so if you reduce the catches by this seems to be about 5 percent, you're not reducing the fishing mortality rates by 25 percent. Do you follow me?

I think if you really want to be able to say you're fishing at the FOY level, you would probably need to look at reducing that quota by 25 percent, because the biomass is whatever it is. I can't tell you if you went to the equilibrium yield at FOY and held that for many, many years -- Maybe the biomass would go up some. I don't know if it would ever get to the OY level doing that or not, but I think that we need to be clear about what we're doing in here and I don't think it's fair to say that reducing the quota by 5 percent gets you to the FOY level, because I don't see how that would work.

Mr. Currin: Other comments or questions?

Mr. Waugh: What you're suggesting then, Roy, is that we have another alternative that would specify the level at 25 percent of what's shown for Alternative 2 and that would be the commercial ACL?

Dr. Crabtree: You would set the quota at 75 percent of its current value and I think if you did that, that could be expected to get you a 25 percent reduction in the fishing mortality levels and it might get you pretty close to the FOY. If you go for the lesser reduction at the equilibrium -- You're getting a reduction in fishing mortality, but you're just not likely to be getting to the FOY level.

I think we have an assessment coming next year some time and so what you could do is say that for now that we're going to kick it down to the equilibrium level, but that upon completion of the next setting, we're going to shift away from that and establish the quota at the yield equivalent to fishing at FOY. That way, you would get the new assessment and then have it kick down one more notch and that might be an easier thing to sell to the industry.

Mr. Currin: Is that a motion, Roy, to add that as an alternative?

Dr. Crabtree: **I would move that we modify this alternative to acknowledge the complexities of fishing at equilibrium and non-equilibrium levels and that our intent is that after the new assessment is completed that the quotas would be set to correspond to the actual yield at FOY, based on the biomass levels estimated by the new assessment.**

Mr. Currin: That would modify Alternative 3.

Dr. Crabtree: It would modify all of these alternatives that set things at FOY. It's more a clarification of what that means than anything else.

Mr. Currin: I wasn't clear whether your 25 percent reduction that you were talking about was to be the reduction from the FMSY level or whether that was to get to the FOY level.

Dr. Crabtree: If you assume that the stock is at the BMSY level right now and so we're fishing at the FMSY level right now and you wanted to get to the FOY level, then you would have to reduce the catches by 25 percent to do that. Now, we don't know really where the stock is, but we'll know once we get the new assessment. I think it would be fair enough to say that we'll go with this equilibrium value when this is implemented, but then once we have the new numbers out of the assessment, we're going to set them at the level that corresponds with fishing at FOY, which may be less. It depends on the outcome of the assessment. That would probably come about pretty quickly after that.

Mr. Waugh: Would that be done by framework?

Dr. Crabtree: I'm going to ask our General Counsel to advise us. If we put that in here, Monica, as that's our intent that that number -- Could we do that by just respecifying the quotas in the notice after the assessment was completed or would we need to do a framework?

Ms. Smit-Brunello: I guess it depends how we set it up and I'll look into it further, but, Rick, I think you have a framework action that you're going to talk about later for this amendment, correct?

Mr. DeVictor: Yes, there's an action to modify the current framework, along the lines of what the Gulf is doing, where we can make changes to the ACLs and ACTs by framework. We currently allow changes to the TAC to occur and bag limit and such and so we have that in place.

Ms. Smit-Brunello: We can look at putting it in there, but I guess we could also look at -- I was thinking about 13C and how we stepped down, but this is a different approach. This would be after a SEDAR is done and so let me think about it some more. Certainly we would want to do it at the least by framework.

Mr. Currin: If that alternative to modify the framework were to be accepted and to go through in this amendment, it would appear to enable us to handle this with no trouble.

Dr. Crabtree: I think it would and I don't have a particular problem with setting the quota at the level that's in the document so much. I just think we need to be clear that that's not likely to be at the FOY level. We can consult with the Center to see if they can give us any further guidance on that. I've got a couple other comments or questions on some of these, Mac. Do you want me to go ahead with those?

Mr. Currin: You offered that as a motion and let's see if we can get a second and then we'll go from there and we'll discuss it.

Mr. Harris: Second.

Mr. Currin: Second by Duane. The motion is, regarding golden tilefish, to modify all the alternatives to specify that the ACL values would be those resulting from the next assessment for the yield at FOY.

Dr. Crabtree: Yes, I think that's okay.

Mr. Currin: Discussion?

Mr. Waugh: Then what would be the number that we would be using? We would use the number that's shown in the document now for each alternative?

Dr. Crabtree: Let me do this. **I'm going to withdraw my motion.** I'm just going to ask that staff add some discussion into the document to clarify that these are based on equilibrium estimates and they'll have to be refigured after the new assessment. That would just be some text in the document. I think I've overcomplicated this. All I want is so that it's scientifically consistent and I don't think it scientifically makes sense to say what it says right now. We just need to work with staff and be clear about the language.

Mr. Currin: **The motion has been withdrawn then.** It was okay with the seconder, he indicated. Is the direction to the staff clear on how to address this in the document, Rick? You guys are okay with that?

Mr. DeVactor: Yes and just clarify if you're fine with the addition of Alternative 5.

Mr. Currin: It makes sense to me as an approach to managing this fishery, if we're going to work off of one ACL that when the commercial quota is met that the whole fishery shuts down for both recreational and commercial. Is everybody okay with that? Do you need a motion for that? **I would entertain a motion to add Alternative 5 to the golden tilefish measures.**

Mr. Harris: **So moved.**

Mr. Currin: Motion by Duane to add Alternative 5 to the golden tilefish measures. Second by David. Discussion? **Any objection to that motion? I see none.**

Dr. Crabtree: On Alternative 4, we have it where if the single ACL is projected to be met that we implement a one golden tile per vessel limit. Would that then only stay in place to the end of that fishing year and then it would revert back to one per person?

Mr. Currin: That would be my presumption, but I'll let the staff --

Mr. DeVactor: Yes, that's our impression.

Mr. Currin: Is everybody okay with retaining that as an alternative for consideration?

Ms. Merritt: I have a question. If I understand what Jack was saying about the ACTs, would this be a species that could have an ACT put in place, in the event there couldn't be -- When there wasn't any other accountability?

Dr. Crabtree: You could put an ACT in place for any of these species where you feel it's appropriate. It's just not required by the guidelines, but it is one way to do one type of

accountability that you could put in place.

Ms. Merritt: To that point, wouldn't this be an opportunity to put in an ACT for the recreational accountability, because this is so difficult to measure and to enforce?

Mr. Currin: It's one of those species, Rita, where we've got highly variable estimates of the actual recreational catch, because it's a rarely encountered species. It's synonymous to snowy grouper, where we are going to have a heck of a time trying to manage it if we establish separate ACLs for the two sectors or three sectors or whatever way you want to do it. If you add more sectors, it becomes more complicated and difficult.

The suggestion here from staff, as I read it, is to not establish separate sector allocations, because of that difficulty, and to manage it as a single ACL. The accountability measures that are in here, and there are a couple, are to close the fishery for both recreational and commercial when the ACL is projected to be met or met or then another approach to that would be to cut the recreational bag back to one fish for the remainder of that fishing year as an accountability measure. I guess to directly answer your question, I would have a hard time seeing how establishing an ACT in here would give us much, but it's up to the committee.

Ms. Merritt: I understand all of that. I was just looking at perhaps this might be helpful in the event that we do have what tends to be a traditional hi-grading when you only have the one allowable bag limit there in the recreational and a very tough time being able to put in any way of enforcing and being accountable for that. I thought an ACT may very well be something that we could use in any of these cases, even in snowy, when you have such a small amount to try to manage and you're going to pretty much be asking for more discards, I think.

Dr. Cheuvront: I think we're making some assumptions here that the commercial fishery is always going to remain viable here by pegging the recreational fishery accountability measures to what happens in the commercial fishery. We could -- As Roy said earlier, nobody is going to be able to make it in golden tilefish, to have their entire income from that fishery.

We could get to a point where if this council makes decisions that are going to close an awful lot of fisheries, we could end up in the same situation, theoretically, with golden tilefish that we're in with snowies right now, is we can't catch quota. It's not going to be worthwhile for fishermen, whether using the gear or whatever -- I can't see that happening in the near future. It could happen, I think, in the more distant future, but we're talking about a situation where we're leaving the accountability measures for one fishery tied to the assumption that the other fishery is going to remain constant.

I have a little bit of problem with doing that without some kind of a back-up to protect that from happening. Theoretically, if the golden tilefish commercial quota isn't caught -- I know that sounds ludicrous to say now, but it could happen in the future, then the recreational fishery could stay open indefinitely with no problems and that could create another stock issue.

Mr. Currin: I agree totally with you, but I think we have the means, if we consider this ability to address things like that in framework by adjusting ACLs, I think we can address that fairly

quickly. I would hope we would be able to, but I'm sensitive to your comments and I hope we don't have to get to that point.

Mr. Geiger: Mac, as you usually do, you covered that point that we can adjust it by ACL, but in addition to that, Brian, even if the commercial fishery did go away and the recreational fishery were left open, based on the amount of landings, the recreational sector only lands 6 percent. It's doubtful, especially with what we hear in terms of the economic times, that the recreational sector could even land the commercial quota if they directed all their effort at it. We might be poking something that doesn't need to be poked.

Mr. Currin: You never know these days and times, but other alternatives? Are we okay with the alternatives we have now for golden tiles in 17? Is there any desire to select a preferred at this point?

Mr. Waugh: Remember the timeline that NMFS and NOAA GC gave us. We're talking about Amendment 17 and these are species that were identified as overfishing as of 2008 and the regulations implementing all of this need to be implemented during the 2010 fishing year. In order to meet that deadline, we really need to approve a document for public hearing at the June meeting.

I know it's going to be difficult for you to pick some preferreds for some of these, but we really need preferreds if you all have an expectation that the team is going to be able to bring you a document at June that is ready to be approved for public hearing. As we move through, we really need you to pick preferreds to meet that timeline.

Mr. Currin: Anybody got anything that tickles them?

Mr. Geiger: **I would make a motion that we select Alternative 5 as our preferred alternative.**

Mr. Currin: Motion by George to select Alternative 5 as the preferred. Is there a second? Second by Robert. Discussion? Is everybody comfortable with that?

Dr. Crabtree: Let me ask a question. I guess this is kind of along Brian's level. What would happen if you had a situation where for whatever reason it took them a long time to catch the commercial quota and so when they finally caught it, you closed everything down, but the recreational catches turned out to be much higher than you thought and so you exceeded the overall ACL? Would anything -- You would have closed the fishery, but you still could have gone over the ACL if that happened. I don't know if we need to address that.

It seems unlikely the way things exist right now, but I wonder if we -- I don't think we can think of everything that might happen here and I guess if that became a pattern, we would come back in and relook at it. I don't know where to go with the recreational fishery but to a vessel limit at that point.

Mr. Currin: Alternative 5 is even more conservative than going to a vessel limit. That closes

both the fisheries at that point and so that's kind of, upfront, the best you can do to try to constrain the recreational fishery and prevent scenarios such as you described.

Ms. Shipman: In the companion AMs that we've got to work on, I know we had talked about backing down the quota for the future year and I can't recall what we had talked about for the recreational sector. Again, it's going to be really hard to account for that overage in the future year for the recreational sector. Commercial, I think we can handle it. We can just back it out of that total quota.

Mr. Currin: In this case, with this alternative, the accountability measure for the recreational fishery is to close it when the commercial fishery closes.

Ms. Shipman: For that year, that's correct. I'm talking about for the next year.

Mr. Currin: Yes, for the scenario that Roy described, if they went way over. I guess at this point the only alternative we would have would be to go back in and adjust, by framework, the accountability measures and ACLs to account for that. Keep in mind, at least at this point, with all our recreational fisheries that we don't get real-time data, catch data, for them. It lags by months and so we're not even going to know. In this case, we would probably know before the fishing season started if it was closed, but -- Roy, did you have something else?

Dr. Crabtree: No, it's just a tough situation, because the recreational catches are so low that they really -- You've got CVs of 50 percent on them and so -- Rita is talking about having a target versus an ACL, but the variance on the estimates are so long you wouldn't know if you were over one or over the other. I don't really have any better ideas on it at this moment.

Mr. Currin: I don't either. To me, again, I think Alternative 5 is the most --

Dr. Crabtree: I think if we get in a situation where it looks like the recreational catches are too high, then we're just going to have to come in in a framework and either shut it down or go to a one per vessel or something like that.

Mr. Currin: That makes the most sense to me.

Dr. Chevront: I had my hand raised to basically say what Roy just said. We would have to go to framework to somehow adjust the recreational catch. What Susan described to the committee here just a minute ago sounded like if we just adjusted the ACL in a future year that we're going to penalize commercial landings for staying within their quota because the recreational sector potentially went over and that would not be a very good sell to folks at all.

If there was some way, through framework, that we could adjust for recreational overages in the future, in that sense I think that probably Alternative 5 is the best choice that we've got at this point. I just can't see what else we can come up with.

Mr. Currin: I don't either. I think, Brian, the next step down, if the recreational fishery is exceeding what we think is the appropriate allocation, we could go back in and either close it or

go to a one fish per boat limit. That would certainly constrain it below where it is now.

Dr. Cheuvront: I would like to go ahead and call the question.

Mr. Currin: The question has been called on this motion. We have to vote on calling the question. **Is there any objection to the motion? I see none and the motion is approved.** Go ahead, Rick.

Mr. DeVactor: We'll be sure to modify the document and explain further, in the impact sections, that framework will be used and you are allowed to change, currently, the bag limit through framework. We'll be sure to add that to the document, in the discussion.

Mr. Currin: We're assuming that that's going to pass, but I hope everybody thinks that that would be a very useful tool for us. It certainly impresses me as one.

Mr. Robson: Just something for staff to look at or consider is to make sure we try to avoid any situation where you have a recreational harvest level that could be changing, to make sure we're looking at these individual fisheries to see if there's a likelihood of any kind of significant effort shift as a result of all the other regulations we're putting into place.

Particularly on the recreational side, what could change golden tilefish recreational landings are the things that are going on in the other fisheries and we need to look at that and if there's some reasonable expectation that we could see significant increases in recreational landings, then we need to account for it somehow and avoid these conflicts between commercial and recreational.

Mr. Currin: Agreed.

Mr. Wallace: I think we're about to get off of golden tilefish and if we are, I want to go back to -
- If we're going to implement some of these alternatives, are we going to have to require VMS in this amendment for the golden tilefish fishery? You're fixing to do an area closure and an area fishing ground and so you've got to have some way to enforce it.

Mr. Currin: So far nobody has brought that up as an issue to consider. It hadn't really hit me as something that we really need to do yet, but it may be because I'm not thinking about it.

Dr. Crabtree: I think that if we go down the path of these areas where the tilefish fishery is going to be allowed to fish, then yes, we're going to have to think about VMS, but before we get to that, I think we need to decide about an endorsement or are we going to go to a LAPP for the golden tile fishery and then do the VMS. You're talking about a small number of vessels that are doing this and I don't think you want to come in and try to put VMS on the entire snapper grouper fishery because of what I'm guessing -- Maybe someone knows, but I'm guessing it's like ten boats, maybe. Nine or ten boats in it. I think you're right, John, that we may have to get to that, but I think we need to figure out where we're going with that fishery and then we can figure that part out.

Mr. Currin: It's not clear yet, John, that we're going to either need to or going to draw those

lines out there yet. We're talking about a line beyond which people are not going to be able to deepwater fish, but -- Rick, when you're ready.

Mr. DeVactor: This is the final deepwater species undergoing overfishing and it's snowy grouper. It's PDF page 189 or page 167 in the amendment. Under the current no action for snowy grouper, we currently have a TAC in place. As you recall, snowy grouper is overfished and so 15A put in a rebuilding plan for snowy grouper. You do have the TAC and then you did specify allocations for snowy grouper through 15A. Again, that was 95 percent commercial and 5 percent recreational. Because you specified a TAC through the rebuilding plan and you do have allocations, you have a commercial ACL and a recreational ACL and that's listed under the no action alternative.

The current commercial ACL is 82,900 pounds gutted weight. The current recreational ACL is 523 fish. This gets to the same problem that you were dealing with in golden tilefish, where catches recreationally have fluctuated from year to year as much as 200 percent. The CVs are well over 50 percent and that's shown on a couple of tables a couple of pages forward. Also, you do not have an AM for the recreational sector.

Here's the current alternatives for snowy grouper. Establish an ACL of zero pounds, which would prohibit all fishing for, possession, and retention of snowy grouper. Again, this relates to the first action that we were dealing with. Your current preferred alternative in that one would certainly affect this one.

Alternative 3 is to establish a single ACL and this tracks what was the alternatives for golden tilefish. That was suggested by the team. Alternative 4 would establish a recreational AM that would implement a one snowy grouper per vessel, similar to what was done with golden tilefish. Then Alternative 5 tracks, again, the golden tilefish alternative, where the recreational catch would not factor into the commercial quota, but you would shut down both fisheries. Again, I think this is a point where we look at the first preferred alternative that was done with the deepwater species, for speckled hind and warsaw grouper, and decide what to do.

Dr. Crabtree: I'm looking at the snowy grouper numbers for the recreational fishery in the South Atlantic and in 2008, they caught 1,988 fish. Now, that has a big CV on it, but -- If you look at what happened, they were catching 10,000 to 13,000 fish per year in 2004, 2005, and 2006. It came down, when 13C went in place, to 3,700 and then last year, it came down to 1,900, but I think what we've got to come to recognize here is we've got to go to a one per vessel on snowy.

There's no way we can stay at a one fish bag limit with a 500 fish ACL. Unless we're going to go to shut it down, to me, we ought to just go ahead and go to a one per vessel, because I just don't see any way we're going to stay within it, almost no matter what we do.

Dr. Cheuvront: To follow on with what Roy was saying, I really think one of the things that the council needs to consider is not allowing any recreational harvest of snowy grouper and actually take the fish, which were only five-hundred-and-some-odd fish, and just add it to conservation. Don't necessarily give it to the commercial sector, but the easiest way to deal with accountability measures for the recreational fishery is not allow harvest.

Mr. Currin: Then we're back to that same issue that we discussed during that first deepwater thing, with encountering juvenile snowies in other fisheries that are open and how to deal with that discard mortality. Yes, that's certainly an approach we could take, Brian.

Dr. Crabtree: I think obviously if we shut it all down and go to zero, then that's moot. I think if we decide we're going to allow some landings of snowy, I think if you try to look at treating the two separate sectors the same, what we did with the commercial sector in 13C was put a pretty low trip limit on it and a quota and we tried to set it up so that no one would target snowy groupers, but some incidental catch could be landed.

I think if you wanted to take that same approach in the recreational side, it seems to me a one per vessel would get you there. I don't think anyone is going to target snowy grouper at one per vessel, but if they happen to catch one, it would still let them bring a fish in, rather than throwing it over the side dead. It seems to me those two approaches would be pretty similar.

Dr. Chevront: To that point, if one fish per vessel would stop directed trips, that would probably be okay. I would much rather see people bring back a fish than throw overboard a dead fish, but in looking at these alternatives, I can't see how Alternative 5 could ever work in this fishery, since we're not catching the commercial quota now. In essence, we're not shutting the fishery down anymore at all and in the alternative, it doesn't say anything about the one fish per vessel in there.

As it stands now, they could just keep on hammering -- The recreational fishermen could keep on hammering snowies without any change and so Alternative 5, if we choose to keep it, that's got to change.

Dr. Crabtree: Brian, the only place I really hear about people targeting snowies is North Carolina. I think that's a function of just who I hear from and I don't know if it's happening. Maybe some, Tony, is happening down in the Keys too, but do either one of you guys -- Would these guys target if they could only keep one per vessel?

Dr. Chevront: I think the issue in North Carolina is they've got to go so far to get those fish that if they were limited to one fish per vessel, most of them would not want to do it. The only other fish that they're going to catch with frequency out there is going to be blueline tilefish in the same areas. My thought would be if we kept them at one fish per vessel and we held them to that, that might be able to help us achieve what we need. I do know there are a lot of trips that are targeting snowy recreationally off of North Carolina.

Mr. Currin: Tony, to that point?

Mr. Iarocci: Roy, if you go back and look on the record of the comments of the guys in the Keys -- In Key Largo, there was a lot of discussion outside, and not on the record, about how many boats are out there right now targeting, the small center consoles, and some of the headboats and charterboats are now advertising snowy trips. They've got electric reels on their boats targeting these fish and a lot of the commercial guys that are still fishing down there, their traditional spots, they see those boats stop and they run to those just to get to that bottom and they have to

pick up and move so that they don't drop on their rocks. There's a big problem with that down there right now and that one might fish might keep it -- If it can be enforced.

Mr. Currin: What I'm hearing is the desire to add an alternative to establish a one fish per vessel snowy limit.

Dr. Crabtree: I would suggest that it just be a modification of Alternative 4. One would be you go to one per vessel when the ACL is projected to meet and another sub could just be you go to one per vessel, period.

Mr. Currin: Is there a motion then to add an alternative either as a sub-alternative of Alternative 4 or as a separate alternative or perhaps a new Alternative 5, since there seems to be some desire to eliminate that one, to replace that with a one fish per vessel recreational limit? Is there a motion?

Dr. Chevront: **I'll go ahead and make the motion that we establish a recreational accountability measure of a snowy grouper bag limit of one snowy grouper per vessel.** Also, Mac, while we're doing this, I just Googled snowy grouper charters in Florida and I got over a hundred hits of folks advertising snowy grouper charters in Florida.

Mr. Currin: There's a motion and is there a second? Second by Tony. Discussion?

Ms. Shipman: Brian, is that per trip or per day or per what?

Dr. Chevront: I know in North Carolina you're not going to do more than one trip per day.

Ms. Shipman: What about the Keys? What about Florida?

Mr. Iarocci: The same thing.

Dr. Crabtree: In our regulations, bag limits are daily bag limits. You're not allowed to run back out and take another one. I grant you, there may be some enforcement problems with that, but that's the way they are set up.

Mr. Currin: I would be most comfortable with that. We've got a second by Tony and is there discussion on this motion?

Mr. Robson: Just so I'm clear, this is still considered an accountability measure? It doesn't seem to be anymore.

Dr. Crabtree: I don't think it is. This is just a bag limit reduction, period. I don't think it's an AM or anything, because it's not tied to anything.

Mr. Currin: That would make the most sense to me, too. **Can we strike the "AM" from the motion then?**

Dr. Cheuvront: **I'm cool with that.**

Mr. Currin: Is the seconder okay with that? Okay.

Mr. Robson: Given that, is this the right place for this kind of an alternative in the document?

Mr. Currin: Yes, I think so. I guess, isn't it? It's not really an ACL, but it reflects on an ACL and generates the ACL.

Mr. DeVactor: In my view, it's a management regulation to ensure that you're not going to exceed your ACL and so I believe you can also package in actual management regulation changes in these actions. That's how I see it.

Ms. Merritt: I still contend that with the one per vessel that you're still going to have the hi-grading and even to Tony's point, we heard this on the audio and I think it was a headboat captain out of North Carolina at the New Bern meeting who specifically said if they have one that they're going to discard until they get the biggest one and they'll let them float off. I just really think when you go to a bag limit with one that you're asking for more discards and that's my point.

Dr. Cheuvront: The purpose of what we're trying to do here though is to discourage recreational trips that are going to target snowy, just like what has happened in the commercial fishery. We have discouraged targeted trips in the commercial fishery. Somebody may encounter a snowy grouper on a trip where they're actually targeting something else. It's going to be bycatch. Yes, I could see -- You can't stop hi-grading altogether and I could see there could be incidences of somebody tossing over a smaller snowy if they find a bigger one, but I still don't think anybody is going to run out there to try to catch one big snowy and keep throwing them overboard until they get that big one. It's too much of an effort and too much cost associated to do that.

Roy convinced me that it's better to allow folks to keep a fish that they catch in a bycatch fishery than to have to throw them all overboard. That was the argument that swayed me on this. I think Rita's point -- I think that could happen now if we didn't put any other restrictions on the fishery, but I think there's going to be too much else going on and people just are not going to target snowies anymore. That's the bottom line, recreationally or commercially.

Mr. Currin: Keep in mind the first preferred we selected would prohibit fishing for those species outside of forty fathoms at this point. That's where the bigger fish are and so you're not going to accomplish much by hi-grading back up on the shelf, where for the most part the fish are generally smaller. Otha, did you have something you wanted to add to this conversation?

Mr. Easley: I just wanted to mention one thing dealing with hi-grading. Yes, I agree with everything pretty much that you said about hi-grading. There's not a whole lot we can do to stop that, but if we put in a little additional restriction in writing prohibiting it, at least it gives our agents and Coast Guard and officers that are out at sea that see their catch and see that they have one snowy grouper onboard and okay, you're fine and then our dockside agents are notified that this boarding occurred and a description of the fish. When potentially their catch is looked at on

the dockside, they see that now they have a much larger fish, snowy grouper, and that's a little bit of deterrent in preventing hi-grading.

Dr. Crabtree: I think it's our intent, Otha, that once you possess a fish that you cannot un-possess it. Hi-grading, in my view, is illegal, but I think we can certainly be clear here that our intent is that once you've caught a fish and put it in your cooler and now you possess it, that's it and you're done for the day. If you throw it over the side to keep another one, that's a violation. We could try to put something like that in the regulations or something, but I think our intent has always been that for all of our bag limits and trip limits as well.

Ms. Merritt: I didn't see Otha coming up behind me when I had my hand up earlier, because my response was going to be exactly what Otha offered to us. I do believe it's an enforcement issue that we just need to beef up the enforcement. I think enforcement eventually catches on, no matter what sector, and then you become self-enforcing.

Mr. Currin: Keep in mind we have this motion on the table here that we need to deal with at some point. Is there any further discussion on this motion? That is to add an alternative to establish a recreational daily bag limit of one snowy grouper per vessel. The intent here is to prohibit or prevent hi-grading. Is there discussion?

Dr. Chevront: Also, I think part of the intent is to prohibit recreational targeting of snowy grouper.

Mr. Currin: Any further discussion? **Is there objection to the motion? I see none and the motion is approved.** Is there a desire to select a preferred alternative under the snowy grouper alternatives here?

Mr. Wallace: Before we go to that, should we change Alternative 2 to mirror I think it was Alternative 4 in the warsaw and speckled hind? Somewhere along the line, we've already established that we have a preferred saying that we're going to close it to all snapper grouper species, deepwater snapper grouper species.

Mr. Currin: If we select a preferred here, then we can take, as a next action, take a look at the alternatives that exist here and see if we want to remove some of those to the index or we can do that now, before we select a preferred.

Mr. Robson: That was a comment I was thinking of earlier. For transparency and understandability of this document to the public, how are we going to address the earlier alternative that prohibits fishing outside of forty fathoms? We have to mirror that in here somehow, getting at John's question.

Mr. Currin: Keep in mind it's a preferred alternative right now, but it's not the only alternative that's going to be in the document and it may conflict with some and at some point, when the document is finished, some of these will become moot. Some may be moot at this point. You may decide that this is not an action that we would consider. We've had a fair amount of discussion about the intent to keep the snowy grouper fishery open, at least to account for

bycatch of juveniles up on the bank. That would tend to suggest that Alternative 2 is probably not one the council would go back and consider, although I can't presume that. At this point, that would seem to be the indication.

Ms. Shipman: For lessening the tremendous workload we're already giving to the staff, is it not better to go ahead -- **If Number 2, we intend it to be a rejected alternative, I think we need to take it out of the analysis and I would move that Number 2 be moved to the appendix.**

Mr. Currin: Have you looked at them closely, such that there might be others you want to include in this motion to remove?

Ms. Shipman: **I'm fine to include 5 with that too, Alternatives 2 and 5.**

Mr. Currin: Motion by Susan to remove Alternatives 2 and 5 and second by Duane. Is there any further discussion to remove those and put them in the appendix as considered but rejected? No discussion? **Any objection to that motion? I see none and that motion is approved.**

Mr. Robson: It's probably just me and I'm being a little dense about this, but the point I was trying to make, I guess, was that we -- As we develop the document, that an alternative in here needs to mirror the effect of the alternative in the first action we looked at, so that the public can see -- I assume that's going to be done. Is that what you were answering?

Mr. Currin: I presume we can do that at full council. We're still looking for a preferred here, if anyone would choose to do so. Gregg had something that might help.

Mr. Waugh: I think what Mark is looking for, we can achieve that once we have your preferreds for all the deepwater actions. What you want to know is what do we tell the public we're doing with the deepwater fishery? I don't think we want to get to where we're repeating all the alternatives in each section, but once you give us the preferreds, then we can analyze the impacts of all the preferreds and that gives the public and us a picture of what we're doing in the deepwater fishery with all our preferreds.

Ms. Shipman: Mark is looking for a cumulative impact, basically. When you get to the end of the deepwater, here's the table that's got the whole thing, cumulatively, looking across it at what all the actions are. I think that's what he's looking for.

Mr. Robson: My point is that the public hearing document needs to be as clear as possible what all the alternatives are that affect catch limits or accountability for this particular species. In the case of snowy grouper, it needs to include the earlier alternative in another action, even if it's not the preferred.

Mr. Wallace: To that, we just took out the only -- We just rejected the only alternative that would mirror that, which would prohibit no fishing for and possession.

Mr. Robson: It doesn't mirror it.

Mr. Wallace: It's the only one that even comes close to that other alternative of do not allow deepwater snapper grouper species being possessed. We just rejected it in this alternative. Alternative 2 we just rejected, but we're implying it in Alternative 4 of these other ones and so how can we reject it here?

Mr. Currin: I'm not seeing the disconnect there, John.

Mr. Wallace: We are saying in Alternative 4 in the speckled hind to prohibit all fishing for, possession, and retention of all deepwater snapper grouper species seaward of forty fathoms. Alternative 2 in the snowy grouper is to establish the ACL at zero, which prohibits all fishing for, possession, and retention of snowy grouper. Those two are essentially the same.

Mr. Currin: No, they're quite different, if you remember some of the discussion we had before. This draws a depth line, beyond which you can't fish for or retain deepwater species. We know that there's an encounter of juvenile, primarily, snowy groupers up in other fisheries, the vermilion fishery and even some shallower shelf fisheries, and the intent, by doing this, yet not doing Alternative 2 here, prohibit all possession, is to allow retention of those bycatch species when they're encountered, rather than throwing them back over dead.

Mr. Wallace: Something inshore of forty fathoms.

Mr. Currin: That's right.

Mr. Robson: This might help, but I don't know. We've rejected Alternative 2 in a sense because we've accepted this alternative. This is more or less a replacement of what originally was Alternative 2.

Mr. Currin: They're related and that's kind of why we considered that first one first, because it does have impacts and changes things throughout this document and will simplify it. We just went in and simplified it based on the actions from the first alternative. Is that clear? Are you okay with that?

Mr. Robson: I understand that. I guess I'm still coming back to a way to present this to the public that they will capture that as part of the snowy grouper alternatives.

Mr. Waugh: This is a result of the way the document is structured now. The one we brought to you in December dealt with the ACLs across the various species first and then put all the management measures together. What you're grappling with is you're dealing with management measures on a species-by-species basis and when you do that, you separate them and it's hard, mentally, to link them all back together, particularly when you have disconnected alternatives for each species.

The only way under the current structure to put them together is to take the preferreds for each species and then say, okay, here's what we are proposing. The only other solution to the problem is to take all the management measures for the deepwater and write management measure alternatives that each address all of the species.

Mr. Currin: I think that's kind of what you're suggesting would be your preference, Mark, is it not? You want to make sure that all the measures affecting, for example, the deepwater species are in a section where it clearly illustrates what's happening to snowies and what's happening to golden tiles and all that.

Mr. Robson: I'm a little concerned that I didn't understand that correctly. You're not suggesting that the only thing that we point out at the end, when you go through the process of looking at all the preferreds, that that's all that -- That's not all that's being shown?

Mr. Currin: No, all the alternatives, except for the ones that we're voting to remove to the Considered but Rejected, will remain in this document.

Mr. Robson: You basically said it. I just want to make sure that all of the alternatives that affect a particular species are in a place together where the public can actually see and understand what the alternatives are, including the preferred alternative.

Mr. Waugh: The difficulty is that was the way the document was structured in December and you directed us to change how the document was structured and now it's broken out by species. If you want us to go back now and restructure it again to put the deepwater together and write each alternative to address each species in the deepwater, I guess we can try and do it that way.

Dr. Chevront: Maybe perhaps this might be a compromise on how we can deal with this issue. I see what Mark is saying in trying to explain to people what it is that the council is trying to do, based on the way that they approach fisheries. My suggestion is -- I like seeing it all set up here by species, because if we start taking -- Except for the alternatives that we've taken out, if we change our mind as to what we are going to recommend on one species, that could influence changes in the other species.

What I would maybe like to suggest, and it's contingent on what the staff would be able to do, but take the preferred alternatives that we're going to give you and create a short document that paints a picture as to saying this is what the council's preferred alternatives, current preferred alternatives, would make the fisheries look like.

You have deepwater, you have preferred alternatives that are going to affect deepwater fisheries, and the council's preferred alternatives would say this and this and this is going to happen in deepwater and this is going to happen in mid-shelf, shallow, whatever we're going to say. I think that would be more approachable and understandable by the fishermen and they could object or agree with what the preferred alternatives are, but then they could go back and refer to all of the alternatives for all the species.

I think we could get a short document -- If it's more than a couple of pages, I would be very afraid, but I don't want to put too much additional burden on staff, but I think that might be a solution to get at at least part of what Mark is talking about, but keeping it by species, which I think is important right now.

Ms. Smit-Brunello: To that point, Gregg, don't you usually prepare a public hearing draft

summary of some sort that's a distillation of what the amendment is and it's a more user-friendly document for the public?

Mr. Waugh: Yes, we do. Within that though, generally we list all the alternatives. To me, what's being suggested is to take all the preferreds and talk about that this is what the overall set of preferreds would do and we would have the main document that would have all the alternatives in it. I think that would be much more usable by the public.

Ms. Shipman: What I envisioned was something similar to what Kim did with Amendment 16 or NMFS did or whoever did it. It was a great summary page of everything that was in that amendment. Now, in that case, obviously it was preferred, because it had gone forward, but I think if you did something like that, that was easy to comprehend and understand and it was totally comprehensive.

Mr. Currin: We're kind of getting a little ahead of ourselves, I think, to some degree, because we haven't even allowed the staff the time to think about trying to integrate this stuff. I understand your concerns, Mark, but I don't know what we can do about that right at this point, other than to make sure the staff is aware of those concerns.

I'm sure they'll do the best they can to try to structure this document so that it's clear and understandable. The next time we see it, we may be able to give some specific guidance as to how we think it might be more clear to the public. I don't know of any other way to handle it, but we can think about it and if we come up with something, then certainly let's give the staff some direction on that.

Mr. Robson: I trust staff to do that and we can work with that.

Mr. DeVactor: Certainly staff can work on the purpose and need of the document. That's where you explain what you want to do and what you think should happen and we'll certainly explain that with the deepwater fishery. We'll capture your intentions here and then we'll further explain that the preferred alternatives really capture what you want to do.

Mr. Currin: Roy, are you okay at this point?

Dr. Crabtree: Yes, I think I am, but I do think when the team looks at where we've left snowy grouper right now that we need to make sure that we do have an accountability measure of some sort that covers the recreational sector, because I could look at this now and say we could go with status quo and one per vessel, but then status quo says do not implement an AM for the recreational sector and so -- Do you see where I'm getting at? We just need to make sure that we have one somehow set up in there.

Mr. Waugh: What we need now is for the committee to give us a preferred, whether it be the no action alternative plus the motion you just approved with the recreational bag limit of one snowy grouper per vessel. That would give us the preferred.

Mr. Currin: We will get there, I promise you, or we'll try to.

Ms. Merritt: I know you don't like getting slapped with dead fish and I'm going back to it again, the one snowy per vessel limit, and Roy just opened the door on this, too. It's accountability. If we're talking about, as we were earlier, perhaps having around 500 fish, we're talking 500 vessels and I know a lot of people will want to be one of those first vessels out there to get that one grouper. How do you account for that and then what are the repercussions of that in the recreational sector and I believe we've also discussed that in the past. How do you stop it? By the time you've counted them, they're over the quota.

Mr. Currin: I appreciate that and I understand it, but we're very limited in how we can deal with that, because of the numbers of people involved in it, the way the data is collected, the timing of the data, and it's just -- It's the game that we have to play. It's the ballgame we're in and we've got to figure out the best way to do that.

Right now, it seems like if there's a problem with that fishery, we find out about it afterwards and we're going to have to come back in through framework afterwards, just like with golden tile, and -- If we select one per vessel, then the only thing we can do is prohibit retention by the recreational community as an accountability measure.

Dr. Crabtree: You could put something in here for snowy similar to what you have later in the document, I think, for black and red, where you're going to look at a three-year running average and you've got the 521 fish. If it's exceeded, then the RA will shorten the length of the season by whatever is required the next year to keep from exceeding it.

What that would mean is let's say they catch a thousand fish. That would mean you're going to have a six-month season the next year and if they exceeded it again the next year, you would whittle it down some more. You have an alternative later, I think, in the document for some of those. It talks about three-year running averages, don't we, Rick? I think you could apply something like that to snowy and if people actually do target and bring them in at one per vessel, then you would shorten up that season pretty quickly.

Mr. Currin: Rick is trying to find that page number so everybody can look at it. It's under accountability measures for the recreational community.

Dr. Crabtree: It's 174 in the document I'm looking at. It's under ACLs and not AMs for some reason.

Mr. DeVactor: If you type in page 196, that should bring you to it. Roy is right that this Alternative 2C is under ACLs and that should be under AMs, to use the running average. We were going to bring this up later, to move this to the AMs, but if you look at the AMs, and this is for the recreational sector and, again, this is for black grouper, black sea bass, gag, red grouper, and vermilion snapper. You could apply this to snowy grouper.

If the ACL is exceeded, the RA shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the sector ACL, and that would be for the following fishing year, and then we could put in there to use the running average. It would be a combination of this Alternative 2C and Alternative 4A, if that's what

you're thinking of.

Dr. Crabtree: I would suggest that we probably ought to do that and add that in there.

Mr. Currin: Would it not be best or easiest, perhaps, to just add snowy grouper to that list under AMs, in that alternative, instead of dragging it up into the snowy grouper section? I don't know.

Dr. Crabtree: I don't know. I would defer to Rick to figure out what's easiest.

Mr. DeVactor: Right now, we currently separate this out, this action, just applying to black sea bass and those species. We might just incorporate this as an alternative, a recreational AM alternative, for the snowy grouper section.

Dr. Chevront: **I would like to make the motion to add a recreational accountability measure to use the three-year running average of recreational snowy grouper catches and allow the Regional Administrator to shorten the following season to ensure that catches do not exceed the recreational ACL.**

Mr. Currin: Motion by Brian and is there a second? Second by Rita. Discussion?

Mr. Geiger: I guess I have a clarification question. When it says to shorten the following season, which following season? The following season after the first year it's identified or the following season after the three-year running average?

Dr. Crabtree: That's addressed in the document and so in the first year it goes into place, you just look at the one year and then the next year, you use the two-year average and then after you've got three years under your belt, the three years starts moving.

Mr. Geiger: I understand that, but that doesn't say that up there. Do we need to specify it?

Dr. Crabtree: I think our intent would be to structure it in the same fashion as in the later actions.

Mr. Currin: That's my understanding as well. Is there further discussion on this motion? **Is there any objection to the motion? I see none and the motion is approved.** Before I let you go for break, we're going to have to see if we can get a preferred out of the committee for the snowy grouper alternatives that we were talking about on page 189. Now we're back there. It's PDF 189. Any desire by the committee to select a preferred alternative for snowy grouper?

Dr. Chevront: Can we combine a couple of things together to make a preferred alternative? I think if we can get what we have in Alternative 1, which is the status quo, but to include elements of Motion Number 5 and Number 7 for the recreational accountability measures, I think we would have what it is we're looking for.

Dr. Crabtree: I think what you're doing, the status quo is already there and so you don't need it to be a preferred. I don't know the numbers, but if we selected whatever number alternative puts the one per vessel in place as a preferred and then we also select the AM we just added in as a

preferred, I think that gets you where you want to be, Brian.

Dr. Chevront: That would be Alternative 4 then.

Dr. Crabtree: I don't know what the numbers are anymore, because I don't have them in front of me, but we added that one patterned in with the running average as an AM. I don't know what number that is though.

Mr. Currin: Because they're different, we can combine them into one or we can select two as preferreds. We can select the accountability measure as a preferred as well as the one per vessel as a preferred.

Dr. Chevront: I think I can do this now. **I would like to make a motion that we select --** You said we don't have to select Alternative 1 as a preferred.

Dr. Crabtree: No, because it's already in place.

Dr. Chevront: I would like to remove the recreational component out of Alternative 1 and can I do that by just showing Alternative 4 as the preferred for the recreational?

Dr. Crabtree: I don't think you're removing anything. You already have an ACL of 523 fish. You don't have an AM for the recreational sector, but when you choose that later preferred, that's going to establish an AM for the recreational.

Mr. Currin: Rick and Gregg suggested that perhaps let's go ahead and take a break and let them work on some language to try to capture what you're after and then at four o'clock, we will sit back down and address this motion.

Mr. Currin: Just so everybody is clear on this, previously, we had added a couple of alternatives to this action for snowy grouper, one in which we added a one fish per vessel recreational limit and we also added the accountability measure with the three-year running average, after three years.

I think Brian's intent, and don't let me put words in your mouth, and I believe they've tried to capture it here, is to combine those two motions that we made earlier into one and select that as a preferred.

Dr. Chevront: That clearly was the intent to what I was trying to do and I think that's what Roy was trying to help me to do before we went into the break. As long as we keep that as part of the intent, I would like to go ahead and make this motion. **The motion is to select the new snowy grouper Alternative 2 as the preferred alternative, which is to establish a recreational daily bag limit of one snowy grouper per vessel and add a recreational accountability measure to use the three-year running average of recreational snowy grouper catches and allow the Regional Administrator to shorten the following season to ensure the catches do not exceed the recreational ACL.**

Mr. Currin: That's the motion. Is there a second? Second by David. Is there discussion?

Ms. Smit-Brunello: Shorten the season by the amount of the overage or shorten the season how?

Mr. Currin: To account for the overage.

Dr. Crabtree: We would shorten it -- Based on the year where you had the overage, you would shorten it enough that if the fishing patterns remained the same that you wouldn't go over again.

Ms. Smit-Brunello: You would want that fairly spelled out in the document at some point, to give the Regional Administrator not much discretion, so that the council specifies what he is going to do at whatever point in time you want him to do it.

Mr. Currin: I think that could be addressed with a percentage of the overage versus a percentage of the season during which it was caught pretty closely. Isn't that your intent anyway? I'm not sure that needs to be captured in the motion.

Dr. Chevront: I'm not sure either, Mr. Chairman. I think that with the discussion -- That's enough for staff to know what to do, I believe, right? Okay. I'm fine with it.

Mr. Currin: Further discussion on this motion? My only concern is we've taken two of these motions to establish new alternatives here and now what we really want to do is remove those and stick them together and use them to replace the two previous ones which were addressed as motions. Any further discussion on the motion? **Is there any objection to the motion? I see none and that motion is approved.** All right, Rick.

Mr. DeVictor: On the screen, just to clarify what happened with snowy grouper, what staff and the team will analyze will be Alternative 1, the status quo, and Alternative 2 and we're going to call this -- It's the motion you just passed, which will be the new Alternative 2, and that's the preferred. Then now we have Alternative 3, which is to establish a single ACL, and then Alternative 4 is to establish a recreational AM that would implement a one snowy grouper per vessel limit when the single ACL is projected to be met.

Dr. Chevront: I understand that Alternative 1 is the status quo and we need to analyze it as it is, but at some point, we're going to need analysis somehow of the commercial aspect of Alternative 1 with the new motion we just created, because those numbers, theoretically, could change, couldn't they? I just want to make sure that we're actually going to be able to capture where it is we seem to be heading with snowy grouper.

I'm just wondering if leaving in the do not implement accountability measures for the recreational sector language in Alternative 1, is that analysis going to somehow skew the data that we're going to need to back up what I think might be the final direction we're heading in? I'm not sure and I don't know if that's something that Rick or Gregg can address. It may be irrelevant, but I just wanted to make sure that we're not setting ourselves up to have to do additional analyses later on.

Mr. Waugh: I think the way it's laid out here, the team is going to have to analyze Alternative 1, which is the status quo. Then when you come down to the new Alternative 2, we'll have to point out there that this does implement some measures that are different than Alternative 1 and all those changes will be analyzed in Alternative 2, but I don't think you need to duplicate what's already been analyzed in Alternative 1.

Dr. Cheuvront: Is that going to give us the cumulative result that we're looking for at the end? That's really what my question is, the results of that analysis. I guess I just can't figure it out at this point, but I don't know.

Mr. Waugh: When we look to go forward with all the council's preferreds, here we will pull the no action alternative and Alternative 2 and we would just, at that point, have to delete those portions of Alternative 1 that are contradicted by Alternative 2.

Dr. Cheuvront: I can live with that.

Mr. Currin: Okay, Rick.

Mr. DeVactor: How the document is situated right now is the next action is dealing with the shallow-water species that are undergoing overfishing and so that's black grouper, black sea bass, gag, red grouper, and vermilion snapper. What we recommend is that we move up red snapper in front of these species, as what you do with red snapper will affect these shallow-water species, similar to what you did with speckled hind and warsaw grouper affected the rest of the deepwater species. If we could just jump to red snapper now and start discussing that, I think that's the best way to proceed.

Mr. Currin: Is everybody okay with that? All right. I don't see anybody objecting.

Mr. DeVactor: Red snapper, it's on PDF 210. Red snapper is undergoing overfishing and it's overfished, such that you're going to have to end overfishing and implement a rebuilding plan and also implement the status determination criteria from the recent stock assessment. The first action deals with the management reference points and this is typically how we handle it when we've had a SEDAR assessment, to implement an MSY and an OY value.

The first alternative is the no action alternative. The second alternative is to implement the MSY from the stock assessment and then there's three OY alternatives, which is Alternative 2A, 2B, and 2C. Basically, that's typically the alternatives that we had with Amendment 16, for example, that had 65 percent of the F40 percent SPR, 75 percent of the F40 percent SPR, and 85 percent of the F40 percent SPR.

These values could change and just to give a bit of a background on what's going on with red snapper in reject projections that were requested to the Science Center -- If you recall, when the SSC met in December, projections were provided at that time and those projections did not provide an MSY value or these OY alternatives and it didn't project landings out to T_{max}. What has happened in the last month, Roy wrote a memo to Bonnie requesting new projections to be done and that's Attachment 12B. We could go through those if you would like me to.

The date for those is April 3, when we should get those new projections. We should get new MSY and OY values in those projections and so they could change these values. I'll stop and see if there's any comments there on these alternatives currently in the document, but I just wanted to make you aware that we awaiting new projections from the Science Center.

Dr. Crabtree: I guess I would like some discussion. We had a recommendation of 40 percent SPR for red snapper that came out of the SEDAR and then I guess after some debate, that was the recommendation out of the SSC. We would have to take an action here to adopt 40 percent SPR as the proxy for FMSY.

Then we had a vermilion snapper assessment which basically adopted 40 percent as well and that came out and a lot of the rationale for vermilion was to be consistent with red snapper. I guess I'll direct this at you, John Carmichael, but my question is, are we shifting our whole basis for management now from what has before been 30 percent to managing at a proxy of F40 percent for MSY or are we just making this change specifically for red snapper and vermilion snapper?

When you look at vermilion, it sounds like they looked at red snapper as a precedent for that. I don't know what the answer for that is, but if we're making a fundamental shift in our management from 30 percent to F40 percent, I think that bears considerably more discussion than it's had, because I think that will have a great impact on a lot of things. I think you will see quite a few stocks that are not undergoing overfishing -- If you change the standard, they're going to be undergoing overfishing and I also think it's something that needs to be done broadly, because it would seem to me that's a shift that would affect assessments throughout the region.

I don't think that's the kind of change that ought to come out of one SEDAR on one species and in such a narrow context. I guess I'm assuming that this isn't a fundamental change in how we're gearing overfishing, but I'm not sure what the discussions on the SSC have been. I would like to hear what you and maybe what Bonnie thinks about that.

Mr. Carmichael: I think if Carolyn is still in the room that as our SSC chair she may have some on that, too. My impression hasn't been that in making those recommendations they were considering that a fundamental change. I think we are aware that the tendency in percent SPRs over time has been to represent increasingly higher values of SPR for any given reference, but I don't know that this represents a change in saying F30 percent is inadequate and that we really need to be thinking of F40 percent as the lowest value that's considered.

I'm thinking about actions the council has taken in the past of specifying particular SPR levels as limits and references. It may not be out of line for the committee to send a question back to the SSC to ask for some perception on this and if that is the SSC's intention, to in the future recommend higher SPR levels, or is this something that they did in response to their perception of uncertainty in these particular stocks. I think it's more of that, their perception of the uncertainties in this case.

Dr. Crabtree: I think I would like to hear a little bit from them on that, because I think -- I've talked to Bonnie a little bit about this, but if we're looking at a shift in what the proxies we're going to use are, then it seems to me that that's really something we ought to have region-wide

workshop to look at across a lot of our stocks and really put a lot of thought in that. If this is just because of the uncertainty with these particular assessments, then that's a different situation, I guess. I think that's something I would like to get a little clarification as to where they see this going.

Mr. Carmichael: I would too and I agree with you. I think it would be very good if such a change like that is considered in order, it should come at a higher level, in consideration of the region and all the fish that we're dealing with, and be to decrease that impression that everything is done just a little bit slightly different in each area. It would be a good issue for a workshop within the region to talk about.

Mr. Currin: Any other questions or comments regarding the management reference points? Rick, are we looking for a preferred here as well?

Mr. Robson: I know we went over this ground pretty hard in December and could one of the science staff just kind of recap the rationale for switching from the 30 percent to the 40 percent in the assessment for red snapper?

Mr. Carmichael: The recommendation for using 40 percent for red snapper was based on the review panel for red snapper. The way they perceived it and the way they approached it was not as a shift from 30 percent to 40 percent. It was in response to their lack of certainty and confidence in the MSY estimates and they recommended -- In lieu of the MSY, they recommended a proxy at 40 percent SPR, because they didn't feel MSY was reliably estimated. Then the SSC supported that recommendation.

They were aware that previously the council has used 30 percent SPR for red snapper, but they chose the 40 percent and the SSC supported that from the review panel. The justification for that is the uncertainty in the stock recruitment relationship and the uncertainty in what's going on with the population.

Mr. Robson: Just a follow-up question then. What had changed in terms of the questions about MSY from the previous assessment to the latest one that caused them to be more concerned about the value of MSY to make the change in the proxy?

Mr. Carmichael: This is the first assessment that's been done under SEDAR and I'm not well aware of what previous assessments might have been done on red snapper. There wasn't much available in the way of previous comprehensive catch age-based assessments. Essentially, this is the first, the first modern assessment we've had of red snapper in the South Atlantic. As we know, the red snapper in the Gulf was done several years prior to this in the Atlantic, but they're different individual populations that we're dealing with.

Mr. Currin: As Rick indicated, we've got some new projections coming out of the Science Center and perhaps it would be advisable to wait on those, so that we've got this table filled out with appropriate values before we select a preferred. Everybody is likely aware that typically we have used 75 percent.

Dr. Crabtree: Under the status quo, the FMSY and FOY values, shouldn't the values that are in there be what comes out of the new assessment projections that were done at F30 percent? I think there were projections at some point done at F30 percent, weren't there, John?

Mr. Carmichael: They're looking at projections to get the full time series. There were some projections of a short time period that were provided to the SSC in December.

Dr. Crabtree: What I'm getting at is if we're going to analyze Alternative 2 relative to the status quo, which is the F30 percent, then it seems to me you would analyze, based on the new assessment, here's what fishing at 30 percent SPR gives you. I think those F numbers are out of the old whatever catch curve that we had. I don't think that's a valid analysis of the alternatives, is it?

Mr. Carmichael: No, it wouldn't be. We would want that to be from the new assessment, from the recent assessment that's been approved. There's some changes required in this table to reflect the current assessment.

Dr. Crabtree: It seems to me that for status quo you would say F30 percent as the proxy and the new assessment says this is what it is and then you would compare it to the other alternatives. At least that seems to me to be what the meaningful comparison would be.

Mr. Carmichael: That's the way I would perceive it, because you have the status quo being the concept of F30 percent and the values are whatever it comes out with. It would be interesting to know what F30 percent was way back when that was put into place as well as what the current estimate of it is.

Dr. Crabtree: I have a question for Gregg. I think the F30 percent was basically put in place in the SFA Amendment that was done.

Mr. Waugh: That's correct and I'm just not sure if we indicated in there that it would be updated by every assessment. That's my only hesitancy.

Dr. Crabtree: I don't know if we did or not, but it seems to me you can't do a meaningful comparison -- Somewhere in here, we need to do a meaningful comparison of F40 percent versus F30 percent. It seems to me the only valid way to do that is based on the new assessment. I just don't know how else to do it.

Mr. Waugh: I think we got into this some with Amendment 16, where if what you're talking about is looking at what the current assessment gives you for the F30 percent, but then not converting it to a yield. That's where we got into trouble with Amendment 16. When we set the MSY and OY under the SFA Amendment, we couldn't, at that time, come up with a poundage for it. We couldn't really fill in with the no action alternative poundage, because there wasn't one specified.

Dr. Crabtree: I thought with vermilion the issue was more that the biomass measures were uncertain. I don't know. I know with the new assessment if you can come up with poundage

numbers for F40 percent that you come up with them at F30 percent. You could come up with them now.

I guess you can build into this the caveats about all of those things, but it still seems to me somewhere in the discussion of the comparison that it ought to talk about that given that we have this new assessment, here's what the numbers would be at F30 percent and here's what they are at F40 percent. Otherwise, I think you end up with just a meaningless analysis.

Mr. Robson: I would agree with that. I think we need to have that comparison, particularly since we have made a change in the MSY value or proxy.

Mr. Currin: Are you okay with all that?

Mr. Waugh: Yes, what we can do is, when we talk about analyzing Alternative 2, look at what the yield would be at F40 percent and what the yield would be at F30 percent. We wouldn't go in and plug in poundage values under Alternative 1 in this table, because when we did this, there were no poundage values available. It just gets into what do you call status quo, no action? Is it really what you did when we did the SFA Amendment or is it taking those values and now updating them with the new assessment results, which isn't what we did when we did the SFA?

Dr. Crabtree: I guess that's subject to interpretation, but at least the way I would have understood it, even with the SFA, we were saying the proxy we're going to use for FMSY is 30 percent SPR. I would think inherent in that is when you do new assessments that you would recalculate those things, based on the new assessment.

If you're not comfortable with that, then I'm fine with not plugging the values into status quo, but I think somewhere in the discussion you've got to say but if we took what we did, the F30 percent, and if we then plugged in the new assessment, these are the numbers you come out with and so the consequences of shifting from F30 percent to F40 percent and the comparison of those two things.

Mr. Currin: Makes sense?

Mr. Waugh: Yes.

Mr. Currin: Okay. All right, Rick.

Mr. DeVactor: The next action is to establish a rebuilding plan for red snapper. If you turn to PDF page 213 or in the document, it's page 191. We set this up how we set up 15A for the rebuilding plan. We first look at rebuilding schedule alternatives, evaluating T_{min} and T_{max} , and then the second part of the action is evaluating the rebuilding strategies.

What I'll first go through are the rebuilding schedule alternatives. Alternative 2 is to define the rebuilding schedule as the shortest possible time. This is T_{min} . Alternative 4 is basically T_{max} . That's T_{min} plus one generation time and we took the generation time from the stock assessment. Then Alternative 3 is the midpoint between those two values. Again, with the new

projections, these values most likely will change slightly. We requested in that memo, and that's Attachment 12B, we requested the value for T_{min} and T_{max} . Once we get those projections and those values, we'll plug them in here.

Mr. Currin: The general wisdom is that those values are likely to change very little from the initial projections that we got. Is that fair, Roy, from what you know, or Bonnie?

Dr. Crabtree: If I had to guess, I would guess they won't change very much, but I can't remember when these projections were done what they were based on, if they were based on the steepness that corresponds to F40 percent and now we're going to base them on the higher steepness. If these were the low steepness and you do it with the high steepness, then I would guess the stock is going to recover more quickly, but how much, I don't know.

Dr. Chevront: I think deciding on which alternative we want to use for the rebuilding schedule is heavily correlated with how draconian the measures are going to be to get there. If the council chooses to do really, really tough measures, of course you would like the pain to be as little as possible, but if we're going to have options that are going to allow us to have fishing of some sort, and I realize it's not going to be on red snapper, but some of the implications of the measures that we could recommend for red snapper are going to have huge implications for other fisheries.

If there's a way that we can protect participation in the fisheries, other than red snapper or whatever, we certainly would rather prefer a longer recovery time. I'm having a hard time separating the two issues out until we know how to go with that.

Dr. Crabtree: We certainly couldn't pick a preferred on this when we don't even have the new projections to look at it. Until we have the new projections along these lines, I don't know that there's much more that we can do with it.

Mr. Currin: That's kind of what I was getting at with my initial question about how much we expected those to change. If we felt that there wasn't going to be a whole lot of change, that might lead us to just consider philosophically, knowing what we know about the implications of the management measure that are going to be required on this, but it's up to the pleasure of the committee.

Dr. Crabtree: I'm not comfortable with trying to guess how much they're going to change. I've seen cases where I didn't expect a change and then you see one and I've seen things I thought would make a change and then didn't. I don't know what they'll do.

Mr. Currin: Okay. All right, Rick.

Mr. DeVictor: The next action is rebuilding strategy alternatives, realizing that these could change with the new projections. We've inserted alternatives for now as a placeholder to maintain fishing mortality at 75 percent of F40 percent and 85 percent of F40 percent and 65 percent of F40 percent. We've put in the tables from the projection that was provided at the December council meeting, realizing that these will change with the new projections. I'm not

sure how much discussion you need at this point until you get the new projections.

Mr. Currin: Any questions or comments about the strategies? Okay with the range of alternatives that we've got here?

Dr. Crabtree: We've got five alternatives here which specify ACLs that seem to vary between 59,000 pounds and 90,000 pounds. Then, as I understand it, those have to be accompanied by closed areas to further reduce discards. I really think we ought to look at alternatives that have zero harvest. I think what this council is going to likely want to do is minimize the extent that we have to have areas closed to all snapper grouper fishing. I think that's going to be the most difficult part of all this.

We at least need to consider that we may want to give up having any harvest of red snapper in order to try and minimize the extent of these closed areas that we have to have. I would want to see at least a couple of things in here that have zero harvest of red snapper and then we have to figure out what we have to do on the discard side. Do you follow me? I think the toughest part of this -- I think closing red snapper is going to have economic impacts and we heard about that on Monday night.

What we I think heard on Monday night from folks is it's really the cumulative impacts of all of this that's going to put people out of business. If we have to close a large area to all snapper grouper fishing, that's clearly going to -- It's going to force people to either relocate or they're going to go out of business. I think we need to try and look at that somehow.

Mr. Currin: You're suggesting adding an alternative that simply prohibits harvest and possession of red snapper? You mentioned possibly adding a couple more or another one.

Dr. Crabtree: Unless I'm surprised by how this comes out, I think we're going to mostly focus on alternatives that have no harvest of red snapper and that the real issue we've got to grapple with is how much of a closed area do we have to have in order to end the overfishing, unless it turns out that the discard problem can be solved more easily than anything I've seen so far indicated it could.

Mr. Currin: I guess what you're suggesting then, with regard to the alternatives here, is not define an ACL of any harvest at all. All the ACLs would be zero.

Dr. Crabtree: If the analysis comes back and says you can have a harvest of red snapper and you don't have to close any big area because of the discards, then I'm all for having some harvest of red snapper. Based on my understanding of what work -- John, I think you've done some in the things that have been done, but you can't end the overfishing, even if you just close the fishery completely.

Now you've got to look at closing an area down to all snapper grouper and at that point, at least I think where I'm going to be at, is we want to minimize the extent of that area we've got to close to everything and if that means no harvest of red snapper, then so be it. I wouldn't want to say that we can harvest 50,000 pounds of red snapper if that means we've got to give up a huge area

to all fishing.

Mr. Currin: I think everybody is onboard with you there and so I'm just trying to get to the point where we can advise the staff, provide the advice to the staff, to modify these alternatives and suggest to them which ones we would like to add or consider.

Mr. Waugh: Here, the ACL is what we're talking about specifying. We won't have that number until the next meeting, but the ACL is not landings. The ACL is total mortality. Whatever number you set, that's the mortality of red snapper. It has to be kept below that poundage level. I think John has got some material worked up that he and Rick have been working on that uses the data that Andi Stephens put together, where it's an expansion of what we talked about at the December meeting.

It's got the catch by grid broken out to -- All of it is broken out to the logbook grids. What it does is it allows you to look at various closure alternatives and then we can tell you what the total mortality is outside of that area. It all hinges on keeping the total mortality below that ACL level and what the assessment has said thus far is prohibiting all harvest and retention will not end overfishing. It's an addition to that prohibition. John, I don't know if you're ready --

Mr. Carmichael: As we've stated, there's some additional work being done on the projections to give us the actual numbers we're shooting for. This gives you an illustration of the type of things that we can do to predict how a potential area closure might work out. We started focusing on this from the perspective of the area closure that the council has talked about previously.

I think the first thing we'll look at is to give you an idea of the grid system that we're working within. These are basically the logbook grids that the logbook fishery reports to, the lat/long grids that are off the South Atlantic coast. The headboat program also reports to location. The headboat program reports and their base unit is what they call an area. In some cases, they refer to basically the waters off of a state, broken up to inshore and offshore, and some states are further subdivided.

Many of the headboat trips also report to a location and a location consists of a code that refers to both one of these individual blocks as well as a series of thirty-six individual cells within this block. It's a finer scale, but we're able to use the logbook information and get an idea of where red snapper are harvested, both the proportion that's harvested in any one of these blocks as well as to then look at it in finer detail, though we're using slightly less information, because fewer people report to that detail. We can look at things like how much of the red snapper catch is being taken in the shallow areas of a block versus the deeper areas of the block.

The goal of this analysis was to begin to understand how this area closure that the council originally recommended would affect the catches and basically how much of the red snapper catch is being taken in any one of these areas.

To go back over here, it gives you an idea. This is from the MRFSS fishery and I want to point out that one of the issues we face with this and why we're somewhat limited in the information

that we can provide on this screen regarding this closure is due to the confidentiality of many of these data sources.

In some cases, snapper grouper landings are confidential even at the state level and many of these observations at the grid level are confidential. That's because of the small number of vessels in both the headboat and the commercial fisheries that might be reporting landings within any given grid in a given year. The MRFSS data, we're not restricted to that and MRFSS data are not considered confidential and so I can use that to give you an idea of the type of distribution of red snapper landings across these grids.

I'll take a moment to point out that we know that the MRFSS system reports to state. We used the distribution of landings from the headboat program to allocate the landings within a state from the MRFSS program into these individual grids. We're putting a lot of faith in what the headboat operators have reported in terms of where they catch red snapper, because that's some of the finest scale information that we have.

For instance, this is taking one example from the MRFSS and you can see that here's Grid 2980 and here's Grid 2880 and here's Grid 3880. You can see that for the most part a lot of the red snapper catch comes from a relatively restricted area. This is pretty common across many of the fisheries.

What we've done in terms of this analysis, and I've blocked out the numbers for the headboat and the logbook because of, as I said, the confidentiality. By setting up a system which gives us all of the grids in a series of zeros and ones, it's relatively easy to change the numbers there and have a particular grid either be part of the closure or part of the open area and go through and tally up all the numbers and get an idea of the proportion of catch that's being taken in any one of those grids.

Then it gives us a pretty flexible way that we can say if you want to open Grid 2880 and close Grid 2380, what happens there? It opens up a lot of alternatives, but what that also means is that with all the many grids that are available to work with, there's a lot of alternatives that are worthy of consideration. We have the tools in place and we have the information available. If we can get some clarification from the council to get some guidance of what you would like to do in terms of this area closure, then it will be very helpful.

The one thing that we do know from the analyses is that simply closing the possession of red snapper is not going to be adequate to prevent exceeding the catch limits that are likely. We're looking at on the order of an 80 to 90 percent reduction in landings that are required, reduction in mortality and reduction in landings. We're going to need to do more than just limit possession throughout the area.

Dr. Crabtree: It seems to me then that something we've got to deal with in here is what we expect from angler behavior and how many trips are going to be canceled. I've heard enough from these guys over the last year -- There are people targeting red snapper in some areas and I think that if you close red snapper that there will be some trips canceled.

Then I also think it is a reasonably foreseeable event that Amendment 16 will be implemented and so you're going to have overlaid over a closure of red snapper a four-month closure of shallow-water grouper and a five-month closure of vermilion snapper. I think all of those things will result in a lot of trips potentially being canceled, because in some of these areas, I don't think there's much -- I think the only often targeted species left open at that point is black sea bass. Somehow, John, we've got to find a way to factor into this how many trips do we think are going to be canceled because of the cumulative impacts of these other things.

I could come to two extremes with this. One would be to say that no trips will be canceled if red snapper is closed and everybody will continue to behave as before. That's one extreme. The other extreme is I could say every trip that caught any red snapper will be canceled and if that's the case, then no closure is necessary. The reality of it is somewhere in the middle.

I don't know that any analysis is going to tell us where exactly that is, but I think that's what we're going to have to grapple with here. Surely the cumulative impacts of all of these things that we're looking at right now I believe are going to result in trips canceled and I think are going to result in some businesses ceasing to exist. Somehow we need to factor that into this.

I also think that looking at these grids where there's relatively low fishing activity -- If you have a grid where there's so little fishing that it's confidential, then it doesn't seem to me that that's really worth dealing with in this. It seems to me you've got a few grids where most of the red snapper catch is coming from, right? That's where we ought to focus on or am I misunderstanding something?

Mr. Carmichael: Partially. Just because the data are confidential, it doesn't mean they're inconsequential. Snapper grouper landings by species for the State of Georgia are entirely confidential.

Dr. Crabtree: Aren't they also inconsequential in terms of the magnitude of the mortality?

Mr. Carmichael: Not in terms of certainly the red snapper landings in the headboat fishery that are occurring in this area off the coast of Georgia. It's a pretty good percentage of the landings.

Dr. Crabtree: I think the key then that we need to address when we look at this is we're going to have to make some assumptions about what proportion of the trips are going to be canceled. I think you're going to have to somehow break this up that if you believe this proportion of trips will be canceled and somehow look at that. I'm not exactly sure -- I know Jack has done some stuff with that.

At some level, I think the council is just going to have to make some decisions about behaviorally what these folks are going to do. I don't think that there's any scientific analysis that's going to give you that answer.

Mr. Carmichael: We can come up with the effects of say choosing the trips that landed 75 percent or more of red snapper will either not occur or will significantly change, to where they land fewer red snapper. If they landed 75 percent of red snapper, maybe there's a good chance

that trip will really change and be more like the average trip.

We've also looked at it from the perspective of because we have trips which land a large poundage, say several thousand pounds of red snapper, but that may not be more than 75 percent of what they landed. The other thing we're thinking about in that area is to take those trips and assume that those trips will change significantly and encounter fewer red snapper.

Once we go through that exercise for the baseline period, we'll get essentially an adjusted landings, which will then apply back to the proportional landings by each grid and then we can carry the analysis through from that point forward.

Dr. Crabtree: Then I would think you would look at trips that were 75 percent vermilion snapper, red snapper, and grouper aren't going to take place during the times of year when all those are closed and factor that into it somehow as well.

Mr. Carmichael: I think absolutely and that's the part that will take probably the greatest amount of time, is understanding how the cumulative effects of those various things in Amendment 16 and other parts of this amendment are going to affect -- I think one thing that's important to note is the depth-related aspect of discards which were used in the assessment for the commercial fishery.

By closing deepwater species, if fishermen do not operate in those deeper waters, they won't be able to consider an assumption that says the commercial discard mortality is closer to that of the recreational fishery. Everybody is operating in slightly shallower water and that's going to have enormous impacts on the reductions in the commercial fishery, because the 90 percent discard versus the 40 percent discard is going to have a huge effect and will put these fisheries --

Mr. Waugh: Mr. Chairman, it might be helpful to let John get through the rest of his presentation and sort of outline the questions where we need some guidance and that you all could think about that overnight and then get into the discussion.

Mr. Currin: Bonnie, have you got something quick?

Dr. Ponwith: Yes, I do. Thank you, Mr. Chairman, and I'm not a member of this committee, but one point that I would like to make is that as you go through this grid analysis, I do want to bring up the fact that in self-reported data -- If you were to rank the types of data that we obtain through those logbooks in terms of their reliability, the area fished is one of the weakest components of that self-reported data, because it's not something you can groundtruth at the dock in an intercept.

From that standpoint, I would request that as the council staff evaluates this grid system to incorporate the assistance of the Science Center to be able to come up with ideas that are statistically sound to take that into consideration.

Mr. Currin: Thank you and, John, before I turn it back to you, I just want to let the rest of the committee know, and you probably are already aware, that Jack has done some back-of-the-

envelope calculations and made some assumptions of 20 percent loss of trips and some of that analysis is in your document. We've kind of taken step one, Roy, toward that and you're, I'm sure, aware of that, but I guess your suggestion is that we need to look at some broader ranges of those assumptions.

Mr. Carmichael: The general approach to that is you figure inside the closed area there's no snapper grouper fishing. Landings and discards of red snapper that we're looking at here are zero and so if an area accounted for 90 percent of the red snapper landings and you close that area, you save 90 percent and there's no discard removals in that, because there's no snapper grouper fishing. That other area where 10 percent of the remaining landings are occurring, with no possession they're going to be subjected to discard mortality alone.

Definitely the trips that do not occur is something we will account for in the beginning, at the top, and then we'll get adjusted landings for the areas. There's a couple of questions to get settled though that will help us reduce the number of dimensions we have to consider as we go through these alternatives.

One is the base years of evaluation. Based on the things that were done in December and September and at the council staff level, we've been using 2005 to 2007 as the base years for evaluation. Some of the tables that are in your document are also looking at 2001 to 2006. If we can get a resolution on the baseline years that you would like to considered, that will relieve one question from us.

Mr. Currin: The first thing that occurs to me is 2001 to 2007, but I don't know. Other thoughts about these baseline years?

Ms. Shipman: It seems as we've tried to refine the data collection through the years and certainly I know we've put a lot more effort as an agency into the data collection. I feel more confident in the 2005 to 2007. I think the more recent years, probably the accuracy is higher, but that's just a gut feeling of mine.

Mr. Carmichael: That's a reasonable presumption and part of this is the relationship between the discards that occur and the landings is important in this type of analysis. In the area that's open, those discards, those baseline discards, underlying discards, continue to occur, because they're just encounters of red snapper. We know in this fishery that a lot of those are undersized fish.

We know also that the distribution in the population changes. The population numbers at age have changed and we've seen that in the assessment. Getting to too long of a time period could potentially cause some problems there and so a shorter time period, more recent, is what we felt may be the most appropriate way to really evaluate how these changes are going to affect the fishery in the short term.

Dr. Crabtree: I agree with that. I would go with the 2005 to 2007.

Mr. Currin: Is everyone else okay with that more recent timeframe? I see no one objecting.

Mr. Carmichael: Another question arises because we're now operating under this framework of ACLs. In this past, we might have determined that a 90 percent reduction in mortality is needed and so we get a 90 percent reduction across all the fisheries and we go home. Now we are also looking at what is the actual catch going to be in pounds and how does that compare to a potential ACL the council may have selected?

Even though we're having no possession, we do know some fish are going to be encountered and some fish are going to be thrown back and some of those fish are going to die and there's going to be some removals. We're getting new projections that are going to refine this number, but it's somewhere on the order of maybe 90,000 pounds total discards that can be thrown back, discard removals, looking at the initial base runs that the SSC received in December.

Those are going to be adjusted to bring them up to date with the recent year and so there may be a slight change in that, but it's going to be somewhere in that ballpark. We can take that number and whatever the projections are, they're going to give us a number of total pounds that can be removed and not exceeding the F associated with the rebuilding schedule that the council selects.

We're going to have a poundage target and we've got to spread that out, theoretically, amongst the fisheries. The most straightforward way is to assume that whatever the overall percent reduction is that every fishery gets that percent reduction and reduce them from there and we can look at perhaps the proportion of landings by fishery over this 2005 to 2007 period and take that total catch that we can take, that total discard loss that the population can withstand, and spread it out amongst the three fisheries.

The other alternative would be to apply the allocation formula that the council has talked about. In this case, it may be more reasonable, really, to think of the allocation formula as where you go when the stock is rebuilt and in the current time, to end the overfishing, you focus more on the equitable reduction across fisheries.

Mr. Waugh: John, just to clarify, it shouldn't be landings need to be reduced, but it should be mortality. If you only want to reduce the landings, you just prohibit all harvest and you would reduce landings by 100 percent, but it doesn't do anything. It's got to be mortality, right?

Mr. Carmichael: I would say removals. It's total losses to the fishery from whatever the source is.

Dr. Crabtree: We're going to do that why? We're going to put something in place we think is going to reduce the total removals, but then I don't like shifting the whole emphasis then on monitoring how many discards occur. That causes me a lot of heartburn. The reason to do that, I suppose, is to see if we're succeeding.

I would prefer to set up a fishery independent program and decide whether we're succeeding based on how the stock responds. I think if we set the measure of performance up on seeing what these discards do, one, the discard estimates out of the commercial fishery are self-reported and in essence, the discard estimates out of the recreational fishery are self-reported, in that they're asked. I think you create a powerful incentive to simply misreport and I don't think --

That doesn't make a lot of sense to me.

It makes sense to me to do something that we have an analysis indicates ought to get you there and then to monitor the stock and do we start seeing improvements in the stock that are online with what we expected? If we do, then it's working. If we don't, then we need to come in and do more, but these discard estimates have an awful lot of uncertainties to them and I don't even know how -- To break it down into these grids and things is going to be really difficult. That worries me to put too much emphasis on that, if that's how we're coming at it as an accountability mechanism. That's worrisome to me.

Mr. Carmichael: I think part of it gets at being the requirement to have an ACL. The example that's up here shows if the maximum ABC that we could be looking at would be say 90,000 pounds -- We look at the catch in the MRFSS, the catch in the headboat, the catch in the commercial fishery and look at the percent that each contributes to the total, with MRFSS being 60 percent, headboat at 11, and commercial at 26, and take that 90 percent and spread it out over these percentages and it gives you a maximum target ACL that you would be looking at for each of those fisheries. Are we thinking that we perhaps can just focus on achieving the reductions and not having to actually have this value?

Dr. Crabtree: The guidelines allow you to have an ACL that's landed catch only and takes into account discards. I think you could follow the guidelines here and say the ACL is zero landed catch. Now, that takes into account discards and we've done calculations to get some reductions in them, but what I think you're doing here is setting up an ACL that is discards only and then I think we're using almost the weakest data we have and I wouldn't go that route.

I would go the route that we're going to close this fishery down and we're going to close some areas down that we think ought to get us there and now the accountability is to judge the performance of the fishery through some sort of monitoring program that we put in place.

We can project what biomass ought to do and we can then project here's what the CPUEs, or however we monitor it, ought to do. If we see improvements consistent with what we expect to see, then it's working. If we don't, then I guess we could say we need to come in here and increase the size of the closed area. Boy, I just don't know if putting all our bags on monitoring discard numbers like that is a good idea, because I really do believe it's going to change how they're reported to us.

Mr. Carmichael: In terms of going forward in the future with no possession in large closed areas, you would be relying upon discards for the future and as far as getting this in the past, we have all the catch and everything contributing to it, but if that became the ACL for the future, you would be looking at discards and trying to keep it from that.

Dr. Crabtree: Clearly we're not going to do a -- If this happens, we're not going to do stock assessments on red snapper as we've done them in the past. We're going to have to set up some sort of fishery independent program to tell us what the stock is doing and that then is going to replace the assessments, essentially, I think.

Mr. Waugh: What's being described is very different from how we had been approaching it. I'm not saying it's right or wrong, but our approach thus far had been you're setting an ACL and that's going to be just in terms of discard mortality and we were going to have to include, as the final ACL rule talks about, the data needed to track that mortality.

What's being suggested is that we don't have to do that and we just have to track the rebuilding of the red snapper stock. That means we're not tracking the ACL and ensuring that we're not exceeding it, unless you change it to ACL is zero. Then you're not really accounting for all of that discard mortality until you see it reflected in your monitoring program. That's a very different approach.

Dr. Crabtree: I guess where you lose me a little bit is you say the data needed to track the discards. What do you mean by that?

Mr. Waugh: We've talked about this on a number of occasions, the ACCSP Bycatch Monitoring Program. There are programs out there that can collect the discard data. Our understanding was we were going to have to track the mortality each year and make sure we were staying below our ACL.

Dr. Crabtree: Most of your discard mortality is coming from the recreational fishery. I don't know of anything in ACCSP that's going to give you anything other than what you have now for MRFSS to track that. I just don't think you're going to get anything more with that. MRIP is going to change over time, but I don't know how you get discards from the private sector, other than asking them what did you throw back?

Dr. Ponwith: It's a bit of a conundrum, because, again, the discard data are hard to get a grip on, particularly in the private fleet. If you could find a way to use some assumptions about discard rates in the current configuration, have an ACL of zero, have closures that you were able to mathematically make some assumptions about, just by virtue of those closed areas, what kind of reductions you would have in discards, and set that as the way to mathematically account for what the discard mortality would be associated with that layout to deal with the accountability measures and then track progress toward rebuilding through fishery independent mechanisms. None of this is ideal, but it certainly does -- There's some logic to that approach, just because I can't think of a practical way of validating self-reported data in the recreational fleet.

Mr. Carmichael: We're able to take the information that we have and the data that we have and make a prediction and an estimation of what discards will be in the closed area, because we know there's no possession and there's zero. In the other areas, you presume discards would continue as they are and you have the discards that are the underlying discards and they're reduced by the size of the closed area. Then you have the encounters in that area, which we know with some reliability, and we know that all those would suffer the discard mortality. That gives us that. The real problem is then going forward.

It's easy enough to get this first number. The question is in two years, what do you use to compare back to this number? Roy has raised the thing that you're going to be relying on self-reported data, because it's all discards at that point. That's the only information you have

coming in to compare back to this ACL and that seems to be the real underlying question that he's raising, how much confidence would you have in that?

I think if you do set this ACL than you are having to do that. If the council sees a way that we can move forward just in the reductions that are necessary, get them through the area and not be bound to looking at essentially a discard ACL, then we can move forward like that and it doesn't really affect where we're going with these analyses and evaluating getting there from the current fishery patterns.

Dr. Ponwith: Something you said just triggered a thought as well and that is if you did set it up with some assumptions about what the current discard rates are, as modified by the closed areas, and you work under the assumption that this is going to meet with success and there's going to be rebuilding, holding that value constant would be problematic, because you would naturally expect to see discards potentially increasing as the stock began rebuilding. It's challenging, but I think we could look at it and see.

Mr. Carmichael: Keeping that on hold for the moment doesn't really affect where we need to go in other ways. The team can work on that and let the council decide exactly, specifically, how to deal with that ACL when the time comes. Another area of questions to talk about really is kind of the philosophy of what the council would like to see in terms of applying these closures.

For example, you could go with the smallest possible number of grids, the smallest possible area that is closed, and have it closed year-round and achieve the reductions that are required or you could consider having a slightly larger area, more grids, but they're not necessarily closed for the entire year.

One example could be you could, in the recreational fishery, have a few extra grids that account for a little more percentage of the catch included in the closed area, but perhaps you open up that area to other snapper grouper fishing during Wave 4, during July and August. I think that would be something worth the council's consideration, to say would you like to consider options along that line?

The other factor is dealing with the closures for all sectors. Landings by area are not the same for the commercial versus the recreational. Is something the council would like to consider specific areas for the sectors? The final deals with the inshore area being open and that's addressed in one of your alternatives. The decision seems to be whether that's based on a depth or a lat/long bound. I guess that comes down to how regulations are actually implemented.

Just a comment on that one, because it is certainly a very attractive alternative, is because of the headboat program, reporting in these finer scales within each grid, we can look at the distribution of red snapper within a given grid. It's apparent that the red snapper tend to be caught in the areas beyond the thirty-meter line and I've also looked at the commercial logbook records.

We know that in many cases they're taken on an extended trip and they report a depth value and that is a good indication that red snapper tend to get reported from trips that report a deeper depth. That, coupled with what's addressed in the document about the behavior of the species, I

think is some pretty compelling evidence to go forward with an option that leaves this inshore area open, which is certainly the other part of this that the team will be looking at in great detail, once we get the new projections and the final numbers that we'll be working with. I think in terms of these couple of questions, some philosophical guidance from the council at this time will help the team focus in on some good options.

Mr. Currin: Thank you, John.

Mr. Geiger: John, thanks. Those are all good approaches. The one thing that struck me under the partial time/area closure versus the full time/area closure is that as this stock recovers, there's going to be more and more and the encounters will become greater and greater. When you have a partial time/area opening and people take advantage of that and flock to it and as the stock recovers, I think you have to take into account the increased release mortality associated with red snapper in those areas, the potential.

Mr. Carmichael: Yes, definitely. I think we know well, from seeing other fisheries recover, as the population abundance goes up that the encounter rates go up and a slight increase in overall success, coupled with a lot of effort, can greatly drive up the encounter rate and thus, the number of fish that are potentially discarded and potentially dying.

Now, I will comment though that the assessment presumes that the population is getting better and so each year, the population is a little bit bigger and there's a few more fish coming in. The assessment is expecting that to happen. We may start out with a total removals in the first year of 90,000 pounds and the second year, that may go up to 110,000 and then 140,000 and then 150,000. The council has the option to work that into what it expects to happen within the fishery.

If we view that as being the ABC and the OFL, as long as you're staying below that number that's constantly going up, then you would not be overfishing and you would still be within your recovery plan, which is really the bottom line that's important. It may well be that a fixed closed area, though the number of fish encountered within that area and outside that area by the remaining fishery encounters more fish and goes up, the assessment is expecting the abundance to go up and you're still staying within your exploitation allowance and staying on the rebuilding plan.

Mr. Robson: The area closures we're talking about are for all snapper grouper, correct?

Mr. Carmichael: That is correct, yes.

Mr. Robson: I guess just thinking quickly about it, one of the concerns about the approach to the closed areas would be partial time/area closures, I guess if it's done right, could take into account differences in fishing effort in different parts -- In other words, you might have a different impact of a particular time/area closure in Florida than you would in say the Carolinas. You could account for that in setting those up, depending on how you set the times up.

Mr. Carmichael: Yes, that is correct. If the council wanted to go that route, I think you could.

Ms. Shipman: Philosophically, I favor the smallest possible area year-round and for all sectors. I think that's going to maximize your potential for recovery and get the stock where it needs to be going the fastest. With regard to the staggered time/area closures geographically, I don't know. If you look at that, certainly in that Brunswick/Jacksonville area you could just have shifting -- Maybe at the far end you could do it, but I'm not sure off of Georgia and northeast Florida, just because of it's a relatively compressed area. I think you would get displacement into the other area that was open and I'm not sure you would want to do that.

Mr. Wallace: I was just going to say that I agree with what Susan is saying, because you hear these guys talking all the time of running down off of Jacksonville to king mackerel fish. Their boats now is so fast and so seaworthy that they'll run a hundred miles and not blink. They'll either run to off of Beaufort from middle Georgia -- They'll run to off of Beaufort or off of St. Augustine for a mackerel tournament.

Mr. Robson: I think I see some logic in Susan's comment. In guess in thinking about a year-round closure in the smallest possible area, at least you've got everybody is consistent affected by the timeframe.

Mr. Currin: It's ten after five and we need to probably recess this until 8:30 in the morning. John, you've given us plenty to think about tonight. We'll come back in and see if we can make some headway and provide you guys with the guidance that you need. Thank you.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened at the Jekyll Island Club Hotel, Jekyll Island, Georgia, Thursday morning, March 5, 2009, and was called to order at 8:30 a.m. by Chairman Mac Currin.

Mr. Currin: Let's go ahead and get started. We'll reconvene the Snapper Grouper Committee meeting. Good morning, everyone. Just as a refresher of where we are, bring us to where we are, we're going to have to wait on the ACLs until we get the new projections. Allocations seem to be a moot issue at this point, with general consensus being that there will be no direct harvest or fishery. Unless somebody has got another idea about why that might be necessary, I don't believe we need to deal with that. That brings us to the management measures for red snapper and that can be found in your document on the PDF page 221. If everybody will get moving there, that's where we'll start.

Mr. Wallace: Just to go back to yesterday on the motion we made with golden tile, did we intend to include wreckfish in the species to close? With that motion, we closed wreckfish.

Mr. Currin: Yes, that's a possibility. I'm sure nobody intended that and so we may have to get back in to specify that. It's a very good point and thanks for bringing that up. Wreckfish was never even mentioned and so it certainly was not the intent, as I would read it.

Mr. Wallace: I thought about that on the way home last night and I said I've got to find out.

Mr. Currin: See, there's value to you driving home. Want to try to straighten that out first thing this morning, while it's on our minds? I think it will probably require a motion and I'm not sure

how we do that.

Mr. Waugh: Just a motion to exclude wreckfish from --

Mr. Currin: That would probably be simplest way. We'll get it up there and then maybe the cleanest way to do it would just be a motion to exclude wreckfish from whatever number motion that is after we get it up there, the deepwater closure motion. I would entertain a motion.

Mr. Wallace: Before we do that, I just want to -- Is there any other fish that we need to think about before we go this far again?

Mr. Currin: I can't think of any, John. Wreckfish, for the most part, seems to occur outside of the area where the majority of the -- I know there are exceptions and the guys up off of North Carolina are seeing some wreckfish in the deepwater fishery, but for the most part, I believe they're isolated from the other deepwater species.

Dr. Crabtree: George Sedberry is here and has done an awful lot of work on wreckfish and I would like to ask him what knowledge he has of what sorts of bycatch are in the wreckfish fishery.

Mr. Currin: George, come on up.

Dr. Sedberry: The wreckfish fishery is pretty clean. It's a vertical line fishery, but they do catch small amounts of barrelfish, red brim, blackbelly rosefish, all of which are unmanaged, and some deepwater sharks. I don't know if they're a managed species or not.

Mr. Currin: Not by us.

Dr. Crabtree: It appears to me that we have good justification for excluding wreckfish from this, because none of the species we're concerned about are taken as bycatch in that fishery.

Mr. Currin: That was certainly my impression, but it's nice to have George confirm that. I would entertain a motion.

Mr. Geiger: **I would make a motion that we exclude wreckfish from the deepwater closed area alternative.**

Mr. Currin: Motion by George and is there a second?

Mr. Harris: Second.

Mr. Currin: Second by Duane.

Ms. Merritt: I was going to ask George if he might consider a friendly amendment to that, the wreckfish ITQ. I don't think -- I'm not even sure if it really makes a big difference, but if a person is not in a part of the ITQ, then I think it should still exclude wreckfish, because it's part

of the snapper grouper complex.

Mr. Currin: I think as it is right now, Rita, I don't think it's a big issue. I think as it is right now that you're not allowed to possess them unless you've got a permit, a wreckfish permit. I don't think that we need to get that specificity, because it's currently prohibited. Are you okay with that?

Ms. Merritt: I just think it would be clearer to say the wreckfish ITQ, rather than just wreckfish as a whole, because that is the reasoning, because it is managed separately.

Mr. Wallace: Would we be better served if instead of just going from forty fathoms seaward that we put a range of depths in there that we close to snapper grouper too, from forty to sixty or whatever range would include the snapper grouper species, but not eliminate all the others?

Mr. Currin: It's specific to the deepwater snapper grouper species and those are pretty well defined.

Mr. Wallace: I'm just asking if we would be better served, but I'm not sure.

Mr. Currin: I don't think so, John. We'll think about it, but I don't think so. I think it might complicate things some to have to draw lines and define an area, but that's just my initial reaction.

Dr. Crabtree: We've done other gear boundaries where a certain gear is prohibited on one side of the line and allowed on the other. Normally, we've prohibited gears shoreward of the line, but I don't see that it's different. What we'll do in the regulations is we won't specify the depth. We'll actually draw a line that's as straight as we can make it, but obviously it will have to move around some, just for ease of enforcement.

Mr. Currin: Rita, we can -- George said he didn't mind if we want to craft some language to specify the ITQ, but Gregg's advice was that we keep it to the species, that there's some value in that. I really don't think it's necessary, because nobody can possess them. The only people that are allowed to legally have them are the people that are permitted in that fishery.

Ms. Merritt: I don't have a problem with that, as long as our intent is known and if that is our reasoning, is because it is a separately managed part of the complex.

Mr. Currin: I don't think it's going to cause any problems, but we'll certainly think about it and if anybody decides that it is, then we can get back in there and revisit it, but I think the intent is clear. Is there further discussion on the motion? **Is there any objection to that motion? I see none and that motion is approved.** Thank you, John, for bringing that up. It's a good point.

Let's move to the red snapper management measures on page 221. The staff has put together a number of alternatives there and whether I'll turn it over to Rick or to John or whoever, but what we need to do here, folks, is narrow these down as best we can. If we can get some intent from the committee about acceptable measures -- I know we talked a little bit about leaving some

inshore areas open and there's some value to the fisheries in that, perhaps, and there's some alternatives here that are based on depth contours and closing a swath between thirty and fifty meters, but there's a number of them here and I'll turn it over to Rick and we'll wade through this and see how much progress we can make.

Mr. DeVictor: I'll first go through the alternatives that are currently in the document and then I'll turn it over to John, where there's a few more alternatives of smaller closures that you could consider. We have the Alternative 2 that's to prohibit all commercial and recreational harvest, possession, and retention of red snapper year-round in the South Atlantic EEZ.

Then Alternative 3 was the closure that you looked at in December and that constitutes thirteen commercial logbook grids and that's on the next page. You can see the map of that and just to point out, those numbers do not equate to -- The numbers on the map don't match up to the numbers in the document and we'll fix that for next time, just to point that out.

Dr. Cheuvront: Just to clarify, the map is correct or the grid squares listed in the document are correct? There is a discrepancy there.

Mr. DeVictor: Go by the wording and then in the map, you just plus one. This should be Alternatives 3 and 4 and then in blue should be Alternative 5.

Dr. Cheuvront: What we were shown on the map from John yesterday excluded four or five grid squares that you have on that map that you're projecting right now. Basically, what you've done is in your text, you've excluded Grids Squares 3378 and 3379, as well as 3181, 3081, and 2981. That corresponds with the map that John showed us yesterday, but it is not the same as that map that you have there.

Mr. DeVictor: Go by the map that John had. That's the correct one and that matches the text.

Mr. Currin: Everybody should have a copy of that map, a little laminated thing that we passed out yesterday.

Dr. Crabtree: In Alternative 4, we have language that says to allow commercial black sea bass pots, commercial harvest of golden tilefish by vessels with hook and line or longline endorsements and what does that refer to? There is no longline endorsement and I'm not sure what a hook and line endorsement means.

Mr. DeVictor: What we were thinking of -- When we were looking at this in December, we were looking at a golden tilefish endorsement. It's not in place right now, but when you all talk about in Amendment 18, the golden tilefish, there's options for endorsements. That's what we were thinking by having this language in there.

Dr. Crabtree: I think if we're going to have that exception in here that we would have to create those endorsements in here. Otherwise, we ought to take the exception and put it in the amendment that creates the endorsement, I think.

Mr. Currin: Any other questions at this point?

Mr. DeVactor: Just walking through the rest of the alternatives, Alternative 4, as we just pointed out, would have those exceptions. Alternative 5 is the same as Alternative 4, but it considers having the closure between thirty and fifty meters depth. There's some published reports and some MARMAP unpublished reports showing that that's where the majority of the red snapper fishery does occur. We were thinking of possibly looking at a closure just between thirty and fifty meters of depth. John has some alternatives that we call the no inshore alternatives that would not close the inshore.

Then there's Alternative 6, which would be modify the bag and/or size limit. That probably could be removed to the rejected alternatives appendix, especially if you go with Alternative 2. Just to point out, there could be multiple preferred alternatives with this action. Then Alternative 5 was from your discussions in December where you directed staff to look at smaller closures. That's what John has on his computer.

Mr. Currin: It was Alternative 7. I think, from my discussions with folks on the council and the committee, I think everybody is committed to trying to minimize the area that's needed to close. We're looking at a ninety-plus percent reduction in mortality for these fish and so it's going to take some, as we've all said, some drastic measures.

Along with that, things that we need to consider, I believe, are the associated loss of trips that are going to occur with that closed area. I don't know how we get there, exactly. We may have to ultimately make some assumptions and a best guess about how it's going to affect both the private boat anglers and the for-hire sector, but we're going to have to account for that, I think. That's going to give us some savings and reduce the area of closure that's needed as well and there may be some other impacts that we need to account for that will also get us some reductions in harvest outside of the closed area. Everybody needs to be thinking about other things that will be affected by this closure that are going to result in reduced harvest of red snapper.

Mr. Harris: Rick had mentioned perhaps deleting Alternative 6 and I would speak against that. I think even though this is going to be a very complex analysis, I believe that we may end up with Alternative 6 in some form or fashion at some time in the near future. I would leave that in there.

Mr. Robson: I would speak in favor of that. I would hate to foreclose that option and I would also like to get a recap of -- I guess that would be for the later analysis, but to make sure that I understand what potential harvest reduction you get out of Alternative 6, as opposed to a complete shutdown of the fishery.

Mr. Wallace: John was speaking yesterday that within these boxes they have basically the areas that the guys are catching a lot of the fish, within each of these grids. Without it giving away the guys' positions, can we see a -- This is a pretty big grid covering a lot of the area. Is it equally distributed among the grids, these three inshore grids, that's on the thirty -- The individual grids within the grids, are the fishing areas equally distributed among them? Is there a chart to show

us that, to where when we close an entire grid it's going to close from the coast of Georgia out to fifty miles off of Georgia? If we could see the grids within the grids, maybe we need to close half of that grid, because there's no fishing going on on the inshore side of it.

Mr. Carmichael: You're asking if the fishing --

Mr. Wallace: What fishing effort is on the inshore side of these grids?

Mr. Carmichael: In this case, what we're really interested in is the capture of red snapper and so effort may be fairly well distributed around that. I think in most cases it's not, because we know how they operate. It's not randomly distributed within these individual grids. Take the 3180 grid that's off the coast of Georgia. The majority of the effort, based on the reports that we see, is that it tends to occur in areas where there's the break. A lot of the effort ends up clustering in that area.

We know that the capture of red snapper tends to occur in the deeper portions of the grid. Both the logbook that reports the depth, commercial logbook, and the headboat that reports finer information within these grids suggest that a lot of the harvest of red snapper is occurring in the thirty meter and beyond range.

Mr. Wallace: Is there a chart that we can see what this distribution is, instead of just closing the entire 3180 grid?

Mr. Carmichael: You're suggesting perhaps you would pick pieces of that grid. That's one of the options that I wanted to talk about, is that we could close a portion of a grid and you could determine that proportion based on depth, as is described in one of your options now. The depth option would only close part of a grid, essentially.

Another alternative is that you could specify that portion geographically and we could draw a line that follows that red contour that's on your charts that you were handed yesterday. We may draw lines through the boxes, based on latitude and longitude, that leave the area inshore of that open. That's one of the suggestions.

The question that we really need is would that be specified based on depth or would something like that need to be specified based on latitude and longitude and I think that sort of decision comes down to the people who have to write regulations and know how they have to be enforced and what the most practical approach is.

From the biological standpoint, our intent would be to leave open that area where red snapper are not encountered, if you chose to go that route. That would be what we would achieve biologically and leave it up to those who know the next level of things to figure out how to actually write that and make it happen. The simple answer to your question is no, the distribution of red snapper is not random or equal across that grid. There are areas within that where red snapper are encountered more often.

If you look at the 3180 and the one below it, 3080, as you can see, 3080 covers much more of

that range from thirty to fifty meters. You'll find that in that area that red snapper are clustered more across that whole area. Go down one more to 2980 and the lower corner of that one, the southwestern corner, there's fewer red snapper reported harvested in that portion of that grid. Those are the few that I looked at. I think I looked at 3279, the northwest corner of that one, and you don't see many red snapper being captured.

Mr. Wallace: Alternative 3, which would close the entire grid, can we eliminate Alternative 3 in this?

Mr. Currin: That's certainly an option for the committee. If that's not something you're going to consider, then I don't see any sense in asking the staff to analyze it. It certainly wouldn't bother me. I wouldn't be in favor of closing that entire grid when in some cases half of those grids don't contain red snapper, at least there are no landings from there. That doesn't make a lot of sense to me. If the committee doesn't want to consider that alternative, then somebody can offer a motion to remove it to the appendix and we can start talking about what we would like to see. That's where we ultimately want to get.

Mr. Carmichael: Within your commercial logbook program, that is the finest scale that's reported. What we would have is the depth that they report in there, which as we know, they report one depth for their trip and they may fish a large area. We would be relying on the depth that they report to then parse out part of that grid. It's going to take a pretty good assumption that that's reasonably reported and that red snapper behave according to how the research suggests they behave, is that they're largely outside of that thirty-meter area. Just be aware that we'll do something with the commercial that's getting below our scale that we have data.

Mr. Wallace: While we're reviewing ones to take out, Alternative 4, which is closing the entire grids, again, just allowing the sea bass and golden tilefish. I'm looking at ones to start striking out.

Mr. Currin: I'm waiting for a motion.

Mr. Wallace: Do we have to do a motion individually or can we --

Mr. Currin: You can lump them together if you would like.

Mr. Wallace: **I move that we move Alternatives 3 and 4 to the Considered but Rejected.**

Mr. Currin: Motion by John to move Alternatives 3 and 4 to the Considered but Rejected. Is there a second? Second by Brian.

Dr. Cheuvront: I would also like to offer, as a friendly amendment to this motion, that we include Alternative 6, because I think that one also isn't going to fit at this point either. You want to consider it? If somebody wants to consider it, we'll leave it in.

Mr. Currin: Both Mark and Duane felt, at this point at least, they would like to at least see the analysis for a comparison on that.

Dr. Cheuvront: Then we'll leave the motion as it stands. No problem.

Mr. Currin: Further discussion on this motion?

Dr. Crabtree: The rationale for doing that is that we're going to just focus on the thirty-meter to fifty-meter depth zone, because that's where the discard problems all are. John, you feel like the data on that is clean enough to justify that?

Mr. Carmichael: The data are very compelling when you look at both the commercial depth reports and the recreational headboat grids within those large grids, yes.

Dr. Crabtree: Then what that's going to leave us is a series of different size areas that close outside of thirty? All right.

Mr. Harris: I have a hard time wrapping my head around the grids and then contrasting the grids with the depth, because the depth is critical here, not these grids. The grids are for the ease of us looking at something on a map, but it truly is the thirty to fifty-meter depth range where the bulk of these red snapper occur. I guess my question to John is, how true, to the depth, are these grids? I'm sure these grids cover a depth range much shallower and much greater, don't they? That's what I have a hard time with, because we're really trying to protect the bulk of the red snapper population that are in those depths and not in these grids. Is there a way to fix that?

Dr. Crabtree: I think what you're then going to end up to is a closed area that doesn't follow the bounds of these grids. It's going to take the portion of the grid that's within the depth zone we're talking about and you'll end up with something along those lines.

Ms. Shipman: To me, that's a more surgical approach and I think that's the way we go. These grids, I can just tell you from being the agency that we collect the data and this and that and the other, but those grids, it's hit and miss if they get that right. I think they're much more likely to be telling you with accuracy what those depths are on those logbooks or whatever. I would rather go the surgical approach, myself.

Mr. Carmichael: I think the best way to look at it is kind of the grids provide you the first cut, because we know that red snapper do not occur over the entire latitudinal range of the South Atlantic and we also know they don't occur over the entire longitudinal range. There is that narrow depth range.

If we select a section of the grids where a lot of the red snapper action is happening and then we refine within that, based on the depth, it probably provides the easiest way to go about analyzing it. If we got rid of the grids completely and focused just on depth, we would have all the areas to the north and south where we know there aren't red snapper that then we would be considering. This provides us a first cut and then we can refine within that.

Mr. Harris: Are you telling us that what you do is you take this as a first cut and after you do the analysis, you're going to come back to us with a more surgical approach that Susan requested?

Mr. Currin: I have one point that I think needs to be on the record. These grids were based on and this depth contour is based on landings. These are legal fish. I don't think we need to lose sight of the fact that there may be, and likely are, smaller fish that are encountered at shallower depths. The good news is as you get shallower, the release of those fish, the survival rate of those fish, is enhanced, is increased, because of the reduced depth or less depth. It's not as big of a worry.

I just want to make sure that everybody understands that there are fish that are encountered inside of that thirty-meter depth. That's where most of the harvest occurs, but that the survivability of those undersized fish in that shallower area is enhanced and is therefore not nearly the problem that we encounter out at a hundred feet.

Dr. Crabtree: That's consistent with kind of where we've come at it in the Gulf. In the eastern Gulf, a lot of the fishery is a hundred feet and even shallower and the release mortality rate used there was 15 percent, but in the western Gulf, the fishery is out in deeper water and they use the 40 percent, which is what we've used here.

That makes sense to me that we're not only just defining where the snapper are most concentrated, but we're defining a depth zone where we think the discard mortality is going to be high and if there is some catch -- I think what you're going to see, and I think you're going to see it within the next few years or so, is there are going to be a lot more red snapper and you're going to start seeing them in places where you haven't seen them in the past. That's what has happened in the Gulf and I think it will happen here. I think the survival rate of fish caught shallower than thirty meters is going to be pretty good.

Dr. Chevront: To follow up on something that Roy just said, and I want to make sure that we're understanding what we're asking staff to do to analyze, are we asking them to analyze thirty to fifty meters throughout the South Atlantic range or just between latitudes 28 north and 33 north?

Mr. Currin: Rick just reminded me that I don't think we've voted on this motion and so let's go ahead. We've got some good discussion and I want to get back to John, because he's going to address some of these problems. **Is there any objection to the motion to remove these two alternatives to the appendix? I see none and that motion is approved.** Go ahead, Brian.

Dr. Chevront: To follow up with some of the things that have been said, are we talking about -- If we're looking at this more surgical approach of the thirty to fifty meters that we're looking at closing, are we considering it just in those grid squares that are shown on the map or are we talking about through the entire South Atlantic range? I would like to get some clarification on what we mean by that.

Mr. Currin: I think at this point I can't tell you. John may be able to get to it when we get to him, but I think the intent, again, from everybody's perspective, is to close no more area than we have to in order to get the needed reductions. We may have some options about whether we stretch that out on a thinner contour up the coast or how we go about it, but, again, everybody knows the bulk of the fishery occurs off of northeast Florida and southern Georgia. It depends

on how much area you want to close or where you want to do it or whatever. There are lots of options. Let's get to John. I think John has done a lot of thinking about this and has got some visual aids that may help us.

Mr. Carmichael: I would say we've done a lot of arguing about this at the staff level since last September and I'll carry you through the evolution. The area covered by the dashed blue line, the largest area enclosed here, that was the original closed area the council put on the table last September. That's what we've been working from since that time, trying to understand what effect it has.

The first change that we realized was that a lot of the red snapper are not encountered -- The data support this and so it's an assumption we can make, that these inshore areas don't show a lot of red snapper. That's consistent with the biology. That was the first cut that we made. That puts you in the realm of this red-shaded area and this yellow-shaded area which is covered by the red line. If you look at your big map, you can keep this in perspective. I tried to zoom in on the area where these closures are happening, to make the scale a little bit bigger.

What that does, by taking out the inshore, is that it takes out this box and it takes out this box and it takes out this box. Consider this the first and the most straightforward depth adjustment. It's strictly based on the grid. It would be the easiest to write a regulation by, because you just write a regulation by a grid, but it's perhaps not the most surgical. We're still using pretty course tool.

The second thing I realized in looking at these in much greater detail was that there's really a small proportion of the total catch being taken, especially within the recreational fisheries, within this area covered by the red shading. These three grids right here are really a small proportion of the red snapper encounters. That led me to look at, on some plots that show just a bar graph of the landings by grid, these four grids right here popped right out in the headboat observations and as well in the commercial logbook observations.

These are the grids where the real action is going on in terms of red snapper. These are the grids that you get the biggest bang for your buck from closing a grid. Closing this 80's area, by our preliminary analyses and based on the projections that we had as of December, which there will be some modifications to those, of course, but it was apparent that just closing that area provides enough savings to achieve what we need to do for red snapper.

Within that area, if we know that there's a depth relationship as well, we could provide the depth adjustment to these four blocks right in here and this is approximately where the smallest area closure we could come up with, I think, will occur. I think the best way to approach it, the easiest way, probably, and the most straightforward in terms of analyzing it, is to first focus on a grid and then allow it to adjust for depth within that grid.

By focusing on a grid, it greatly reduces the area that we have to then go and make the depth adjustment and make the further refinement. It allows us to treat everything outside of all this area rather straightforward, because all the discards that occur will -- We're presuming that there's no changes in effort in anything and those continue to occur and all the fish that were encountered suffer the discard mortality. This gives us a starting point.

We also know that the other refinement we intend to do is to account for the other actions the council has taken for other species and, through the team process, attempt to come up with some estimate of trips that won't occur or trips that will occur in a different manner than they occurred in the past. That will give us additional savings off the top, which makes me think that even if there's some changes in the assessment that perhaps the total removals aren't quite as high as what they were when I looked at these areas, that will be more than offset by behavioral changes and things that we expect to happen.

I think what we've called the 80's zone provides a real viable area to look at in terms of what we need to actually close. The one thing that's worth noting though is that the commercial fishery has a little bit different distribution. They tend to encounter more red snapper over a wider area, but on the other hand, they're going to be more affected by trips that won't occur because of no possession of red snapper.

My first expectation is that that's going to be offset and this area is going to withhold the further scrutiny that's going to go on over the next couple of months, but we can surgically refine this area pretty easily.

Mr. Currin: You made the comment that that gives us the needed savings from closures and reductions in those grids and you did hit on the fact, John, that there's going to be some trip loss, effort reduction. There are actually changes in the fleet due to economic times. We don't know what that is, but we need to try to get a handle on that. For example, I know Tom Swatzel, sitting at the table, has sold a headboat and so there's at least one boat and I don't know how many more have been lost.

There definitely has been and will be some effort reduction and we need to account for that in some way and I'm not sure exactly how to go about it, but I feel that it's going to have an impact. Then you mentioned the other regulations as well, which we all need to be aware of and take a look at and see what kind of savings they might give us as well.

Mr. Wallace: If we're going to be closing these grids between certain depth areas, whatever we decide to go in this part, thirty to fifty, are we going to allow for some transit with possession of any fish that's caught outside of these grids? Right now, we've got no possession.

Mr. Currin: Certainly we would consider it. You know how law enforcement reacts to that, but I think we've done it before and have had stowed gear and minimized the possibility of somebody trying to beat the regulation, by placing fairly stringent requirements on people who are transiting. Yes, I'm sure we'll have to address that.

Dr. Crabtree: On the transit, we can look at that, but it's not clear to me that there's much that could be caught outside of these depths that is closed in these areas that you would transit. We're already talking prohibiting snowy grouper and other things outside these depths. If we make an exception for golden tile, I'm not sure what other snapper grouper species that we're prohibiting would be caught outside of these depths. I guess that's something we would work out.

I think, John, what you're doing -- I think you're going at it the right way. What we're going to focus on, it sounds to me like, is that yellow zone now and outside of thirty meters, essentially. Then we're going to try and factor in the cumulative impacts of Amendment 16 and the other things we've done and then focus in on refining, which means shrinking that area down a little bit, and coming up with a series of alternatives. That makes sense to me.

Then I think once we have that refined a little more that we can talk about the transit issues. We're not prohibiting people from going out and fishing for king mackerel and those kinds of things now, but it's just not clear to me what you would catch outside of fifty meters that you would need to transit through here with, but I would suggest we cross that bridge after we've got this refined a little more.

Mr. Currin: I agree and that's good advice.

Mr. Cupka: Based on what John just told us, it seems like we need another alternative similar to Alternative 5, but limit it to the 80s. Is that correct? **I would like to make that motion, if I may, Mr. Chairman.**

Mr. Currin: Motion by David to establish another alternative looking at closing those areas within the 80s, for lack of a better description. Are we considering also in that, David, the inshore line, some sort of inshore line, at a depth contour? It's been suggested like thirty feet.

Mr. Cupka: Yes, that's what I was getting at. It would be similar to the current Alternative 5, which has a depth contour, but just limit it to the 80s.

Mr. Currin: Motion by David to establish another alternative, similar to Alternative 5, that concentrates on the grids in the 80s. Is there a second?

Mr. Robson: Second.

Mr. Currin: Second by Mark. Discussion?

Dr. Chevront: Have we determined yet that the deepest depth really needs to be fifty meters? I think most of the directed fishery occurs between thirty and forty meters, doesn't it, for headboats? I'm just not sure. I guess if there's any clarification -- John, do you have any of that from commercial logbooks, that they're also getting the red snapper out as far as fifty meters?

Mr. Carmichael: They're getting red snapper out that far, yes. It drops off pretty sharply in the commercial beyond 120 feet, which is forty, but there's still a reasonable percentage that they were encountering between 120 and 150 feet. It would be forty to fifty meters. It's probably getting to be pretty fine scale -- When I think of looking at the chart before us, that that might really be cutting things pretty close, forty versus fifty. It would be very hard, probably, to quantify, realistically, two options that one was forty and one was fifty.

Dr. Chevront: Right. I just wanted to make sure that we were clear that we wanted that deepest depth to be fifty, as opposed to something else.

Mr. Currin: As we get into the analysis, I'm sure these guys will take note of things like that, Brian, but my impression is that the commercial fishery typically takes place a little bit deeper than the headboat fishery and so there are encounters out there that we need to be aware of.

Dr. Crabtree: Fifty meters, 150 feet, I've caught red snapper that deep and in the Gulf, when the longline gear boundary was put in place at fifty fathoms east of Cape San Blas, Florida, a big part of the rationale for that was to keep them from catching red snapper and they used fifty fathoms as the boundary there. I think if anything in here that fifty meters is not deep enough, but I think that's something we keep working on. I know in the Gulf for sure you catch red snapper well outside of fifty meters and I suspect you do in the South Atlantic, too.

Mr. Swatzel: I would just suggest that you try to convert your meters to either fathoms or feet. There's nobody going to be going on meters as far as a commercial boat or a headboat.

Mr. Currin: That's a very good point.

Ms. Shipman: I agree with Tom. I'm sitting here and multiplying by six and three and trying to get squared away. When we were looking at MPAs, in my recollection, those snapper were pretty much going to the shelf edge for the commercial fleet and then you were getting into the mud bottom for tiles. They were almost going right to the edge, I think. I agree with Roy that I think it's going to be deeper.

Mr. Harris: This is to the motion. I'm wondering, for the ease of analysis, if we would be better off changing Alternative 5 to delete those grids that are not in the 80s and leaving the rest of the language there and just simply the motion would be to modify Alternative 5, rather than having a separate alternative in there. I would defer to staff as to whether that makes it easier for them or not.

Mr. DeVactor: Yes, I think so, because it would also eliminate the current Alternative 5 from consideration.

Mr. Currin: We can handle that probably easily. We've got this motion on the board that will do what we want to do and after -- Assuming this passes, maybe we can have another motion just to remove Alternative 5, if that's the desire of the committee.

Mr. Harris: The reason I said that, Mac, is because it's got other language in there that I think we want to retain in Alternative 5. I just would rather see us modify Alternative 5 and I think that's okay with the maker of the motion.

Mr. Currin: I'm fine with whatever way you all want to do it.

Mr. Cupka: **That was really my intent. It was a poor choice of words to say add, but what I really wanted to do was modify everything that was in Alternative 5, but just include those grids that had the 80s in them.**

Mr. Currin: Those areas in the thirty to fifty-meter band.

Dr. Crabtree: Rick, yesterday, didn't we -- I can't remember if we selected a preferred, but when we were dealing with the deepwater fishery, we looked at something where you couldn't retain snapper grouper outside of forty fathoms. My concern is if -- I don't want to get in a situation where we come in and say you can't fish between thirty and fifty meters, but then we've got a zone between fifty meters and forty fathoms where you can fish and then outside of forty fathoms, again, you can't fish. We don't want to end up with these really thin little bands of fishing and no fishing.

I think we need to give you guys some leeway here to adjust these depths so that it makes sense and it could be that we modify the forty fathoms in the area of this closed area or maybe we just extend this closure on out, which means it basically goes all the way out. Do you follow me? I don't want a little thin band of fishing is allowed in between. You guys need to just work out something on that, I think.

Mr. Currin: That's a good point and I think we can look at the reported landings from within those grids, if we can. I don't know and that may be too fine a scale to get at, but at least so we have some measure of the impact that that might have.

Dr. Chevront: I would like to offer a clarification to this motion. We say close the 80s, but what we really mean are the four grid squares of 2880, 2980, 3080, and 3180. There are other grid squares in the 80s that I think that we do not intend to close.

Mr. Currin: That's kind of staff lingo and I think that the intent was very clear, but that would provide some good clarification.

Dr. Chevront: Longitude 28 to 31.

Mr. Wallace: I don't want to keep beating a dead horse, but where Roy was talking about people bringing anything outside of that, but they will do a diagonal across those lines to get outside of that 3180 box and go up to 3279 and fish. It will be okay inside 3271, but then they will probably --

Mr. Currin: We're not going to forget that, John. We're going to have to deal with it. Let's get the area defined and then we'll look at the transit problems that it creates, potential problems, and we'll deal with the transit, because we realize we're probably going to have some issues there.

Dr. Ponwith: Again, I would like to reiterate the point that I brought up yesterday and that is that there are some uncertainties in the area reported in these landings and that I would be eager to have Science Center staff collaborate with council staff in refining these areas once we've got a starting point.

Dr. Crabtree: Can we modify the motion just to make it clear that we're not locked into the fifty meters and that staff -- Because of the forty fathom business and all that, that staff can vary from that depth zone?

Mr. Currin: The easiest way to handle that at this point, perhaps, would just be to say between thirty meters and some deeper depth.

Dr. Crabtree: To be decided. Is that okay with whoever made the motion?

Mr. Currin: Are you guys okay?

Mr. Cupka: **Yes, that's fine. I understood that staff was going to have some latitude to look at that.**

Dr. Crabtree: It's clear from the discussion that we're talking fifty meters, but likely, I think we're going to be looking at something deeper than that. I just don't want us to have confusion when we get back home.

Mr. Currin: Is that okay with everybody? All right. Is there further discussion on this motion? Is everybody happy? **The motion is to modify Alternative 5 in order to close the logbook grid squares 2880, 2980, 3080, and 3180 between thirty meters and a greater depth to be determined at a later date and staff to provide analysis. Is there any objection to the motion? I see none and that motion is approved.** We removed a handful of these alternatives from red snapper management measures and added one, at least. Is everybody okay with the suite of alternatives that we have here?

Mr. Harris: When we come back at our next meeting to look at this again, I would like us to put this map on a larger scale and also locate artificial reefs and other known fishing areas, to the extent that we can, on the map, so it's clear to everybody what's going to be open and what's likely to be closed once we do the surgical approach to this.

Mr. Swatzel: I don't know if this is the appropriate time to talk about this, but one concern I have is that when we have closed areas that it also affects other fisheries, and vermilion snapper is a good example, in terms of it's going to be an additional savings that result from those closed areas and doing that analysis in terms of we had reductions that are coming up in Amendment 16, for example. I think there's a 47 percent reduction concerning the recreational catch.

If we end up with an analysis that shows that the vermilion snapper catch, for example, would be even further reduced, by say 25 percent, concerning these closed areas, that's really not the intent of the council, I don't think, to reduce vermilion snapper catches down to virtually nothing. I want us to take a hard look at the effect of these closed areas on Amendment 16 and what we need to do to increase bag limits and increase quotas or whatever as a result of what these closed areas do. I think that's the only fair thing to do.

Mr. Currin: That's a very good point, Tom.

Mr. Geiger: That is a good point, but my question would be we already have the ability of the Regional Administrator to make an adjustment, I believe. If it shows, through the analysis, that we can increase that, can you work off of that previous discretionary actions that were --

Dr. Crabtree: Tell me again exactly --

Mr. Geiger: I think when we went into Amendment 16 that we had a length-based stock assessment and we were going to an age-based assessment and based on the outcome of the age-based assessment, we had given you discretion to amend the reductions that were required based on the outcome of the assessment and you did that and there was a table that was set up with cutoffs. What Tom is alluding to is we are right on the margin of that cutoff in terms of having a five fish to a nine fish bag limit and a season adjustment. If we find out through the analysis, can we use that discretion that you were granted under Amendment 16 to make that adjustment without having to address it otherwise?

Dr. Crabtree: No, I don't think so. By the time you know what you're going to do here, Amendment 16 is going to already be done and I think at that point -- I think you probably will need to do that, if we're looking at this. I think you're going to need to take a look at given what we are now doing here in Amendment 17, do we need to go in and back off on vermilion snapper? I think if you decide you do, then you would need to do a framework action. I couldn't go in now and make a change because you might do something in the future. That would be going beyond what I can do.

Mr. Currin: I think, if I recall -- Rick reminded me that ability or that discretion that you were allotted was based, I believe, specifically on the results of the assessment.

Dr. Crabtree: It was specific to the assessment and nothing else and so I don't think so. If you're talking something simple like adjust the bag limit and that's it, you could do that pretty quickly and simply with a regulatory amendment.

Mr. Currin: It's a good point that Tom made and I hope we'll get that consideration from you guys. I know you will when you go through.

Mr. Waugh: If I understand what Tom is suggesting, it's that within Amendment 17 we look at modifying -- He cited vermilion, but it seems to me that if indeed we go forward with a closure that we need to look at what level of reduction that has to other species and there may be several other species regulations that could be modified and need to be modified. I think what Tom is pointing out is that for vermilion snapper the impacts of the regulations that would be implemented through 16 are so high that time is critical and he wants us to address the changes, particularly for vermilion, in Amendment 17. It seems if you all give us direction to analyze any of those impacts, for not just vermilion, but other species as well, we could bring that back to you in June.

Mr. Robson: I like what I'm hearing from Gregg, because as I think I understood Roy to say, if we were to try to do something as a framework, we wouldn't be able to address the season, the closed season, for vermilion. Is that correct, that we can only do bag limit? You could? Okay. I still like the idea of looking at this as quickly as possible in Amendment 17.

Mr. Currin: What I'm hearing is direction to staff to analyze the impacts of these proposed closures for red snapper on the Amendment 16 species and provide those in June.

Dr. Chevront: That was exactly the motion that I wanted to make. **I would like to make a motion to direct staff to analyze the impacts of a closure for red snapper on other species from -- I don't want to make it too difficult for the staff to analyze, but certainly Amendment 16, but it would be nice if we could go back to Amendment 13C as well. We're talking black sea bass and other things as well.**

Mr. Currin: There's a motion by Brian and is there a second? Second by David. Is there discussion?

Dr. Crabtree: Here's the problem we've got. We've asked John and staff to take into account the cumulative impacts of Amendment 16 and the trips that may be canceled in calculating the closed areas. Where I think we're going is we're going to say, look, we've got these closures and things in Amendment 16 and that's going to result in a lot of trips canceled and so the area we close doesn't need to be as big. You can't then turn around and say we're closing this area and so that means we can back off on Amendment 16, because if you do that, then the area is going to have to get bigger.

I really think what we need to do is figure out what we're going to do for red snapper in this thing and how we're going to handle those cumulative impacts and once we've done that, then we revisit, okay, does that give us some leeway on these others and if it does, then do a framework and change it. I think we're making circular arguments right here that create problems.

Mr. Currin: We may be and we may not. We have to be careful that we are not making circular arguments, but my intent in bringing up the issues of the impacts of the red snapper closure on effort reductions and trips and that sort of thing, I wasn't thinking about accounting for the impacts of 16, although we did ask you guys to include those as well in this. We do have to be very careful that we're not --

Dr. Crabtree: I think there are going to be significant impacts from Amendment 16 that are going to have a big impact on what we need to do in terms of a closed area. Then if you go back and undo part of 16 because of the closed area -- I'm fine with staff trying to look at all this, but we just need to be real careful how we do it.

I have one other comment which I would like Rick to -- I'm a little bit concerned. We've taken a lot of things out of this action in terms of alternatives and I'm not sure that some of the things we took out weren't within the range of what could be considered reasonable and what I would like to ask is that Rick and Monica and folks talk some between now and full council.

Let's make sure that we haven't taken some out of here that might in fact be reasonable alternatives that we would be better off -- This is going to be the heart of what's scrutinized in this document and let's make sure that we're rock solid on NEPA. I would rather err on the side of leave it in, rather than take too much out and create a vulnerability. If you guys could get together and take a look at that and advise us at full council.

Mr. Robson: I've lost track of where I was raising my hand now, but back to the motion, I'm

trying to get back to the vermilion issue and the fact that we currently have -- Where are we at with the actual rule for Amendment 16? Is it a proposed rule that's advertised now?

Ms. Smit-Brunello: I believe the comment period for the amendment is over. The comment period for the proposed rule will end fairly soon and then I believe the decision day for the Secretary is on something like March 24, right around there. It's not implemented yet and it's not been decided whether to implement it. We're still within the comment period.

Mr. Robson: I guess my question is we've got -- If Amendment 16 goes forward, would we be implementing the five-month closed season for vermilion starting in November of 2009? Then it's almost as if we're talking now about two completely different closed periods that would apply to -- They're not completely different, but two different scenarios for closing vermilion fishing that need to be sorted out as to what each impact is separately and then what the cumulative impact would be if you implemented them. I'm struggling with how we could best do that, unless staff can do that as part of the analysis.

Dr. Crabtree: I think that's what they're going to have to look at. If you look at the information, vermilion and red snapper are two species that are commonly taken on the same trips. If you believe by closing vermilion for five months that there are going to be a number of trips that are canceled, that's less red snapper bycatch that's going to occur during that period of time and so that gets factored into how much of a closed area do we need to have in order to reduce the discards.

On top of that and during that five-month vermilion closure, if Amendment 16 is implemented, you've got a four-month closure of all snapper grouper. There are likely going to be trips canceled now because you've got all of that closed and then assuming we close red snapper, at least in a lot of this area the only commonly caught snapper grouper species that at least is a major fishery left open is black sea bass.

Now you potentially have a lot of trips that are canceled and so those red snapper discards now don't occur and so you can pull that out of how much area do you need to close in order to bring the discards down. I think that's what staff is going to try to look at, in order to see the cumulative impacts of this.

Then if you go back in and say let's back off the closure on vermilion snapper and shorten it some, now fewer trips are canceled and more red snapper discards are going to occur and so now you've got to go back in and look at the closed area and it probably has to become larger. It's like a balloon. You squeeze it here and it pops out over there. I think it probably gets complicated, but I think staff is going to try to pull all that together.

Mr. Currin: Very well put. George, I had you and it wasn't too awful long ago.

Mr. Geiger: I think it was in regard to Roy's comments and I agree with what he said about losing sight of what we're doing and working within a framework. I don't think we work within our framework actions enough on the council and this would be an opportunity to tackle these issues directly under the framework and I would speak in support of that.

Mr. Currin: Further discussion on this motion, with all the caveats that have been discussed over the last ten minutes? **The motion is to direct staff to analyze the impacts of a closure for red snapper on other species from previous regulations. Any objection to the motion? I see none and that motion is approved.**

Staff and Monica are going to get together afterwards to make sure that we haven't eliminated some alternatives that might be considered reasonable, at least within the red snapper. It seems to me that those entire grids blocks are not particularly reasonable, in light of the impacts on other fisheries and the like, but we'll get them to do that, address those, at full council. Anything else, Rick, on red snapper management measures?

Mr. DeVactor: I think we have a range and just pertaining to what you just said, we're going to have to look at do we have all the reasonable alternatives and certainly a big part of that is going to be looking at what percent reduction we need in total removals to achieve it. That's something that the team is still working out, just to let you know, is what reduction these area closures are getting us. That's still to be worked on, but we'll come back at full council with the range.

Dr. Crabtree: Mac, I would like to talk about some ideas I have on potential ways to monitor this fishery if we end up closing it down. When would be the appropriate time to do that?

Mr. Currin: We are going to talk about that, Roy, and it may be the next item on our agenda. We'll get you page numbers as quickly as we can. It's page 244. This is a monitoring program that's going to be necessary in light of closing down a large area where a large part of the fishery for this species and others occur.

Without that fishery dependent data, it's going to be critical to have some fisheries independent data or think about some innovative ways to maintain some of the indices, like the headboat index, which is probably one of the longest running continuous indices we have and it figures into virtually every assessment that this council deals with. It's critical that we have an adequate monitoring program in place so that we can determine when these fisheries recover.

Dr. Crabtree: The discussion we have in the document right now is mostly focused on fishery independent monitoring and I think that's great and I hope we're going to be able to do that, but I would like to talk some about the idea of establishing an experimental fishery. This is predicated on assuming we close red snapper.

We could set up an experimental fishery and the intent of it, at least the way I'm thinking now, would be to try and keep the headboat index alive, because that's one of the main indices we've used in tracking and assessing red snapper. The idea I have is we would set aside some portion of the ABC and then we would do an exempted fishing permit and we would solicit applications from headboats who would like to participate in the experimental fishery.

We could have a number of criteria they would have to meet. For example, we could say you have to be able to show through your logbooks that you've been a headboat that's been operating for so many years and that you've been diligent in complying with your logbook requirements

and all that.

Then what we could do is tell these headboats that you're going to be allowed to take this many trips next year and you will be allowed to retain red snapper and you will be allowed to fish inside the closed areas. We're going to put observers on your boat and we're going to sample them for otoliths and biological things like that and in that way, we could potentially keep the headboat index going and it would give us some way to measure what's going on in the fishery and what we're seeing.

I think it would be far less expensive than fishery independent monitoring, because we really -- The headboats are going to take paying customers out there and so we're not going to pay them anything. We just have to find a way to cover the cost of the observers onboard their vessels and I don't know how many headboats we would want to let in. I don't know how many trips we would want to let them make.

I would suggest that we ask the Science Center to come up with a plan of how to do this and then we get the SSC to look at it, but I'm afraid otherwise that we're going to lose a lot of headboats and even if we don't lose them, they're not going to be fishing the way they have in the past and it seems to me we don't want that to happen, because it's going to really hurt our ability to assess these stocks and track red snapper recovery.

I think that's something I would like to have developed in the document and then if the council is in agreement with that, we could move forward on something like that, either once this amendment is implemented or, if you decide to request an interim rule to close the fishery down, we could potentially go ahead and try to do something like that during the period the interim rule is in place.

Mr. Geiger: That's a very innovative, excellent suggestion, Roy. I think that's really good, but I want to understand something and make sure that we all understand. You're talking about not allowing headboats to fish unlimited in the open areas, but they would, theoretically, under the scenario which you just described, would only be allowed to fish a set number of trips that would be determined by science, based on the need. Is that correct?

Dr. Crabtree: Yes. It wouldn't just be unlimited in the way I'm thinking about it. I don't know how many trips that would be. We need the scientists to advise us on that. We've done this in other fisheries. The shark fishery, they've reduced the quotas to the point on a lot of them where there's really not much fishery, because of sandbar sharks.

HMS is accepting applicants for an experimental shark fishery, where guys are allowed to go out and longline and they're allowed to retain a certain number of sandbar sharks and I'm thinking something along those kind of lines, but I'm only thinking about it in the broadest sense right now and the details would all have to be plugged into it.

Mr. Geiger: I would encourage the Science Center to get with the headboat operators, to ensure that we don't design a program that's not economically feasible for them to operate. We need to find out what they need and I think the index is so critically important to not just red snapper, but

to all our snapper grouper species. We ought to make the allowances necessary to keep that index moving.

Dr. Crabtree: We've got a number of headboat operators here now and we've got one on the council and so I think there would be an opportunity for Bonnie to talk to some of them over lunch or something like that and maybe give us some thoughts when we come back to this tomorrow or later.

Mr. Currin: Bonnie, did you have some input directly to this? Then I've got a couple other people on the list here.

Dr. Ponwith: The Science Center, from the science perspective, would really look favorably on this alternative and believes that having some continuity of a data stream to be able to appropriately monitor the recovery of these species, based on the management measures that you're contemplating now, would be very good.

I would be eager to have the Science Center take a long, methodical look to make sure that we design this in a way that meets the science requirements, that we've got the statistical precision that we need to make strong inferences based on this study, to be able to give you good advice on where we are in the rebuilding process. We also recognize that it has to be done in a way that meets the needs of the charter vessel, to be able to perpetuate that activity.

What I would envision is there's going to be some give and take and bringing in a number of vessels that's large enough to have the statistical precision we need, but small enough that we can have them operating at a level that's sufficient to meet the needs, businesswise, to stay operating, to address the issue that George brought up. The Science Center would be very eager to look at those numbers and come up with a proposal.

Mr. Currin: Thank you, Bonnie. I think it's a good idea as well.

Mr. Iarocci: I want to speak in support of this. Yesterday, Zach Bowen, owner/captain of one of Steve Amick's headboats in Georgia, spoke about this and we've talked amongst ourselves and I think it's a great idea and I think the timing would be perfect to move this as soon as we can, but also, to take this one step further and consider maybe some commercial boats and charter boats too, to see how we could do this and gather it all the way around.

Mr. Cupka: I was just going to say it reminds me of the approach that HMS is taking on some of that and I think it's a very innovative and cost-effective approach. My only concern would be it seems like some of these questions and numbers would have to be worked out fairly quickly, so that staff could account for those numbers when they start developing some of these alternatives. While I think it's something we ought to do, I don't think we have a lot of time if we're going to really analyze its impact on some of these alternatives.

Mr. Currin: Thank you, David, and I think the Science Center is aware of that.

Dr. Crabtree: If you look at the total headboat catch of red snapper, it's somewhere in the

neighborhood of 40,000 to 50,000 pounds a year. It's not an unmanageable quantity of fish and so I think it's something we can work out.

Mr. Wallace: I like the concept myself, but I guess my question is, we have a baseline to start with now, because we have landings and biological data right now. I would think it would probably be four or five years before we would need any updated scientific data to get the stock assessment or whatever we need at that point, maybe three. Are the headboats going to be able to survive that long until we need that? Starting it as soon as the closure is there, I don't see that as being scientifically valid.

Mr. Currin: That's a good question and we're going to have to assess that with our discussions with the headboat operators, as we try to move down this path. It's, at least initially, very appealing. The details, we'll have to figure that out.

Mr. Harris: A lot of us have been talking about an approach to continue some kind of data stream, assuming that there will be some kind of interim rule adopted for red snapper and then with 17, some kind of closed areas. This seems to be the best approach, to me. The landings from the headboat catches have been low enough, on average, to where they're going to meet, I think, the reduction in catch that we need to see to restore this fishery.

I think this is the best approach that I've heard to date. I would just simply encourage us to move it forward as quickly as possible so there's not a long closed time and a possible dramatic adverse impact on the headboats that we're going to have to rely on in the future.

Mr. Geiger: Again, I would hasten to add and emphasize the need to be creative in how we do this, to make sure that they can get enough trips to make it a useful and business-worthy enterprise. Perhaps, in addition to the observers, we could institute some type of catch record for the anglers onboard and allow some trips to occur without observer coverage, but have a tag type recovery program, where the mates could punch it -- I'll send this around. It's kind of an experimental two-part program. I talked about it at the last council meeting and it was not well understood, I think, and so I've come up with a little -- Use a good punch and there's no hanging chads.

This might be an opportunity to even expand the number of trips to include unobserved trips, but allow the anglers to participate and get your CPUE data and allow direct contact with the people who participate in that fishery.

Mr. Robson: Getting back to John's concern, and I guess I would ask John Carmichael about this, but it seems to me that to continue to have that catch data would be very important for the next assessment. It's not that we necessarily need to wait and not have anything until three or four years down the road, but to continue to collect that data so that when we get to the next assessment we have something to look at.

Dr. Crabtree: If we don't have something like this, I don't know how we're going to do a next assessment the way we've done them in the past, because you won't have any additional catch data or ages to go into it. If you switch to just a fishery independent program, you're going to

have a problem, because that doesn't really have a baseline that goes back and it's something different than what we've relied on. That's what I like about this idea, is that it would allow some continuity in the datasets and we might be able to update the current assessment.

George has good ideas and there may be all sorts of ways to do this. I leave that up to the scientists, to figure out the details and come back to us on it. I think this is a concept we need to move on. **I move that we evaluate a red snapper monitoring program, based on a research set-aside, to include an experimental headboat fishery with observers. The intent is for scientists to develop recommendations on numbers of trips, areas to fish, et cetera.**

Mr. Currin: Motion by Roy. Is there a second? Second by David. Any further discussion?

Dr. Chevront: In regards to this motion, do we want to say specifically just the headboat fishery at this point or do we want to say for-hire and commercial or how do we -- Do we want to set aside to say who those participants are going to be at this point or do we want to allow staff to figure out what might be the best mix, as opposed to leaving it just a headboat?

Dr. Crabtree: I would like to leave it headboat now, because that's the index we've relied on. Now, if the scientists come back to us and say that we could build a much more robust set of data if we included a couple of commercial vessels or something like that, then that's fine and we can revisit that, but I'm really focusing on keeping that headboat index alive, at least for right now, and so I think I would like to keep this contained, if we can, but we could certainly expand this if the scientists feel it's warranted.

Mr. Harris: I did remember a point I was going to make and that's that this gives us the opportunity, through port sampling and observers, to collect a lot of additional data that we may not be getting now on other reef fish species. It's not only red snapper that we're going to be able to collect data on. I think it's going to give us some data that we're not currently getting at a level that we certainly haven't been getting it in the past. I strongly support the motion.

Ms. Shipman: As do I and certainly I can only speak for our state, but we will gladly participate and possibly can even provide the observers, because we're trying to do that anyway through the MRFSS and now MRIP and so on and so forth. We would be glad to participate in that.

I like the idea of asking the Science Center to take a look at the design and see what other data may be needed to augment the headboat data. We have so few headboats off of Georgia and there may be a real data gap for us that you're going to need to augment with other sectors. I would certainly encourage, when you all work on the design, Bonnie and John and others, that you all look at that.

Mr. Robson: I agree with Susan. I'm just wondering if we should modify the motion to provide direction to staff to do exactly that, to really look at any other sources of data or fisheries to include.

Mr. Currin: I think the request would have to be made to the Science Center, really. That's who we're asking to do the work and the analysis. It's up to you guys. I think Roy has got a good

point, at least at this point, that the headboat is probably the most critical, but I think in going through this analysis, the Science Center is likely to identify gaps that might be addressed by other fisheries or other sampling programs to meet our needs, but it's up to you guys.

Dr. Crabtree: Bonnie has heard the discussion and so she understands. We just need to understand that we've got to keep this -- Everybody is going to want to get in and the next thing you know, we're not going to rebuild the stock. We've got to keep this carefully contained and we've got to keep it where it's clearly driven by science. We just need to be careful. I think for right now let's keep it focused on the headboats and then we'll see what the Center comes up with and talk about it at the next meeting.

Mr. Currin: I'm content to deal with it that way and allow them to identify gaps in the information, at this point at least.

Mr. Iarocci: I just would like to speak in favor of this motion, but just to get it on the record, when you look at the amount of headboats to get this information from and we do need to keep it down and North Carolina and that area, there's one boat and South Carolina, two and in Georgia, two and in Florida, north Florida and that area, there's at this time eight headboats to consider.

Mr. Currin: There's a handful in North Carolina, but I don't know how many at this point, in the southern part. No further discussion on the motion? **Is there any objection to the motion? I see none and so the motion is approved.** Thank you. That was a good discussion and a great idea and I hope it will bear some fruit for us. Let's take a ten-minute break and be back here at five after ten.

Mr. Currin: In your document, if everybody can move to page 195, we've got to deal with ACLs and AMs for a number of other species: black sea bass, gag, black grouper, red grouper, and vermilion. Rick, I'll turn it over to you.

Mr. DeVictor: We dealt with the deepwater species in red snapper and so, as Mac said, these are for the rest of the species undergoing overfishing. Table 4-1, which is on the next page, is showing the current ACLs that are in place. It shows a commercial ACL and a recreational ACL for black sea bass and just to clarify it, and we'll definitely clarify it in this table, those values for gag and vermilion snapper are what's proposed in Amendment 16, just to clarify that. Currently, what's on the books for gag is not a commercial quota at this time and no recreational ACL. The ACL currently for vermilion snapper is 1.1 million pounds gutted weight, but the values in the table are what would be implemented if Amendment 16 is approved.

Then we have a series of alternatives and I'll first just go through the ACL part. We split it up into ACLs, a series of alternatives, and then ACTs and then AMs. The first part is implementing ACLs for species that don't have them and so that would be black grouper and red grouper. You can see that we did have the question where in the final rule the definition of a catch limit is that it triggers an AM. The question that the team has is could the quota for gag be considered an ACL for red grouper and black grouper, since it is -- Since you have the gag quota and when 16 is put into place, that would trigger a closure for red grouper and black grouper.

Then there's also the question that there's a stock assessment upcoming for red grouper and black grouper. The review workshop is scheduled for January of 2010 and so there's that question, too. I'll just quickly go through the alternatives for the ACLs for black grouper and red grouper.

Alternative 2A is where you would set the ACL for black grouper and red grouper from the expected catch resulting from Amendment 16 and that's below. You can see that under Alternative 2B, what those values would be. That's the expected landings or catch that would occur through those management regulations in Amendment 16.

Alternative 2B tries the approach of one ACL for gag, black grouper, and red grouper. That would include the quota for gag and then the expected catch for black grouper and red grouper. What I mentioned yesterday, Alternative 2C, actually goes under the AMs. Ignore that for now. There's two alternatives for black and red grouper ACLs.

Mr. Currin: Discussion? I guess Duane's first question is, are two alternatives enough?

Mr. Robson: I guess a question. I'm not sure where to go with this, but one of the concerns with black grouper is that it's such a geographically isolated fishery. Most of it is Florida. Most of it is south Florida. I'm concerned about tying ACLs for black grouper to red and/or gag. It's just a comment at this point.

Mr. Harris: It's just an alternative and with respect to the other comment I made, wouldn't one alternative be status quo and so we would have three alternatives? Then my concern about NEPA is satisfied, as long as one of the alternatives is status quo.

Mr. DeVictor: Yes and we've bundled this series of alternatives with the ACT and AMs. There's also a large number of alternatives involved in this action.

Dr. Crabtree: If you wanted to go status quo, we could just clarify that the ACL for black grouper would be the expected catch on the action for Amendment 16, which is 86,000 pounds commercial and 31,000 and then red grouper is 221,000 commercial and 276,000. We have those numbers that would be the expected catch levels.

I think if we just indicated that's our intent under -- Maybe we could do that status quo. I would leave it to staff if that needed to be a -- The other thing I would point out, Mark, is we're going to have the black grouper/red grouper assessment review is I think in January of 2010. This will go into effect sometime in 2010 and so the reality is before any of these would be triggered and acted upon, we'll have the new assessment and we're almost certainly going to come in then and respecify the values of the red grouper/black grouper ACLs based on that. The reality is these numbers aren't likely to ever trigger anything.

We have set up, in the Gulf of Mexico, kind of a shallow-water grouper ACL that has multiple triggers, red grouper and gag and then an aggregate quota that can trigger closures and things. I can certainly understand an argument that using gag to trigger black grouper is problematic, because they're in such different areas. It might be to go ahead and go with these expected

values from Amendment 16 might be the cleanest way to avoid that.

Mr. Currin: That seems to be covered in Alternative 2A. Is there any desire to select a preferred for red and black at this point?

Dr. Crabtree: **I would move 2B as the preferred ACL for black and red grouper.**

Mr. Currin: Motion by Roy to select Alternative 2B as the preferred for black and red grouper and seconded by David Cupka. Is there discussion?

Mr. Harris: I'm not sure I'm on the same thing. 2B also has gag in it and so what are we saying? Do we take gag out of 2B or is that simply understood that that's still part of 2B? Am I in the right place?

Mr. Currin: I think you are.

Mr. Robson: I'm confused now too, Roy, because that's -- 2B is the one that would concern me, I think, if you're talking about one ACL that's --

Dr. Crabtree: **Let me withdraw my motion.** I think I misunderstood 2B. Rick, which one of these would set the ACLs equivalent to what we did in Amendment 16 and then we could do this so that -- The way it's set up in Amendment 16 now, if the gag quota is reached, the commercial shallow-water fishery closes. I think the issue here is more what are we doing on the recreational side, because right now, there isn't anything there. Am I right about that?

You could come in, I guess, and say on the commercial side we're going to close shallow-water grouper when the gag quota is caught or the red grouper quota is caught and I don't know how you want to factor in the black grouper, but if you want it on the recreational side to somehow pull black grouper out separately, you could just have an ACL for black grouper and if it's hit, you deal with that.

Mr. Geiger: It reduces the number of alternatives, but why couldn't we combine 2A and 2C?

Mr. Currin: 2C is an AM and Rick said we're going to consider that under the AMs. It's kind of out of place right here as far as a recreational measure, but we will get to those when we talk about AMs.

Mr. DeVactor: Roy, you may be referring to 2A, where the commercial and recreational ACL for black grouper and red grouper is equivalent to the expected catch. That's listed underneath 2B, the expected catch of Amendment 16. Then when the gag quota is met, that would close the shallow-water grouper. That's what's proposed in Amendment 16.

Dr. Chevront: I'm a little loath for us to set ACLs on red and black grouper without any direction from the SSC. If you're saying that it's implied, it's the action that's going to occur based on what we currently have in place from Amendment 16, but I don't think the SSC has implied this at all. I really feel very uncomfortable setting ACLs for red and black grouper at

this time.

Mr. Currin: I would just comment that they approved 16.

Dr. Chevront: That's not the same as establishing an ACL.

Mr. Currin: No, it didn't establish ACLs. There's no question about that, but the data that's in 16 and until we get the new assessment is the data that we have to address ACLs. I don't know where we go from there.

Dr. Crabtree: They endorsed Amendment 16 and so they presumably endorsed the expected catch levels that would result from Amendment 16. It's your job to set the ACLs and what you're doing now, if you go with Alternative 2A, is you're setting the ACLs equivalent to the catch levels that are in Amendment 16, which were endorsed by the SSC. I think it is consistent with the guidelines as you can do it. What I don't think you could do would be to set the ACLs any higher than those catch levels, but I think you can set the ACLs at these catch levels or below them.

Mr. DeVictor: I didn't sit through most of the SSC meeting, but we may get values in June for red and black grouper and we could reconsider it then, if we do get ABC values then.

Mr. Currin: At this point at least, Alternative 2A would seem to be the path that we would likely go down.

Mr. Swatzel: How is the allocation between commercial and recreational catch on black and red grouper determined? That wasn't determined in Amendment 16 and how are we determining it now?

Mr. Currin: I don't know the answer to that question, other than the recent landings history. We haven't done it. I don't believe we've set an allocation for black and red grouper.

Dr. McGovern: There's no allocation for red and black grouper. This is just the expected catch from management measures from Amendment 16 associated with the seasonal closure.

Mr. Harris: **I would move Alternative 2A be our preferred alternative and that would, of course, encompass the language that's down at the bottom of 2B, where it talks about the expected catch from the actions proposed in Amendment 16. I would move that be our preferred alternative.**

Mr. Currin: Motion by Duane to capture some of the language from 2B and insert that into 2A and select that as our preferred. It's seconded by Susan. Is there discussion?

Mr. Robson: This is to the motion. I'm still trying to get comfortable with the idea that in Alternative 2A you're going to close the commercial black grouper fishery whenever the gag quota is met. I'm still not entirely comfortable with that notion.

Dr. Crabtree: Just to point out, that's the way you've set up Amendment 16. That is status quo, assuming Amendment 16 is approved and goes in place. You've already done that. I don't think you voted for it, but that's the status quo. The one thing I would point out about 2A is the AM doesn't do anything if the ACL for black grouper or red grouper is exceeded and that's probably a bit of a problem. I guess you could have an aggregate quota of some sort that's also tracked.

Mr. Currin: We kind of played with aggregate quotas, it seems to me, in one of our prior amendments. I don't know whether it was dealing with these particular species or not. It seems to me it may have been, as a way to address them in a shallow-water grouper complex. Didn't we develop, at some point, some alternatives to develop some aggregate quotas?

Dr. Crabtree: That's what 2B would do. It would close it if the gag quota is caught or if the combined commercial ACLs are caught. I guess I'm coming back to it seems to me that 2B might be a better choice, when I look at them.

Mr. Harris: Roy makes the point that I hadn't thought of before and so I would withdraw my original motion. **Then I would move Alternative 2B be our preferred option, if that covers everything we need to cover it. If we need to modify it, I'm willing to modify it.**

Mr. Currin: The previous motion has been withdrawn. Let's see if we can craft it and then get it up there the way we want it.

Dr. Crabtree: The only thing I see missing in 2B is an AM for the recreational sector, but, Rick, isn't that addressed in another spot in here? We'll come back to that.

Mr. Currin: The other thing, I think, Roy, that might relieve some heartburn for Mark for is to try to adjust that when the gag quota is met. If we remove that, that might read: Shallow-water grouper or the combined commercial ACL for gag, red, and black is met. Does that trash it? What we're moving toward is trying to deal with all three of them and Mark's concern about -- Of course, as you pointed out, in 16, when the gag quota is met, it's closed. Maybe that's okay then.

Dr. Crabtree: I support that approach. I do not believe we want to have this fishery operating with one or two species closed and the others open, because you're going to have a lot of discards. Over most of the range of these, gag and particularly red grouper are often caught on the same trips. Now, we do have an issue down in the Keys where we've heard testimony that they don't catch gag, but we also heard testimony from some of these folks that they used to catch gag and they used to have a fishery for gag.

It's not clear to me what the issue with gag down here -- I've heard a lot of different things about gag, but I think the testimony is pretty clear that they used to have more gag down in the Keys and I know we've had gag aggregation sites down off of Miami and even, I think, down south of Miami, off Biscayne Bay and some of those areas. It's hard to say where they used to be, because so many of the aggregation spots aren't there anymore.

Mr. Currin: Your motion would be then to select Alternative 2B as the preferred? That was

Duane's motion and Roy seconded it. There's no need to modify it? Everybody comfortable with the language as it exists or as comfortable as can be? Any further discussion of the motion? Mr. Cupka: Just for clarification then, we're going to move Alternative 2C down under the AMs? It's really an accountability measure, right?

Mr. Currin: Any further discussion? **Any objection to that motion? The motion is approved with three objections.** Okay, Rick, move on.

Mr. DeVicor: Then we have a series of alternatives that would establish ACTs for these species, for the recreational sector. If you all recall from Jack's presentation, the final rule retains the concept of an ACT, but it does not require that to be in a fishery management plan. In fact, the final rule goes on to say for fisheries without in-season management controls to prevent the ACL from being exceeded that the council might want to consider an ACT to ensure that the ACL is not exceeded.

The team has added -- I think you've all looked at these alternatives before, but we've added ACT alternatives and this would set the ACT a percentage below the ACL. We have 85 percent, 75 percent, and then we have the equation that we've looked at before, the one minus the PSE or 0.5, whichever is greater.

The question is, would you consider setting an ACT for these fisheries to ensure that the ACL is not exceeded? Again, these ACTs would trigger the accountability measures, which you'll look at in the next part of this action.

Mr. Currin: Thoughts on this?

Mr. Geiger: I guess my question is to Roy. When these are contained in an amendment, is this a framework action we could go back and change at some point?

Dr. Crabtree: I think, Rick, in the document we have a modification to the framework that allows us to change these through framework action.

Mr. Geiger: The reason I ask that is because if we've got Alternative 2C with the running average over a period of three years, it seems to me we could probably start off with the ACT equal to the recreational sector ACL and we could see how it goes. If we can make that change quickly -- If we see that we have to back off and set an ACT that's lower than the ACL, we could do that quickly at some point in the future, via framework.

Dr. Crabtree: Right now, the way these ACLs are set up, the ACL for gag and for vermilion is set at the OY level, I believe. For black grouper and red grouper, it's just set based on the expected reductions and we don't have enough science right now to know what the FMSY catch level would be or the FOY catch level would be, but you should know what those are come early next year, when you get the new assessment. It's a virtual certainty that we're going to respecify these things for red and black. I think you could do what you're talking about, George, and then regroup after the assessment comes in.

Mr. Currin: Just keep in mind that this is for black grouper, black sea bass, gag, red grouper and vermillion snapper. They're all covered in this action here.

Mr. Robson: I wish you hadn't reminded us of that, because I like the idea and particularly since we are going to be getting the assessment for red and black that we take the approach of setting it equal to the ACL and then having an AM that looks at multiple years.

Mr. Geiger: Even though he did mention those other species, via framework we can make the changes very quickly. I don't think that precludes us from doing what we talked about.

Dr. Crabtree: I will say this though, that it's not clear to me what the purpose of specifying an ACT is if you're going to set it to the ACL. I think the only point in having an ACT is if you're going to set it below. I probably would suggest to you if you're going to set it equal to that you would be just as well off not to set it at all at this time.

Mr. Currin: Maybe the cleanest way to do that is add an alternative under this action here that says do not set --

Dr. Crabtree: I think if you just didn't select a preferred, that's what would happen.

Mr. Currin: Okay.

Mr. Geiger: Is that good enough for staff, that we just don't select a preferred? Or do you want a motion that says we don't set an ACT?

Mr. Currin: I guess we could also, as Rick indicated, move it to the considered but rejected, into the appendix. It's still in the amendment.

Mr. DeVactor: I think that's a reasonable approach. We'll analyze it, but just not in detail. If there's a strong argument to not consider it in detail, we'll just outline that in the amendment.

Ms. Smit-Brunello: The only thing is if the council comes in in June and wants to set an ACT, you're going to have to put it back in with additional analysis.

Dr. Crabtree: That's my worry. If we really are going to get something from the SSC, we might want to wait until June before we take it out, because I wasn't in any of the SSC meeting and I really have no feel for what they're coming in with.

Mr. Currin: **Gregg and Rick are suggesting perhaps, if that's going to be our approach, that we remove 3A, which sets the ACT equal to the ACL.**

Mr. Boyles: **So moved.**

Mr. Currin: There's a motion by Robert to do so and second by George. Is there discussion on that motion to remove Alternative 3A to the appendix, Considered but Rejected? **Any objection to that motion? I see none and that motion is approved.** Are we done with ACTs at this

point, at least? On to the accountability measures, the next page.

Mr. DeVictor: These are accountability measures that would be kicked in once the ACL or ACT is exceeded. Just to point out, when I was reading through this, it seems 4A and 4B are pretty much identical, or are identical. Read through those and see if you agree. I think we could remove 4B, as it's the same as 4A.

For 4A, if the ACL is exceeded, the RA shall publish a notice to reduce the length of the following fishing year by the amount required to ensure that landings do not exceed the sector ACT for the following fishing year. That's 4A. 4B treats the stock -- It puts in an AM if the species is overfished. Right now, what would pertain to black sea bass. This is in line with the final rule that states if there is a rebuilding plan for a stock and its ACL is exceeded, the AM should include adjustments to the amount that you've gone over to reduce the ACL by the full amount of the overage.

If you're in a rebuilding plan, you want to make sure that you continue on that rebuilding plan. We applied this just to species that are currently overfished. If the ACL is exceeded for these species, the RA shall publish a notice to reduce the sector ACT in the following year by the amount of the overage, take the overage off the following year.

Mr. Currin: I guess the only thing that bothers me about that is at least in the previous action we didn't establish any ACTs. I would be comfortable with it if we said the ACT and/or the existing ACL. I don't know, but it's a little concerning.

Dr. Crabtree: Would it work, Rick, if we don't set ACTs, then just to do what we're saying here we would do to the ACT to the ACL? For an overfished stock, if you go over the ACL, then you would reduce the ACL by the amount of the overage next year and make the appropriate adjustment. For a not overfished stock, you would just adjust the season to keep for going over. If that would work, Rick -- I know you probably need some time to think about that, but we could come back at full council, unless you're pretty confident that would work.

Mr. DeVictor: We would have to add to Alternative 4C if the species is not overfished to reduce the length of the following fishing year. That's currently not in Alternative 4C, but we would add that in there. 4C only deals with species that are overfished.

Mr. Geiger: I don't want to lose sight of Alternative 2C that was up under the ACLs that we're supposed to move down to the AMs for the recreational sector. Could we satisfy the requirement by just adding that to 4C?

Mr. Currin: You could do that or let that be a commercial AM or for the commercial sector and then treat the recreational sector differently, I think. Could you not do that, if you so desired?

Mr. Geiger: Aren't the 4A, B, and C -- They're all recreational. We covered the commercial AM in -- Your suggestion would be then just use Alternative C as the recreational AM? I would certainly support that.

Mr. Currin: To me, the most sensible recreational AM is the one that we were going to move down from the previous ACL action, the one that was out of place up there, which is the three-year running average, because of the nature of the NMFS data, when it arrives and the variability associated with it. To me, that makes the most sense as the way to deal with recreational overages and adjustments.

Mr. Geiger: **Let me go ahead and make a motion that we use Alternative 2C as our alternative for recreational AMs, where we compare the recreational ACL with recreational landings over a range of years. For 2010, use only 2010 landings. For 2011, use the average landings of 2010 and 2011. For 2012 and beyond, use a three-year running average.**

Mr. Robson: Second.

Mr. Currin: Motion by George and second by Mark. The numbering and all that, because all these alternatives under the AMs are 4 and so we'll have to -- You guys just figure out what number or letter it needs to be, number and letter, but that's the motion, to select that as the preferred, George?

Mr. Geiger: **Yes, make it our preferred alternative.**

Mr. Currin: Mark is okay with that as well. Discussion?

Mr. Geiger: As you said, Mr. Chairman, I think it makes the most sense. We've discussed at length the problems with current MRFSS data and using it for in-season adjustments and even for immediate post-year adjustments. Until we get the new MRIP program up, I think this is the most sensible way to attack accountability measures for the recreational sector.

Mr. Currin: It seems to me to be the most viable, useful alternative and way to approach it. Other discussion on the motion?

Ms. Merritt: I've got a question. Approximately how much time is the lag in getting the recreational data?

Mr. Currin: Roy or Jack, the question is, what's the lag in receiving the MRFSS?

Dr. Crabtree: We got Wave 6 for last year in the last week or so. It's running a couple of months.

Mr. Currin: Then you've got to add some analytical time to that, I'm sure, before consideration of adjustments. It's about a three to four-month lag.

Dr. Crabtree: If I could, I'm okay with this alternative to use the three-year running average, but then you'll still have to come back to Alternative 4, because this doesn't really specify what happens if you go over. We're going to still have to come back to that.

Mr. DeVictor: Staff's thought on this is that we would move Alternative 2C down and include this with the range and that would be your preferred. We'll move that down here, into the AMs. Then we do need clarification on Alternative 4B and taking that out of the document.

Mr. Currin: As Roy indicated, we have to decide what we're going to do if the overage is there and how we're going to deal with it. My thoughts on that adjusting the fishing year is it potentially has some problems. **Any objection to this motion? I see none.**

Dr. Crabtree: I think you have a couple of fundamental decisions you need to make with the recreational fishery. First is do you want to have in-season adjustments, meaning where we watch MRFSS and we project a closure date and then we say, okay, we're going to shut you down because we project you're going to hit your ACL? If you don't do that, then you just let them fish and they catch what they catch and then the next year, you have to come in and make an adjustment to keep them from going over again. That's one fundamental question.

The other question is, do you want to have a payback, so that if you're in a rebuilding plan and the recreational sector overruns its ACL, you deduct it off of their ACL the next year? To me, those are the two fundamental kinds of things to think about and they're interrelated.

If you decide you're going to have a payback, in my view, you need to have an in-season closure. If you don't, you could be sitting there in June and they could have already gone over their ACL, but because you don't do an in-season adjustment, nothing is going to happen and you could wind up with catches two to three times higher than the ACL and then when you pay it back, they're going to be shut down for potentially a couple of years.

I don't like in-season stuff for the recreational fisheries. It's hard to do, but if you're going to have a payback, it seems to me you're almost forced into it. If you decide to not have a payback, then the problem is kind of what's happening in the Gulf of Mexico with red snapper. The recreational sector has overrun their quota by about 50 percent for the last couple of years and the commercial fishery has been just beneath their quota.

Now we're updating the stock assessment and it could show that we're still overfishing. Then what do you do? Do you make everybody pay equally, even though it was only one sector running over? These aren't easy questions and they're not very palatable solutions to any of them, because of the data that we have on the recreational fishery. I kind of think that's how you need to think about it and there are problems with almost any way you go on it.

Mr. Harris: Roy, it seems to me if we're getting MRFSS data that's only running two months behind now, I would rather see us close in-season, based on a projection, than have a shortened season the next year or a removal of the recreational quota the next year. I would rather just do it that year, take care of it that year, if it's going to be projected to be closed.

The only thing that concerns me about that is the differences in the various areas, the differences in the Florida Keys with respect to red and black. We would need to look at that, but I would rather us try to do it in-season rather than doing a projection or a three-year running average kind of deal.

Mr. Currin: In-season bothers me because of the inherent variability of the estimates that we get from MRFSS. There are a couple of problems with -- There are a number of problems with MRFSS, but one of them is the timing. Two months, I can live with that as an approach to in-season monitoring, but for some species -- These, in particular, may not be as big a problem as others.

I don't know what the average PSE is on red and black sea bass and gag and black grouper and vermilion snappers, but in the case where we do have very high PSEs, it gives me a lot of concern that we're making decisions based on the estimates of catch within season. That's the reason to go a three-year running average, to try to smooth out some of that inherent variability that we know we have in the MRFSS estimates.

With the new MRIP program, that may improve some in the future, but I don't know. I have no idea of gauging what kind of improvement we're going to get to those estimates and values. That's what bothers me, I guess, about in-season adjustments to the recreational fishery at this point.

Mr. Geiger: I tend to agree with you, Mac, about in-season closures or adjustments. One thing I'll say is there has to be payback. We have to stay on the rebuilding plan. I'm not willing to back off of that, but I also thought that if we went to this running average, of using the first year, second year, and third year and then averaging over three years, that's how we were going to avoid the accordion effect of this potential in-season closure.

Now, I'm very sensitive to the fact that if we get into a payback situation where we have to stay on the rebuilding plan that we may not have a fishing season the next year. That's problematic, but, again, I thought when we discussed this running average idea that that's what was going to preclude that from happening.

Dr. Crabtree: The running average, the intent is to smooth things out somewhat and it would do that, but you could still have a situation where you went over so badly one year that even when you average it you can have a problem. It helps, but it may not make the whole problem go away and it does vary from species to species. With things like snowy grouper and these basically rare events, the catches can fluctuate five or six times higher one year than the next year.

Even if you average that out, you could still end up with problems and then if you get in a situation like we're in in the Gulf of Mexico with red snapper, the federal season is short enough now that you don't have any MRFSS data before it's already closed. The in-season adjustment is based entirely on the catch rates from the previous year. You're basically just coming in and projecting when you think you ought to close based on what happened the year before.

It gets pretty squirrely and you need to recognize while you can do in-season closures with MRFSS, it's really not set up in a way that makes that a very palatable thing to do. On the other hand, I tend to agree with George that if you're going to have a payback that you don't want to just sit there knowing you're over.

Now, the alternative to that is to come back to the council and say hey, look, we're over and we need to do something and I guess that would be an interim or an emergency rule, but then we've seen that those can take a long time, because people object and all of the rest of it. I lay these problems out to you, but I'm afraid I don't have much in the way of solutions for you, because none of it is really very attractive.

Mr. Currin: We're going to have to -- It's a problem and there's no question.

Dr. Cheuvront: Just to make it more complicated, we haven't taken up the issue of how these closures might differentially impact the states, because the fisheries don't all occur at the same time in each of these states. If the overage occurs early and it's on a fishery that occurs primarily in Florida and we shut it down, there's now no fishery in North Carolina. If we do this running average thing and we shorten the season, we could then potentially run into the same problem. I think we need to deal with this temporal issue as well and, of course, my solution to this is state-by-state quotas.

Mr. Robson: I favor the concept of a smoothing out of an accountability measure over a three-year period. I think it takes into account the uncertainty of getting the MRFSS data in a timely way. We've had some experiences in trying to react to in-year changes in wave information that doesn't get good buy-in from the public. It tends to force decisions before, I think, people are really ready to look at them carefully.

I think in terms of smoothing out over a three-year period that you also take into account some stability in -- Recreational fishing, at least in my state, also has a huge economic component to it, in terms of for-hire sector booking trips and planning and even recreational fishing and in terms of people going on vacations and planning their trips around that sort of thing. I think an in-year closure becomes very problematic from an economic point of view and I think to the extent that we can mitigate for that -- I like the three-year smoothing process.

Mr. Currin: Rick has projected up here on the screen, just for your information, and it's in your document on page 169, the PSEs for these species. We can take a look at them. They're not terrible for black sea bass and gag and vermilion and maybe red grouper, but black grouper is certainly large.

Mr. Swatzel: From a for-hire perspective, it's not a good thing to have your fate relying on the PSEs of the recreational catches. It kind of cries out, again, for the issue of having a separate sector.

I know we're not going to do that right now, but we talked about the fact that the headboat catch data is much more accurate and much more reliable than the recreational data is and to have the for-hire sector closed as a result of some estimate based on recreational catch that may or may not be correct certainly is something that we're fearful of. I would just point out this is one of those things that cries out for having the for-hire sector as its own sector in terms of accountability. Just keep that in mind.

Mr. Geiger: Of course, these numbers do not take into account the potential closed areas that we

might have and the effect that those closed areas might have on those landings, which may further mitigate the --

Mr. Currin: No, those are just the PSEs for the recreational catch, but you're right. The implications of the closures and the length of the closures and all of that are likely to be impacted by the closed areas.

Mr. Geiger: It will help the smoothing process somewhat.

Mr. Currin: They're going to reduce harvest and probably have impacts on other fisheries than red snapper and so yes, it's going to reduce harvest mortality. I don't know how it's going to impact it, but it's going to have some effect. I guess when you get down to it, what it's going to affect is the likelihood of needed adjustments, perhaps, but I don't know that.

Mr. Robson: I just want to kind of echo Brian's concern, too. It's not necessarily relevant right now to this particular issue we're talking about, but the issue of dealing with in-season or following season closures in terms of accountability measures is something that we really are going to need to look at carefully.

For most of these species, we've got significant seasonal differences between, say, Florida and particularly South and North Carolina. I think we really need to look at that carefully so we don't have a problem with either one end or the other of our council.

Mr. Currin: The bottom line here, folks, is we've got two kinds of choices to deal with this. We can deal with it on the running average and face some long-term closures there or we can set conservative ACTs to ensure that we don't go over and then we're looking at very, very short seasons for the recreational industry. I don't know.

Dr. Crabtree: I think you kind of hit on it. We're talking about all these problems with in-season closures and paying back and all the rest of it. Unfortunately, the only way I know of to get around that is to be very conservative. That means putting in place regulations that have a very low likelihood of resulting in going over. That's not going to be attractive to the recreational folks either and I understand that, but this is the situation we're in.

You either put in place management measures that -- This is effectively setting a pretty big buffer between an ACT and an ACL. You put in things that are conservative enough that you're not likely to go over very often and so you don't have to do in-season adjustments and all that, but that's kind of taking the hit upfront. What I've always heard from recreational fishermen, and we've talked about it a little bit here, is they want stability. I'm afraid the only way you get stability is by being conservative.

Mr. Geiger: I certainly hear you loud and clear, Roy, and don't disagree with what you're saying. However, I would counter suggest that intuitively, the closures, the reductions that we're going to get from the closed areas that are going to be implemented, could be that buffer and could function as that buffer.

To put in a 25 percent reduction between the accountability measure and the ACT may be over burdensome and an over correction. This is a tough period and as we were talking, via framework we can make these adjustments and we can do a -- I've been told and I've heard it, but I've never seen it happen, but I've been told it happens very quickly under framework, or it can.

Mr. Currin: Keep in mind that 16 is still sitting there ready to go and we've got a four-month closure for groupers there, for the recreational side, and currently a five-month closure for vermilion. Those are some pretty severe restrictions on that industry that are going to have an impact on the recreational catch.

Dr. Crabtree: I agree with you, George, that that closed area may be that buffer, but that would argue to not going back and backing off of the regulations in 16 because of the buffer, because then you may be shrinking the buffer you have. I basically agree with what you're saying. It's a tough situation here, but it seems to me in the bottom line and in the end -- Maybe MRIP fixes a lot of this and a lot of the uncertainty about the recreational catches go away. We'll have to see about that, but where we are right now, either you're going to be conservative to produce stability or you're going to cut things close and you're going to end up with relatively frequent in-season adjustments. I don't see much way around that.

Mr. Currin: We've got this motion up here to select 2C as our preferred and that's the one that deals with the three-year running average to address recreational accountability measures. Unless there's further discussion on that, we need to vote on this motion. **Is there objection to this motion as our preferred? The motion is approved with one objection.**

That takes care of part of the problem that Roy identified and that's whether to do in-season or not. That locks us in, currently, to a three-year running average. We've still got the issue of paybacks and how to deal with them. That may kind of limit this alternative and it may limit our alternatives for paybacks as well, because they're going to be at least one year and after several years, three years down the road before we know we need to make an adjustment.

We're running the risk that those adjustments are going to be potentially large. I guess in our favor are the measures that went through in 16 to reduce that catch and potentially measures regarding red snapper that at least in some areas are going to affect the harvest of other species as well. We're taking a chance on this, but at this point, I don't know what else to do. We are going to have to consider paybacks and how to deal with those in the recreational fishery. What are your thoughts about how we adjust those?

Basically, you've got two choices, I guess. You've got seasons or for those species we have allocations for, you can reduce the allocation or the total allowable harvest for the recreational industry in the following year, or years.

Mr. Geiger: It's difficult to sit here and speak for everybody, because you're probably only covering half the population. 50 percent will agree with you and 50 percent will disagree, but I think in-season stability is the most important aspect of the fishery and if we have to pay back, it should be in subsequent years. I think it's easiest to plan and it's easiest for the public to

understand and easiest to control.

Mr. Currin: I tend to agree with you. The hits are potentially harder, but if you start wheedling down the ability of people to fish within the year and you're talking about a couple or three months out of the year and that's the point Brian made. A season for a particular species may be in one particular state and they end up being the beneficiaries of all of that, unless we go to state-by-state quotas. I would almost favor, if we need to, if we've got to shut the fishery down for two years, then boom, that's it. We'll hear plenty about it from the public as to what they favor, but --

Mr. Robson: Can we consider some kind of an option that provides for if the harvest is just off the charts in a given year that it triggers some -- Instead of waiting for the three-year smoothing period, you have some trigger of an in-year harvest that exceeds some level that it requires more immediate action that would start a payback sooner than waiting for the three-year period?

Mr. Geiger: Correct me if I'm wrong, Roy, but I think we talked about this earlier, Mark, where we do get that type of information and we can see it and we can make these adjustments via framework.

Dr. Crabtree: If you decide you're not going to build into your AM in-season adjustments, you still have other avenues, either interim rule or whatever, to come in and do an in-season adjustment, if you see that things are going way, way, way higher. You do have those avenues to go. They take a little more time than some of these others, but probably if you were just talking closed down or cut the bag limit or something like that, they could have them pretty quickly.

Ms. Shipman: That would be my preference, because if you see something -- If you see those data coming in that are just out the roof, I would want a really close data review of those data and I think you're going to have an opportunity for that more through the framework than if you've already got a trigger mechanism to do some sort of in-season adjustment automatically. I would really want to look at those, look at the PSEs, and see what the source of that -- Is it an anomaly or what it is?

Mr. Robson: I don't think that's -- I think I'm saying the same thing, but I'm not saying it very well. I guess what I'm wondering is if we need some trigger level to take a look at the data. I'm not saying it automatically kicks in the payback, but something that triggers us to have to take a look at the information and make a decision about whether to do something under the framework.

Ms. Smit-Brunello: You could structure your framework like that. I know Rick has a section later dealing with the framework, but I think that's just kind of an outline of some measures that could be in it, but we could go in further and structure it such that if something along the lines of what you said was happening in the fishery, that would trigger you looking at a framework action.

Ms. Shipman: It's not unlike some of those other review panels we have set up for shrimp closures and all of that. You look at the data. That's the very first thing you do, is convene that

panel to take a look at it.

Mr. Currin: Rick just pointed out that we do have a current alternative, 4C, that if it's -- It's got to be adjusted, of course, but if the sector ACL is met or exceeded, I guess, prohibit harvest and retention -- No, that's not going to be appropriate. If the ACL is exceeded, the AA shall publish a notice to reduce the sector ACL in the following year by the amount of the overage. Then I guess another alternative would be to reduce the season to account for that overage as well. That's what we've got left to do to decide how we want to approach that, a season adjustment or a poundage adjustment. Both are fraught with problems, but thoughts or ideas?

Mr. Geiger: Given that decision, in pounds or season, I would be inclined to go with season the following year, because it would be certainly easier to monitor and keep track of so you didn't -- I think it would be more accurate to close the season based on projected catch than it would be to close it based on assuming there's going to be a projected catch is the way I'm saying it, or thinking about it.

Mr. Currin: Again, I mean we don't have to select a preferred for those. We've got that as an alternative within the range here and so if we're uncomfortable at this point selecting a preferred, that's not a critical one, I don't think, to the staff for moving forward with analysis, is it? Okay.

Mr. Geiger: Just for Dr. Crabtree's comfort, I did make a written note here that Dr. Crabtree told us, in case we ever have to go back to it.

Mr. Currin: Okay. Is everybody okay with the range of alternatives that we have in here for addressing paybacks in Alternative 4? I think we've suggested -- Did we ever get a motion to remove some -- You guys were suggesting that we might consider removing 4B.

Dr. Chevront: I know I'm sounding like a broken record here, but I would feel a lot better if we could somehow come up with some kind of spatial/temporal alternative here so that we're not building in the potential for disadvantaging one state over another based on these accountability measures.

I know there's a lot of opposition from NMFS towards this. I'm not sure how all the states actually feel about it, but this will actually reduce some of the problems that we have, I think, is if we're able to determine how much each of the states was allowed to have. They could manage it themselves. It's simple and they make their own payback and nobody else gets cut out of it if one state doesn't have to pay for the potential sins of another.

Some of these issues could be dealt with through framework, if it's determined, for example, that if North Carolina caught a bigger percentage of the share of the fish than what they would do is they would have to shorten the next season and they shorten it on the end of the season as opposed to the beginning of the season, but are we really going to be able to be prepared to do that?

I would like to try to build something into this where we can at least take in some of those concerns. The methods are already available to do this kind of monitoring, but we've chosen not

to do it.

Dr. Ponwith: One of the concerns in handling it this way is the sampling precision that would be required to be able to break those quotas down into state-by-state subcomponents. Right now, those estimates are produced regionally and then kind of post-hoc assigned to the states. That's been one of the biggest barriers to state-by-state quota management. I don't have numbers on the top of my head, but I know that the sample size requirements to parse out the quotas on a state-by-state basis would be pretty high. The costs would be very high.

Mr. Currin: Keep in mind that there are some items in Amendment 18 to consider, for gag at least, for some species, and perhaps snowy grouper as well, if that's relevant, in a state-by-state or regional way. I think we made the decision early on that we weren't going to deal with that in 17 and I understand and share, to a large degree, your concern about that, Brian, but I'm not sure this is a -- I don't know how we deal with it here. We may be able to look at it as a potential framework action, when we get to that.

Ms. Shipman: That was going to be my point. I think you could look at it through framework and when you say reduce the length, it doesn't mean automatically off the frontend of the season or the backend. You can set it up where it's a variable season closure that rolls through the coast, to accomplish the payback that you need, so that everybody contributes.

Dr. Cheuvront: If we're going to have the problem with accuracy in the measurements that Bonnie is talking about, how do we know who has to pay back?

Mr. Currin: We've got the same accuracy problems with each state, really. Some of the PSEs may be better because the individual state is doing a better job of sampling through MRFSS and that kind of thing.

Ms. Shipman: It's further complicated, Brian, if you've got a state like ours, a fairly short coastline. You've got Jacksonville people fishing the Brunswick snapper banks and Hilton Head people fishing the Savannah snapper banks and landing back in their states, but the fish are coming, geographically, off of Georgia. It gets complicated. That quota is showing up as being off of your states and I'm just not even sure how you deal with that. It goes to that issue Bonnie just raised.

Mr. Currin: **Duane, last word and then I would like to consider a motion to remove Alternative 4B.**

Mr. Harris: **I would so move.** I would also just remind us that we were a half a day ahead a day ago and now we're almost to the point of getting behind. We're supposed to conclude the Snapper Grouper Committee at noon today and so let's move this forward, to the extent that we can, folks. I'll move that motion.

Mr. Currin: There's a motion by Duane to remove Alternative 4B from the accountability measures section to the appendix. Second by Robert. Is there further discussion? **Any objection to that motion? I see none and that motion is approved.** Okay, Rick, let's see if

we can move on.

Mr. DeVactor: This is the final action in Amendment 17. This is to update the framework procedure and we already talked about that. This is PDF page 247 or 225 in the document. The council recognized the need to update the current framework procedures to incorporate changes made to ACLs and ACTs.

What I included here is the current framework procedures as they pertain to snapper grouper. The first part is the council appoint an assessment group that will assess the condition of snapper grouper species and so we currently have a snapper grouper assessment group, but they haven't met for some time. Then the second part of it is they'll consider the report from this assessment group and then the council would hold public hearings on the assessment group's recommendations.

Number 3 is if changes are required to the MSY, TAC, quotas or what have you, they'll forward something to the Regional Director in writing of the council's recommendations with the group's report. This is a stepwise process of what would occur if changes were required. Then the RA would review the council's recommendations and the reports and the public comments and if he or she concurs with that, then they publish something in the Federal Register of the changes.

Under Number 6, you can see all that can be changed by framework. You have MSY and TAC and then if you go down to (d), you can modify TAC, quotas, trip limits, bag limits, minimum size, gear restrictions, and season or area closures, including spawning closures. Under (e), it's fishing year.

This is currently what is in place right now. The team has added an alternative. Status quo is to keep this as is and do not factor in ACLs to the framework procedures. Alternative 2 is to update the framework procedure for specification of ACLs.

Going through this, we've got information that the Gulf is currently working on this right now and they have alternatives in an amendment that's very similar to what we're looking at. They have these two alternatives also and then they specify the actual changes to their current framework that could occur and they do this through strikeout.

Just to quickly summarize what they're talking about -- I think we can adopt their language, possibly, and put it in ours. It seems like a reasonable approach. I think some changes we want to make is not hinge this so much on the snapper grouper assessment group, since they haven't met for some time and if the council sees some changes, that they can go ahead.

Just quickly, I'll go through what the Gulf is working on and see if you want the team to incorporate this. SEDAR provides the current biomass, MFMT, OFL, BMSY, and MSST. The SSC reviews the SEDAR's reports of OFL and the ABC. The council conducts public hearings on the assessment and their ABC. The council talks about the ACL and you could subdivide the ACL into the two or three sectors and also can set ACTs.

Then the council would provide SEDAR specification of OFL. They would provide this all in a

report and forward it on to the RA within thirty days of the date that the council takes final action. The council gets the assessment and sees that changes are to be made and then they forward this on to the RA.

The RA would review this material, including the council's recommendations, and then there's some time limits here, within ninety days of receiving the recommendations, and provides thirty days for public comment. He takes into consideration the public comments, the RA does, and then it lists the appropriate changes. Changes can be made to ACLs, sector ACLs, ACTs, sector ACTs, for a period of five years or less. Bag limits, size limits, vessel limits are currently what we have in there that could be changed. Then this goes on one more step about publishing a notice.

I think one thing that you want to talk about is this hinges on a SEDAR is the first step and it seems that the council wants to make changes to bag limits or size limits based upon information, for example, that you could do that without having a SEDAR assessment trigger this. Again, this is what's currently in the Gulf and I went over what we currently have and so if you could provide some direction to staff as to how you would like this.

Mr. Currin: It seems, to Brian's point and Susan's points earlier, it is noted, at least in the Gulf's, that you can make adjustments to the seasons or areas. That would allow, if I read it correctly, differential actions to be taken in different areas. It doesn't specify what those areas are and it doesn't mention particular states, but if the council so chose, then they could address those in an area off of a particular state or whatever we could come to some reasonable agreement over.

What's lacking from that, since, as Rick pointed out, it's based totally on results from SEDAR, is some mention of catch records or I don't know what would be appropriate to add there, but that would seem to allow us to look at the recreational catches and overages and indications within a season that something had gone haywire and to make those changes.

Ms. Shipman: I agree and I think maybe the first part of our SEDAR the data workshop group -- To me, that would be the first trigger you would have, particularly if you get to an issue where you do have a catch that's out the roof, that you need to bring in a panel to look at it. Your very first thing, I think, that you've got to do is convene a data panel to look at the data, something short of a SEDAR.

I agree with Rick that I'm not sure you want to go through that whole elaborate process. That's not timely and it's costly. You've got to have something abbreviated from that and it seems like a data review group is going to be absolutely the first thing you would do, which is not unlike, as I mentioned earlier, what we do with some of our other fisheries. When we see something going awry, we convene this technical group and they look at the data and do a report, et cetera.

Mr. Currin: Other comments? To me, it seems like a reasonable approach. I guess my question would be, would not the Science Center and those people who were receiving those data first not serve as that first cut or do we need a formal data group and if so, who would they be?

Ms. Shipman: I would certainly want the states involved in that, because we are the first QA/QC, since we're collecting some of those data. Certainly we could work with the Science Center, but I would want it to be -- I would certainly want it to involve the states, just because we're so familiar with the fisheries.

Dr. Laney: Mr. Chairman, I'm not on the committee, but, Susan, are you thinking of something akin to the plan review teams that ASMFC has set up, which sort of perform that function, I guess?

Ms. Shipman: Sort of. In a sense, it's a technical review team that may have as its core the Science Center, but it's augmented by the knowledgeable data people from the states, similar to what we do with the data workshop for the SEDAR, I think.

Mr. Currin: Other thoughts about Susan's suggestion? Does it seem like a reasonable way to go as an initial review panel for consideration of these -- I guess we're primarily talking about the recreational catch data.

Mr. Waugh: In our mackerel framework that we're also going to be considering modifying, we do talk about the council taking action based on -- At that time, it was written for the assessment panel report. There's also another opportunity for the council to take action based on information separate from the assessment panel reports. It seems if you all give guidance to the staff and the team to bring back an option that doesn't just tie it to SEDAR, but also allows for the council to take action based on information separate from the SEDAR, then the staff and team can bring something back for you all to look at in June.

Mr. Currin: Anybody like to make that as a motion or as direction to staff, so we make sure we capture that?

Mr. Harris: **I would move that we not only include SEDAR as the mechanism for making in-season adjustments as specified above, but other mechanisms that staff might bring back to us, as appropriate.**

Mr. Geiger: Second.

Mr. Currin: **Motion by Duane and seconded by George. The states can weigh in on this, I'm sure, with the staff. The staff will contact the states as to how that might be particularly structured, but that makes sense. Any further discussion of that motion? Any objection to that motion?**

Dr. Cheuvront: Rick, do we have a copy of the text that you're quoting from here?

Mr. DeVactor: No, but I can send that around.

Dr. Cheuvront: I would appreciate that.

Mr. Currin: I guess there's consensus that the way the Gulf is approaching that seems like a

reasonable way to structure our framework as well on that. Do you guys need a motion for that as well, to base that on the Gulf's approach to their framework? As you outlined it, that seemed like a very reasonable approach and mackerel is pretty similar. Is it not, Gregg? Everybody is okay with that approach? All right. No discussion on this motion, no further discussion? **The motion is to not only include SEDAR for adjustments, but also to include other avenues for adjustments, staff to develop alternatives for adjustments to the framework procedure. Any objection to that motion? I see none and that motion is approved.** That's all of 17 and thank you, guys.

Ms. Smit-Brunello: I have a question. There's been many different alternatives discussed and changes made to the document and all sorts of things and so will the Snapper Grouper Committee report be able to reflect all the alternatives that have been discussed today or at least looked at or how are we going to deal with the report? I just think everybody might want to take a look at this again at full council.

Mr. Currin: I think what we'll get in the report, and you guys correct me if I'm wrong, but it's going to be certainly all the motions that we did and I believe all the actions to remove alternatives or add alternatives should be captured in the motions. If your question is will we see the document as it will currently look, I don't know that we will.

Ms. Smit-Brunello: No, my question is not will we see the document, because I know that that's not going to happen, but just so we get an idea from a NEPA perspective too to look at all the alternatives and to make sure that there's a reasonable range. We can discuss that at the council meeting as well.

Mr. DeVictor: We might be able to, depending on timing, show the alternatives with red-line strikeout of the ones that have been removed and put a note in there of the new ones and refer to the motion or something like that. We'll see.

Mr. Currin: They will try to do the best they can to address that. All right, what's next, Rick? I think it's the interim rule, is it not?

Mr. DeVictor: Jack, were you going to go over the interim rule, the regulations in that interim rule? SERO staff has put this together, along with an environmental assessment, of a possible rule.

Dr. McGovern: Sure. We've put together a draft of the interim rule for the council to look at and the alternatives, Rick, are on page 8.

Mr. Currin: Which attachment? I'm looking for it and trying to scan it quickly, but I can't --

Dr. McGovern: I'm not sure which attachment it is.

Mr. Currin: It's Attachment 6, Red Snapper IR.

Dr. McGovern: It's page 8 in the document. I don't know what the PDF page is. Rick can

probably tell you that.

Mr. DeVactor: Page 15.

Dr. McGovern: On page 15 are three alternatives. There's the no action alternative and Alternative 2 has interim regulations that would establish a closure for red snapper for 180 days and then Alternative 3 is a four-month closure. That's what we have now and there's some biological effects and economic effects and social effect analysis in the document right now. As I mentioned, this is a draft.

Mr. Currin: This is the third meeting, I think, we've considered this interim rule on red snapper. As indicated earlier, we received a letter last June from the Regional Office notifying us of overfishing and we had twelve months to act.

Dr. Crabtree: I was just going to ask Jack if he could kind of go over if you requested an interim rule at this meeting, what would the timeline likely be to put something in place, just so we know what we're looking at?

Dr. McGovern: I think probably sometime in June or the beginning of July that it could be implemented, if the council requested it.

Dr. Crabtree: There's always a chance that it could move more quickly than that, depending on how much time folks take to review it and that sort of thing.

Mr. Geiger: Are you ready for a motion?

Mr. Currin: That would stimulate discussion, I'm sure.

Mr. Geiger: **I would make a motion for Alternative 2, no harvest of red snapper in the EEZ off of Florida, Georgia, North Carolina, and South Carolina.**

Mr. Currin: Motion by George to select Alternative 2, which is no harvest of red snapper in the EEZ off of North Carolina, South Carolina, Georgia, and Florida, to request an interim rule to implement no harvest off of those four aforementioned states. Is there a second to the motion? Second by Susan.

Mr. Waugh: We need a little bit of guidance on the intent here. It says the EEZ. Would the intent be that we also request the states to close state waters and then I think we need to be clear - When we make the first interim rule request, we can only do it for six months. I think it would be helpful to know that yes, we are working on a permanent solution and is it the council's intent to then request an extension of this interim rule, so that it would be in place for a year, to try and track when we would have permanent regulations come online?

Mr. Geiger: Certainly my intent here is that it would be for the period leading up to the time we implement the measures in Amendment 17, which would carry it over. Always the intent and hope would be for the states to enact complementary regulations. Regardless of whether they do

or not, I think we should move forward or if they've stated an intent to do it or not, we should move forward.

We've got a fishery that's at 3 percent SPR with a target of 30. If we don't do it for this fishery, when do you implement an interim rule or an emergency rule? There are other fisheries on the east coast of the United States that are in close or similar conditions for which interim rules have been just recently implemented, closing a large chunk of the northeast winters to specifically winter flounder. If they did it up there for a fishery in a similar condition, it's difficult for me to conceive that we could continue to allow any directed harvest of this resource at 3 percent SPR and being fished at anywhere from ten to eighteen times the allowable fishing.

Mr. Currin: Other comments or discussion?

Ms. Shipman: In seconding the motion, I would hope, depending on the outcome of this motion, we would have a discussion about is there the ability to do some experimental fishing to collect data. We talked about that in the context of 17 and is there the ability to do that. I think it can be a separate motion from this one.

One of the questions I have is can we get an update for us on the timing of 17? The reason I ask that is because we've delayed action on this for some time, wanting to have a continuous type action, presuming that there would be a continuation or renewal, if you will, of the six-month interim closure. I'm wondering where we are on that. I'm not saying necessarily delay taking action again, but is there a way to delay the implementation, depending on our best estimate of 17? We don't want to have these measures in and then they sunset and then we're left with it wide open again.

Dr. Crabtree: Given the timing of this, it's not likely this interim rule would publish prior to the June council meeting. We have a lot of procedural things we have to do. For example, if this motion is approved by the full council, we have the CZMA letters and everything ready to go forward on this. We could get to the June meeting and if you wanted to then say we don't want the rule to become effective until such and such a date, because of the timing of Amendment 17, we would be able to do that. Those are all things that we can talk about if you want to do it that way.

Back to the issue of the states, we, as a matter of routine, almost always request compatible regulations from the states and then there was the issue with the experimental fishery that we talked about earlier. It would certainly be my intent, if this passes and if we get the information we need from the Center and all, I believe we could go forward with an EFP and start trying to make that happen during the period in which the interim rule is in place.

Then the last thing I would leave with you is these interim rules are for 180 days and then can be renewed for 186 days, but they can also be terminated at any time if there's a rationale for it. You're not locked in, because you put a rule in place for 180 days, to necessarily stay with that if something should come up along the way. If you asked us to get all the legwork done for this, but not to publish a final rule until after the June council meeting, I can make sure that that doesn't happen and give you the opportunity in June to think about the timing of it all with

respect to Amendment 17.

Mr. Harris: I just want to make sure we're all understanding what Roy is saying. We can move forward with an experimental fishing permit outside of Amendment 17. We're not having to wait on Amendment 17 to establish this experimental fishing permit. We can do that at the same time the interim rule is being prepared and be ready to go at the same time, perhaps, the interim rule is effective. Is that right?

Dr. Crabtree: Yes, because there's a lot of legwork that would have to be done for an experimental fishery. You've got exempted fishing permits and you've got public comment periods and we would have to have some sort of application, where we find out what vessels are interested in participating and then we would have to check their history, to make sure they meet the criteria. There's lots of things that would need to be done. We could go ahead and start doing some of those things and maybe even get the program up and running.

Mr. Currin: Tom, before I get you, just regarding the timing issue, Susan, Gregg may be able to shed some light, at least at this point. Of course, as Roy said, we'll have a better idea in June, but we can kind of see where we are now.

Mr. Waugh: We've received guidance from NMFS and NOAA GC that the final rule -- In order to meet the deadline specified by Congress, we would have to have Amendment 17 implemented during the 2010 fishing year. For the most part, the species start the calendar year. Black sea bass is the one that starts, I believe, in June.

In order to do that, if we approve a document for public hearing in June, that gives us time to try to schedule the public hearings and try to finish it in September. That may be tight to get the DEIS done and published and the comment period closed. It gives us until the December meeting to finish it and then that gives NMFS, if we finish it in September, six months before June, if you assume a June start date for the closure. We should try and finish it by September. If it slides to December, then it would be much more difficult for NMFS to implement that by June. It's still possible, but more difficult.

Mr. Swatzel: Is red snapper being overfished? Clearly it is. There's no doubt about that, but we've also heard that we have a relatively stable stock level right now, certainly not anything that, at least in my view, requires an emergency action. The council is making steps, through Amendment 17, to deal with the overfishing issue.

Now, the interim rule, if it passes, would not really have any effect on the for-hire sector in the Carolinas. Red snapper is not a big component of our fishery, but certainly it is in Georgia and northern Florida. It's a huge issue and the problem that you're going to run into is that lots of these charterboats and headboats are booked well in advance, by customers who have an expectation that they're going to catch red snapper.

If you put this interim rule into effect, lots of these boats are going to be having to give back lots of money, based on the expectation of customers being able to land fish. I just ask that you please keep this in mind as we consider this interim rule. It's extreme financial impacts in

Georgia and Florida, on top of what's already occurred in the for-hire sector, based on just the economy alone. I just ask that you consider that.

Mr. Robson: I agree with all the comments that Tom just made. I've previously opposed interim action on red snapper and I'm going to continue to speak against this particular motion as the preferred action, for all of the reasons that Tom just laid out. Additionally, particularly the economic impact in Florida in the short term, given that if you're looking at a closure for the red snapper fishery this summer and then that will be immediately followed by the closure for vermilion and then the four-month closure for snapper grouper species.

It doesn't give anybody very much time at all to at least try to start adjusting to these very significant actions that we're getting ready to take under Amendment 17. We all know that's coming. We know it's coming with red snapper. We acknowledge that we've got an overfished population and we're getting ready to do some very significant things to reduce the harvest of red snapper and I think it's at this point not necessary to go ahead and put fuel on the fire by implementing an interim rule. I'm going to speak against it and I'll leave it at that.

Mr. Geiger: Of course, we are mandated by law to end overfishing and we've got a one-year period in which to do that. To me, it seems like a vote to not implement the interim rule is a vote to allow overfishing to continue, known, severe overfishing to continue. I just don't know how you do that.

I took a sworn oath, as every other council member has on this council, and the law is that we are to take some significant action within one year. I was chairman when we received the letter and I signed the letter on my birthday requesting the interim rule. If we didn't have an intent to do this, we shouldn't have sent a letter requesting that the work be done to do it. From my perspective, if we don't vote for this interim rule, it's a vote to allow overfishing to continue on a stock that's at 3 percent SPR, which is, in my mind, outrageous.

Ms. Shipman: George covered a lot of what I was going to say. We have the letter. It's Attachment 9 in your briefing book and it's dated July 8 from Regional Administrator Crabtree to us. Basically, it says we have to prepare a plan amendment or proposed regulations to end overfishing within one year of notification that the stock is overfished. We sat in this room last year and we knew the letter was coming.

It's a difficult decision and I don't disagree with anything Tom or Mark has said. It's going to have a huge impact off of Georgia and that's the source of my question to Roy of is there a kill switch or is there a delay button or how long can we prolong this, recognizing what Tom said. There are people who already have trips booked and so can you vote knowing when you want to request the rule to be published, as far out as you can, to bump it up against Amendment 17 for the continuity, to the degree you can, but we can't ignore the letter. I would urge you to take a look at that letter and by law, we're required to do something.

Mr. Harris: I agree with George and Susan. I think the dye has been cast, if you will. We received the letter almost a year ago now and we're required by law to end overfishing within a year of receiving the letter. Amendment 17 is not going to be in place in time and so I don't

know what you do other than an interim rule. We've delayed it two previous meetings and it's time to really fish or cut bait with respect to this issue and I'm going to support the motion. I don't like it. I don't like having to do it, but the law is very clear, in my mind.

Mr. Currin: Other comments?

Ms. Merritt: I guess I agree with much of what has been said by George, having taken the same oath. However, sometimes the law is wrong and sometimes the law is contradictory to the true intent of the lawmakers and I do believe that's the case, because they're also asking us to take into consideration social and economic impacts. Combined with everything else even outside of fishing, it is just so severe that I think it's unreasonable to ask people to make up in one year for the sins of many.

Mr. Currin: Other comments?

Mr. Robson: I look at this too and I understand the letter and I understand our requirements to end overfishing. I also know that there's some additional intent that seems implied by the changes to Magnuson-Stevens that will now allow for a two-year period to end overfishing. Unfortunately, it didn't kick in for this particular fishery and so it's maybe not relevant, but when you look at the change to Magnuson-Stevens, I think there's some acknowledgement that these are very difficult things to get done.

We are in the process and we've been struggling as a council with a huge set of regulatory changes that are going to take some time to work out. I think that as council members that's part of what I look at and a responsibility to do that as carefully as we can and take the time that it does take to make sure that we've done everything we can to mitigate for any socioeconomic impacts that we are going to have, particularly when we're looking at these huge species groupings that we're starting to clamp down on.

I look at it, again, looking at the intent. There's some recognition that these processes are becoming more and more complicated. The additional timeframes for implementing ACLs and AMs for all these species makes it even more onerous to the councils to try to wrestle with this in a way that doesn't create social or economic havoc, if you will, particularly in certain areas of our council region.

Mr. Currin: Other comments or other discussion on the motion? Are you ready to vote? **All in favor of the motion please raise your hand; all against raise your hand, please. It's six against and the motion carries.**

I know this is tough, folks. It's tough on everybody. Susan made some very good points about the ability for us to consider this again in June and certainly before it would be implemented. We'll have a better idea of the timing on 17 at that point. I know that's not much consolation to some of you folks that are in the business, because of the bookings and the inability to know whether these people are going to be able to fish on a particular date, and I'm sure it's going to cause you some problems.

As you've heard, if you were here on Monday night with Roy's discussion, nobody is happy about the responsibilities that we have as a member of this council and we're certainly aware of the potential problems and the problems that we know, in many cases, that are going to be caused by some of the actions that we take. It's a good point that George made. We all took an oath to manage these fisheries for the benefit of the country and we do have obligations as well.

Mr. Waugh: Just to clarify the intent for us when we put this request together, is the request to have it implemented as soon as possible or to bring that request back to the council for further review in June?

Mr. Currin: There was no intent in that motion. We can clarify that if need be. What I understood Roy to say is that it's highly unlikely that it would be in place before June or July and I think the expectation is that at our June meeting we would have an opportunity to adjust any sort of request or at that time request a delay before implementation. I don't know, Roy, but that was my read. I don't want to put words in anybody's mouth and if we need to clarify that to either Roy or to Susan, then now is the time to do it.

Mr. Geiger: Certainly, Mac, if you -- I agree with what you said. I have no problem with looking at it in June and I have no problem with delaying it if that appears to be the correct thing to do. The preponderance of the landings in the recreational sector occur during that June to August time period and July being the peak month, or even in the commercial fishery.

It would have been nice to have that in place, but it doesn't matter whether you get it on the frontend or you get it on the backend. It's kind of immaterial. It's something that just needs to be done based on the condition of the stock and the requirements under the law to end overfishing. If it appears the best thing to do to delay it, to get continuity so we move into Amendment 17, I think that's fine, but I think this sends a clear message that the intent is to end overfishing in this stock and I think it satisfies the requirements under the law, doesn't it?

Mr. Currin: I guess to make it explicit then that we probably ought to give some direction at least to the NMFS folks that we would like to be able to look at this again in June before the interim rule is implemented, whether that's an appropriate request or not, if that's what people want to do.

Dr. Crabtree: I think you could ask that the final rule not be published until after the June meeting. We would probably then go forward with completing the EA and doing the procedural things we do and then I would guess we will publish a proposed interim rule and have a comment period on it. Then we would come back before you and if you wanted to say this is the timing we're on with Amendment 17 and so this is the timing we would like on the interim rule, we can look at it then, but I wouldn't look at, when we come back in June, that we're going to re-debate this whole thing. The issue is strictly going to be timing there.

Mr. Currin: That's my intent, for sure. **Do you want to offer a motion to ask the Regional Administrator to not implement it before our June council meeting?**

Mr. Geiger: **Yes, Mr. Chairman, I would offer that as a motion.**

Mr. Currin: That makes it clear then and the direction is clear. There's a second by David. Any discussion of that motion? Any further discussion of that motion? **Any objection to that motion? The motion is to request the RA not to publish the final rule prior to the June 2009 council meeting. Any objection? I see none and that motion is approved.**

Ms. Smit-Brunello: I have a host of -- Well, I should say I have a page of other applicable law that will apply to an interim rule which the Fisheries Service will have to deal with all those timeframes for the other laws. For example, the Coastal Zone Management Act requires a process where the states are notified and there's up to ninety days by which they're first notified. A final rule could not be published until ninety days after that time period, unless the states agree to a shorter time period, which I don't know that would happen here.

I think there's a -- There's NEPA potential comment periods that have to be complied with, depending on the significance of the action. There's just a lot of other laws and hoops to go through that will take up a good bit of time between now and the June meeting.

Mr. Geiger: Jack said June would be the earliest. I assume that the NEPA comment period is less than ninety days and the CZMA comment period -- That's the longest potential peg in the tent?

Ms. Smit-Brunello: Yes.

Ms. Shipman: I think it's important to note, and correct me if I'm wrong, but I believe some of the states objected to shortening that for Amendment 16. I think those same states are going to object to it. I think you're looking at ninety days on the CZMA review. I had another question and it's, do we need a motion -- I think Roy has certainly expressed his intent in cooperation and collaboration with the Science Center, but do we need a motion that the council would request the RA to explore the feasibility of implementing experimental fishing permits in the red snapper fishery upon -- I'm just going to say as expeditiously as possible.

Mr. Currin: I was going to say not explore, but forthwith would be the request.

Dr. Crabtree: We've asked the Center to develop something and so I guess the question is, do you want the Center to come up with something and then look at that in June and then have your SSC look at and then make this request, after you've seen the specifics of it, or do you want to just ask us to go back and do something forthwith or do you want to have a chance to talk about it before we go forward with something?

I don't think we would go forward with anything officially until we actually had made the decision on the interim rule and gotten that done. It's really up to you, but I don't think there's going to be any difference whether you pass this motion at this meeting or in June, but you'll have a lot more information on what the Center is thinking about at the June meeting.

Ms. Shipman: Typically, don't you bring those to the council to comment on anyway? **I would hope, if there looks like there is something feasible, you would be bringing that to us in**

June to comment on it and I would certainly like the SSC to have that opportunity to weigh in. Maybe rather than implement, that you draft, that the Region draft a red snapper monitoring program for review at the June 2009 meeting, National Marine Fisheries Service.

Mr. Currin: I think the intent, Roy, is to let's get this thing -- Let's make as much progress as we can as quickly as we can.

Dr. Crabtree: I understand and I agree with that.

Mr. Currin: The motion is before you. The motion is to recommend the council request National Marine Fisheries Service to draft a red snapper monitoring program for review at the June 2009 meeting. Is there a second?

Mr. Harris: Second.

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

Mr. Wallace: I guess I'm -- I agree with doing this in Amendment 17. As far as this emergency rule, my point on this is if this stock is in the dire shape that it's in now, what's 180 days of letting someone else fish on it? Even if it's for scientific purposes, what scientific purpose can you get that's going to change what you know now from science compared to what you can know in 180 days? This is just a mechanism that's going to allow people to go fishing while other people does not and I can't agree with it.

Dr. Crabtree: It's not, John, because the index and what we use in the assessment is an annual index that gives us information every year and that's what we're trying to keep going. If we just let that lapse and then come in four years later and do it, that's better than nothing, but what we would like to have for these assessments is an annual estimate and we would like to have some ages from each year. I think if you let big gaps develop in the data time series, it's going to significantly reduce our ability to do an assessment.

Dr. Ponwith: The continuity allows us to properly baseline the current status of that stock, which provides a stronger point of departure in tracking the changes in that stock status through time.

Mr. Currin: Keep in mind, John, the implications go far beyond red snapper with respect to the usefulness of that headboat index. It feeds into every assessment that we do.

Mr. Wallace: To that, we're only closing down for red snapper. Everybody can go out there now, but they just cannot possess the red snapper. The commercial guys are going to be able to go catch vermilion throughout this period and they're going to be discarding red snapper as they catch them. The recreational guys are going to be doing the same thing and the headboats are going to be doing the same thing. It's not like we're closing the area like we did in 17. All of these fish are still going to be caught. They're just going to be discarded.

Mr. Currin: Further discussion on this motion? **Is there any objection to the motion? The**

motion is approved with one objection. It's about lunchtime, folks. We're at the end of our allotted time, but we still have a few more things to do. Can we get back in an hour and fifteen minutes and reconvene?

(Whereupon, the committee convened as a committee of the whole.)

Mr. Currin: Thank you, Duane. Our next agenda item is Amendment 18. It went out for scoping here in the last few months and Kate is going to walk us through the scoping comments that we received on Amendment 18 and then we're going to review the actions and the alternatives that are currently in that document as it moves along.

Ms. Quigley: You'll see in your briefing book that Attachment 15 is the scoping report for Amendment 18 and so I've got up on the screen there the Amendment 18 summary of scoping comments. The first action, limiting participation and effort in the golden tilefish fishery, possibly endorsements or limited access program, received a number of comments. Three people were in favor of an endorsement. One person saw the endorsement as a bridge to LAPs. Two of those people -- All three were commercial fishermen.

Comment Number 2 was LAPs. Three people, two of them commercial fishermen, were in favor of LAPs for the golden tilefish fishery. They commented that new people were gearing up to fish and they needed something to stop new entry. One person was in favor of it if an appropriate TAC was implemented. There were eight people against LAPs and one person was against LAPs if you used years from the early 1990s.

Comment Number 3, one person wanted a lower trip limit, because currently the trip limit is 4,000 pounds, until 75 percent of the quota is met and then it goes down to 300 pounds. Instead of 4,000 pounds, they wanted it to be a 3,000, 2,500, or a 2,000-pound trip limit. The fourth comment was to allow only bandit gear during the 300-pound trip limit, assuming no change in the start date, which is another action below. Comment Number 5 was seven people wanted to ban longlines.

The second action, limiting participation and effort in the black sea bass pot fishery, possibly endorsements or a limited access program, the first comment regarded pots left in the water. Two people said do not allow for pots to be left in the water during trips and one person wanted to allow traps in the water no more than seventy-two hours. The second type of comment we received regarded LAPs. Two people were in favor and six people were against LAPs for the black sea bass pot fishery.

Regarding limits on the number of traps held per vessel, one person wanted 100 traps per vessel and they wanted that to be transferable. Another person wanted fifty traps per vessel and another person forty traps per vessel. Regarding opposing the use of pots, three people opposed the use of pots in general.

The third action was extending the range of the Snapper Grouper Fishery Management Plan north through the Mid-Atlantic and New England Council areas. Three people were in favor of that action and two people against.

Separating the snowy grouper quota into regions or states, nine people supported the regionalization of the snowy grouper quota. One person suggested delaying regionalization until fishing for snowy grouper is economically viable again. That would be indicated by fishermen targeting snowy grouper again, as shown in the logbooks. One person wanted the snowy grouper fishery shut down until it is rebuilt. Five people wanted to expand regionalization to other species.

The next action was separating the gag recreational annual catch limit into region or state annual catch targets. Five people supported regionalization of gag recreational ACL and five people wanted to expand regionalization to other species. There were no people against that action.

Regarding changing the golden tilefish fishing year so that fishermen in South Carolina and hook and line fishermen in Florida could more easily fish, there were several comments regarding a new start date. Five people were in favor. One person remarked that fish spawn in April and May and they would not be opposed to closing the fishery during that time. Another person remarked that the Gulf of Mexico opens their fishery January 1 and the market is flooded and therefore, it's a good thing for it to be closed during January and February, early in the year.

Specifically, one person in particular was in favor of a September 1 start date. They said that that would benefit historical bandit fishermen and the changes in the start date eliminates the need for the 300-pound trip limit.

The next action is improving data reporting. Regarding recreational data, five people commented that the recreational data is flawed and you need better data that is fair and unbiased. One person remarked that data is not surveyed well and surveyors have no experience with fisheries. The survey, therefore, won't give any good data. Data is poor, sketchy, and one person stated that they didn't think that MRIP would solve the problems.

Electronic real-time reporting, one person was in favor. One person remarked that they need faster turnaround on data. Another person remarked that you can speed up and improve data reporting if fishermen are given electronic forms, via Excel, so that they can fill them out and print them out and mail or email. Currently, they stated that they don't have access to these forms in an electronic format.

Regarding video monitoring, one person spoke in favor and is participating in a proposed pilot study. Electronic logbook reporting, one person is against, because he has no computer on his boat. Another person remarked that sampling is outdated. Another comment was that fishermen are not included in data collection and not involved in the process. Another comment was we need the logbook to ask for data on depth and current information. Eleven people commented the data is inaccurate. One person commented that recreational logbooks are needed and two people spoke in favor of onboard observers.

Regarding changing the wreckfish fishery ITQ program, four people spoke in favor of continuing the program. They specifically stated to not abolish the program. Three people said that they have a major investment in wreckfish shares. Another person remarked that although they haven't used their shares in the past, they may use their shares in the future, due to expected

closures in the future. One person suggested abolishing the program.

Regarding recreational allocation of wreckfish, one person wanted to provide for a wreckfish allocation and one person was against that. Regarding redistribution of shares to current participants only, one person suggested that if the TAC is cut or the ACL is lower than the current TAC that they will not be able to maintain historical landings without economic difficulties. Another person suggested to do nothing until there's a new stock assessment. Another person suggested that federal buyout of shareholders is needed and another person suggested to get additional public comment on this action.

Then, I believe, this is the last action, designating essential fish habitat in new areas in the Mid-Atlantic and New England as part of a possible extension of the Snapper Grouper Fishery Management Plan north. The comment we received was no new EFH designations wanted. That completes the scoping report for Amendment 18.

Mr. Currin: Thank you, Kate. Any questions for Kate on the scoping comments? Okay. I don't see any. Are you going to walk through the Amendment 18 document?

Ms. Quigley: If you take a look at Attachment 13, that is the Amendment 18 draft document and if you go to PDF page 40, which is also page 2-1 in the document, page 40 is the beginning of Section 2 and Description of Alternatives. It's Section 2.1 and the first action stated there is Extend Snapper Grouper Fishery Management Unit North.

The first alternative is the no action, do not change current management boundaries of the Snapper Grouper FMU. Alternative 2 is to extend the management boundaries for all species in the Snapper Grouper FMU northward to include the Mid-Atlantic Council's jurisdiction, except for black sea bass, golden tilefish, and scup. Alternative 3 is to extend the management boundaries for all species in the Snapper Grouper FMU northward to include the Mid-Atlantic and New England Councils' jurisdiction, except black sea bass, golden tilefish, and scup. The committee has the option to change those alternatives if they would like to.

Mr. Currin: Comments on those alternatives? Rick, I know you want to address those, as you are representing the Mid-Atlantic Council. You can start us off, if you would like.

Mr. Robbins: Thank you very much, Mr. Chairman. It's good to be here this afternoon, but it was really great to be here last night and I will say if that's indicative of how you all eat as a council, that I would hope to have the opportunity to come back very soon. Again, I appreciate the opportunity to be here. I appreciate your chairman's invitation to attend and really perseverance in encouraging me to be here for this discussion.

It's been an eye-opening discussion for me. I was already well familiar with the vulnerability of this stock complex. That was the basis on which Virginia Marine Resources took action some years ago, as this fishery evolved, but I have to say that that awareness has really been increased as I hear the stories around the table about particularly grouper populations and other species that have been largely eliminated and as I watch you all at the council wrestle with the very difficult decisions of having to close or come very close to closing fisheries.

That's certainly not a situation that we want to see played out in the Mid-Atlantic region, but at the last council meeting we had, Red Munden gave us a quick briefing on Amendment 18. In response to that, we did express some concern about the prospect of taking a fishery that was essentially an evolving fishery in our jurisdiction and bringing that into a rebuilding plan, when it was already under a relatively strict management regime at the state level by one of our member states, namely Virginia.

I do have a copy of Virginia's regulations, courtesy of Jack Travelstead, that I'll just pass around real quickly while I'm speaking. The VMRC action that was taken several years ago by Virginia -- I will say that I've served on the commission for about five years, by way of background, but it may be the most precautionary action that the commission has ever taken at the state level.

It was based largely on your experience and advice. Joe Grist from our staff, I believe, came down and consulted with your staff and council and got input about the vulnerability of these stocks. The action was based not on any sort of population estimate or assessment that we had of the stock, but, again, really on the vulnerability of the stock based on life history and based on management experience down in your jurisdiction.

The regulations, in a nutshell, precluded and preempted the development of any directed commercial fishery for these species in Virginia, namely the tilefish and -- The relevant species here are the blueline tilefish and also the grouper complex. It precluded the development of those fisheries and only allowed a very small bycatch retention of 175 pounds of grouper and 300 pounds of tilefish.

On the recreational side of the fishery, the limits that were put in place were for one grouper per person per day. That does include wreckfish in that complex, but one grouper per person per day and seven tilefish per person per day. That was a substantially lower recommendation than was made by the commission staff and so, again, it was quite precautionary at the time.

We are in a situation in the Mid-Atlantic and obviously at the state level where we're in a very data-poor environment. The population off the coast of Virginia, north of the Virginia/Carolina line, is not an assessed population. Furthermore, in terms of recreational catch data, MRFSS indicates that the fishery is non-existent. That is, there is no landing information in MRFSS at a fine enough scale level to indicate any harvest of the relevant species that are not already under the Mid-Atlantic Council FMPs.

Those that are under our management include black sea bass, golden tilefish, and scup. That's where the majority of the landings are, at least commercially and also recreationally. Those do show up in the MRFSS data, but the relevant species that are falling through the cracks here in terms of federal management are blueline tilefish and the groupers.

The MRFSS data, if you query those data, indicate no landings, essentially, of those species at the recreational level. Nevertheless, we know that we have a significant fishery at the state level in Virginia, because we issued 164 blueline tilefish citations in 2007. Part of the problem is the fishery is prosecuted, to a degree, in the first wave of the year. In January and February, when people aren't fishing for many other species, they're prosecuting this deepwater fishery and

MRFSS, of course, is dormant during that wave and so there are no data.

As I heard Red brief us at the council level, I was concerned about this being extended into the Mid-Atlantic region. As I read Document 18 and hear the discussion around the table, my concerns certainly increased. The motion that was passed by the committee to have a prohibition on fishing deeper than thirty-five fathoms would essentially eliminate the entire fishery in Virginia, because we don't encounter the fish shallower than that.

Our blueline tilefish fishery is prosecuted mainly in fifty fathoms of water. The grouper fishery is prosecuted on the edge, in a hundred or ninety to 110 fathoms. The entire fishery would be eliminated. What we have is essentially a trophy-class fishery. We've been producing world records one after another on the grouper complexes and so the fishery at that level would be lost.

Also in the Mid-Atlantic, on the habitat side of the equation, I did notice that there was a proposal to possibly identify EFH areas in the Mid-Atlantic if the plan is extended. I would point out that in Tilefish Amendment 1 to our Golden Tilefish FMP that we've recently recommended the adoption of four gear-restricted areas for four different canyons. One of those is the Norfolk Canyon, which is where most of this fishery is prosecuted. That would encompass water depths in excess of 125 fathoms and that would be gear-restricted area. That would already cover some of the relevant habitat for this complex.

What I would like to see us have an opportunity to do at the Mid-Atlantic Council level would be to have a briefing from your staff regarding Amendment 18 and exactly what measures might be entailed in it, now that you've developed a range of options, and then that we be afforded an opportunity to have some dialogue and consider if we might develop complementary management strategies for the Mid-Atlantic region.

I don't want to get ahead of our council in terms of what remedies we might propose, but, for example, we might be able to develop measures that would go into our Golden Tilefish FMP that would be complementary to your plan that would allow, perhaps, a more appropriate regional management strategy for the snapper grouper complex in deep water within our jurisdiction.

Again, that's just one idea and I think if we're afforded that opportunity and we could have a presentation at our April meeting, that would allow us to consider the impacts of this and develop some strategies and responses. Thank you.

Mr. Currin: Thank you, Rick. You mentioned that possibility of having someone from our staff come up and brief your council and I certainly think that's a good idea and if our Chairman and Executive Director think so, then we'll certainly try to make those arrangements. Anybody else that might be able to help with that would be considered as well. Thank you for coming.

Mr. Munden: Just to follow up on a couple of things that Chairman Robbins pointed out, again, we're concerned about the landings data for snapper grouper species north of the current North Carolina/Virginia border for the northern range of the management unit, northern border of the management unit.

The Mid-Atlantic Fishery Management Council already has management measures in place for black sea bass and scup north of Cape Hatteras, through our existing fishery management plans. These species are managed jointly with the Atlantic States Marine Fisheries Commission. We have a golden tilefish fisheries management plan for tilefish throughout the jurisdiction of the Mid-Atlantic area. All three of these species are managed through a limited access permit.

One concern that I have is that, being from North Carolina, I get a lot of comments from fishermen who would like to get into the snapper grouper fishery and about their concern about the requirement for procuring two snapper grouper permits in order to have one issued by the National Marine Fisheries Service.

Very, very few fishermen north of the North Carolina/Virginia border have any snapper grouper permits and so this will be a tremendous burden on the people who have fished for snapper grouper species north of the North Carolina/Virginia border who would have to procure these permits.

The last comment is that in my conversations with members of the otter trawl fishery, they have indicated that they have always picked up a few blueline tilefish, occasionally. It's not a fishery you could direct on, because the fish are not that abundant, but, as we all know, trawl gear is not allowed for the harvest of snapper grouper species and so these people who have traditionally caught a few snapper grouper species north of the current management unit would be disenfranchised and not allowed to keep those fish. Thank you for the opportunity to comment, Mr. Chairman.

Mr. Currin: Other comments or reaction to the comments from the Mid-Atlantic folks?

Mr. Geiger: A reaction to their comments is thank you very much for being here. We enjoyed having you and thanks for the comments. It was very, very informative and good information for us to act on. My question is, do we have landings on this complex from New England?

Mr. Currin: Staff is looking for that now. You heard Rick's comment that there's almost -- They're rarely encountered, if ever, in the MRFSS survey in Virginia, where we know there's a fairly substantial fishery.

Mr. Mahood: While they're looking for that, I've been communicating with Dan Furlong up there and we will arrange for some of our staff to come up to your April meeting, at least a staff member. We then can start working with your folks up there relative to some of your concerns and how those can be mitigated in the amendment.

Mr. Harris: It seems to me that these three alternatives are all appropriate at this point in time, unless we learn that there are no landings of any of these species up in the New England Council's area of jurisdiction, in which case we would only have two alternatives. I just recommend we leave them all in place right now, unless Gregg has something else to add to that.

Mr. Waugh: We do have some data and Kate can project those. To the extent as we do and have done each of the -- It's page 83 in Amendment 18. To the extent that we have any data for these

species, they have been incorporated into the SEDAR stock assessment. Of course, that varies by species. We are seeing a shift and an increase in landings north of North Carolina.

The reason that these alternatives exclude black sea bass, scup, and golden tilefish is because the break for those, there's a stock differentiation north and south of Hatteras. We recognize that the Mid-Atlantic manages those three species north of Hatteras. Our Snapper Grouper Fishery Management Unit for those three species is south of Hatteras. Extending the management unit north would not impact scup, black sea bass, and golden tilefish.

As we read the new requirements in the final ACL rule, we have to account for all sources of mortality and as you remember from our discussions this morning, the likely ACLs for these species is extremely low, so low, in fact, that we're not allowing any directed fishery there. If we were to not extend the management unit and the regulations into the Mid-Atlantic, we would still have to count that mortality towards our ACL and we would be exceeding our ACL and continuing to allow overfishing.

I think we've got the landings and you have the page number to see what that level of landings are and Table 3-7 is for Maryland and Virginia and we may have some other tables in there. We'll continue to look.

Mr. Currin: You can see from those tables that the landings are relatively low. These are recorded landings and, again, Rick, you said you don't have any reported landings. They haven't been encountered in the MRFSS survey, which gives us our estimate of recreational effort and catch, yet your citation program, and it doesn't surprise me a bit, has issued a large number of citations, for blueline in particular, and I suspect if you offer them for snowy grouper that you would have some for snowy as well. That's kind of the box we're in right now at least.

Mr. Robbins: Just on the point that's been raised about the assessment and ACLs and the final rule, this, to some degree, is reminiscent, to me, of the northern Gulf of Maine scallop situation, where you have a stock that's not actually assessed, but it is subject to fishing. The challenge to the New England Council and committee has been how to account for that mortality.

They are working up different strategies for how to account for that and one is to take it off the top. In other words, they do have ideas of what the mortality is there and so they're taking that off the top before they develop the ACLs for the rest of the federal fisheries. It's a little bit reminiscent of that, because right here, for recreational landings, the number is zero. I don't think we can say that the Norfolk Canyon population is assessed and in the assessment. It's a little bit reminiscent of that, but, again, this is something we can discuss down the road.

Mr. Currin: It's new ground and we will -- It does present some problems, but I think we can work through them. We'll certainly attempt to do so. Thank you very much. Everybody, just to end this first action in 18, everybody is okay with where we are as far as alternatives for right now? Okay. It is almost quarter to. We will open our public comment session now.

What I would ask from the audience is that you restrict your comments to the interim rule for red snapper and three minutes, please. Try to hold your comments to three minutes and if you

would, come up and have a seat in this chair or stand, if you like. Make sure that microphone is on, the light is on, and state your name when you come up, please, and anybody that you might represent, if you do represent a group.

We don't have a light and a gong and a bell, but we're going to give you an idea. We do have a light. I think when the yellow warning light comes on, that gives you another minute. We would like for you to restrict it to three minutes and if you're almost at the end and on a roll as the red light comes on, I might give you another few seconds, but I'm going to ask you to wrap it up pretty quickly. Again, thank you for being here. Our first speaker is Dennis O'Hern and our next one will be Chris Rooney. If you would be kind of ready and on deck to go, that will help us get through this more quickly.

Mr. O'Hern: Good afternoon, council. My name is Dennis O'Hern and I'm the Executive Director of the Fishing Rights Alliance. My members are largely recreational, but also commercial fishermen, mostly in the Gulf and South Atlantic. We have some grave concerns over the interim rule, the fact that you're about to inflict -- I know all of you know this, that you're about to inflict some economic destruction from which our industry and my people -- I'm a recreational angler. I don't have a charterboat and I don't make a living off of this at all. That's why I live in Florida. That's why I've been underpaid for years and stay here. It's because I love to fish and so does almost everybody else here.

We're the fishing capital of the world in Florida and I know that's just part of the South Atlantic, but fishing is a big part of our heritage. We're really concerned with some of the information that you all are having to base your decisions on. The disagreement over the stock assessment of the red snapper is huge.

I also would like to briefly comment on you're talking about in-season quota monitoring. I know more than a lot of people, because I've been deeply involved. MRFSS is -- It was called fatally flawed, but it was just stated by the NRC, the National Research Council, that MRFSS needs a lot of work. It's not reliable and it's not to be used as an in-season quota monitoring tool.

Mr. Currin: Dennis, if I could just remind you that this is on the interim rule. That's an action in 17 and so if we can, let's try to focus on that interim rule here.

Mr. O'Hern: I'm sorry. I thought that went to the interim rule. We're just concerned that the interim rule is going to shut down fishing altogether and it's not going to recover and we're also concerned that the effort estimates and the landings estimates are so overstated right now that you're feeling compelled to act, when in fact we're not landing the number of fish that MRFSS is saying we are.

There's so many inherent flaws with it right now that you can sit down and look at that I'm just scared to death that you're going to be forced to make this decision and you're going to kill the industry, absolutely kill the industry as we know it. If you're okay with that, that's fine, but in this time when we're trying to do \$750 billion in economic stimulus and you guys are about to pull the trigger on about a \$1 billion economic damage to the South Atlantic Council, I hope you really weigh your decision heavily. Thank you.

Mr. Currin: Thank you, Dennis. Captain Rooney and next is Joe Penovich.

Mr. Rooney: I represent the Jacksonville Offshore Sportfishing Club. We're a club that's been established since 1959 in northeast Florida. We are the primary driver of reef building and actually taking care of our fishing species in north Florida and have been for the last fifty years. We're concerned with the interim closure of the snapper fishery, because a question we have is that we've heard that you're not going to allow us to bottom fish or is it just the snapper fishery that's going to close during the interim period?

Mr. Currin: The interim rule that we considered and the committee voted on today was just to prohibit harvest and possession of red snapper.

Mr. Rooney: Just red snapper? We'll still be allowed to fish in the ocean?

Mr. Currin: Yes, sir. Depending on what happens with Amendment 17, that could change.

Mr. Rooney: I would like you to consider some of the economic impact that this will have. Florida is the number one ranked state in the country in boat sales. Florida makes up more than \$16 billion of the total economic impact of recreational fishing in the United States. If you look at that and compare it with agriculture in the United States, which is only \$5.9 billion, that's more than triple what we do for the entire central states and we're going to greatly impact that industry at an economic time when we can't afford it.

Our members have been fishing for red snapper since the 1950s and we've noticed a steady increase and not a decrease. We believe that your information is flawed and some of the data collection that's been done is just not working and as a captain in north Florida, it's very hard for me now to not catch thirty or forty red snapper when I go with four people. It's extremely difficult. I can't not catch the snapper.

Now, we do a complete release on my boat. I've had venting tools on my boat and I use circle hooks and I take every precaution that I can possibly take to maintain the fishery and a lot of the people in the club do the same thing and we very strongly influence our people to do that, but we have not seen a decrease in the fishery.

Just recently, we ran an inshore tournament where very few boats fished the local areas very close to the beach, within five miles. Even today, in the wintertime, when the red snapper should be in deeper water, we're consistently catching juvenile red snapper between fourteen and eighteen to twenty inches and also in both times that I've fished for that tournament, we've caught twenty-four-inch red snapper, within five miles of the beach in fifty-eight-degree water. That's not supposed to happen. It's happening because the species is strong here in north Florida and southern Georgia. All the way from Brunswick to Daytona it's very strong and I think we know that. Thank you.

Mr. Currin: Thank you very much. Next is Joe Penovich and next up will be Dave Heil.

Mr. Penovich: I have a couple of petitions to enter and some pictures to pass around, whether or

not that's a good idea, I'm not sure, but -- Thank you for the opportunity to speak and my name is Joe Penovich. I came from central Florida today. I'm the owner of Obsession Fishing Charters, which is a party fishing boat, a restaurant, and a marina, also. These three businesses employ about 150 people.

I'm here just to plead with the council to really consider this interim rule and the closure of red snapper fishing. I know there's some scientists and some people that care about the fishery and feel that it's on the brink of collapse, but I know that all of you have heard over and over and over again from fishermen like myself to tell you that there are more red snapper out there than we have ever seen.

Now, I've heard that that's just a three-year uncertain stock that's been doing good and after that's gone the fishery is going to collapse, but I've also heard from the same people telling me that that they know their data is flawed. You're going to make decisions that are going to -- We in business are on the edge financially and you're going to make decisions that are going to further the situation that this country is in. You will put people out of work by closing the red snapper fishery. It's that close for a lot of businesses out there.

That's real frustrating when I am hearing from the scientists and certain members of this council telling me that they know the data is flawed, but they're mandated to react to the information they have, even though that's flawed information. Again, I'm here to plead with you to consider what you're about to do, based on information that is not accurate.

The council, from what I can understand, and I feel that I should have been more involved early on, but the council is required to take action to end overfishing if that overfishing has been identified. Again, statistically speaking, or data assessment speaking, I don't think you can make that determination.

Maybe, again, by the strict letter of the law, you're required by the information you've been given, but when you know that information is flawed, personally and individually, I don't know how you can make that determination that there is overfishing in red snapper presently, when I will tell you and you can see the pictures that we are catching more fish than we've ever caught.

There is other action that can be taken that does not include an interim closure, especially given the fact that this data is flawed. Again, you're taking action and you're living up to what the Magnuson-Stevens Act says and you can make that rule. You can try a slot limit and you can tighten up the measures that are in place, because I believe as a fisherman, as a diver, as somebody who has been in these waters since I was fifteen years old, that this fishery is -- It's amazing what's going on out there.

The measures that exist right now, a twenty-inch size limit and a two fish bag limit, they are working. If you feel, again, to comply with the Magnuson-Stevens Act that you must do something, then tighten up a little bit. Give us a chance. Give our businesses a chance to survive.

Just one other thing and I don't know if this makes any sense or has any meaning or not, but I

know there's some scientists here and some people that really care about the fishery and they talked about some of the fisheries that were collapsed and crashed and just done, one of which I read about was the striped bass fishery. Let's say that I'm wrong and let's say that all of these fishermen are wrong and that this red snapper fishery is truly in severe close to being collapsed mode.

Let's say you guys listen to me and you do not pass this rule and the scientists were right. The worst case scenario is that you're going to come back and close this thing and like what's happened with striped bass, like we're seeing if you're a diver with the goliath grouper, these fisheries will rebound and it will happen.

I'll stand up here and say I'm sorry, because your scientists were right, but give us a chance, give our businesses a chance, and realize that at the worst situation that would exist, you can come back and do this and we'll all just sign on the dotted line if in fact this information is correct, but you do not have to do that now and be that drastic now with the flawed data that you have.

Mr. Currin: Thank you, sir. Mr. Heil, if you will come up and next is Holly Binns.

Mr. Heil: My name is David Heil and I am here on behalf of the Central Florida Offshore Anglers and also on behalf of the Florida Sport Fishing Association. These are two recreational fishing clubs. One is based in Orlando and one is based in Merritt Island, Florida. Both of these clubs have approximately 200 or 300 members each.

Both of the clubs have asked me to come here to express their objection to this, based upon the fact that the data is definitely flawed in regards to this. The data that you're basing this on has not passed peer review. MRFSS, every time it has gone up for peer review, has failed. You're dealing with failed data and it's shown. It's proven. This is not something somebody else has done. This is what their own peer reviews have shown you. Therefore, you have nothing to base it on.

One of the other things that we're talking about is mortality rates. Mortality rates are greatly overstated. From what the recreational people are doing and which also, you have no data on recreational off the east coast of Florida, zero. You use the basis that we're running off of headboats. Headboats and recreational fishermen don't fish in the same area.

These rules and this interim rule you're looking to do is going to put a lot of people out of business. You're playing with the lives of thousands of people across Florida and you're looking to put them out of business on data you know is not correct. You know that this data is flawed. You know that you cannot rely upon this data, but yet you're going to sit here as a council and put thousands of people out of work. Not in these economic times where there's not the ability to rebound.

People like Joe -- Joe's marina is right there in the Cape where we fish out of. You close this fishery and the fuel that I bought from Joe earlier this year, I don't buy, because there's nothing to go out and fish. The bait I bought from Joe earlier this year, I'm not buying, because I can't go out and fish. You're closing everything down and you're going to put a lot of people out of

work.

On a personal level -- Let me change from talking about it from the situation with the clubs to a personal level. I also want you to consider other factors. One of the things is a statement from Ted Forsgren from the Coastal Conservation Association of Florida. He earlier said this year that, in a letter to the group, that you should first shut down the commercial fishery before you go after the recreational.

This is what he said earlier in the year. He also said that the fairness -- That any allocation must be fair and equitable. It's not. This council has never been fair to the recreational fishermen and this rule is not fair to the recreational fishermen. You're obligated also -- You're talking about we have to follow the law and we have to follow the rules. The rules also say in the National Standards that you have to be fair and equitable.

This council every time has continually disregarded the National Standards in setting these obligations. It must stop. This council must recognize its duties and its requirement in regards to allowing the recreational anglers a fair and equitable use of this resource.

A couple of other points is I'm hearing today a lot about we're going to go to headboats and we're going to do this and we're going to get data. I've not heard anything about recreational. When you're doing this data to pass these interim rules, you must include the recreational anglers in this data collection. This council has not done that before. I know they're not getting anything from MRFSS on it and it must stop.

Also, we're hearing that there are 3 percent. I keep hearing that the stock is at 3 percent. That is the most ridiculous number I've ever heard in my life. You've heard from people already today and you're going to hear it once again. I've spoken to hundreds of anglers in the beginning of this year, from the clubs in other areas. The fish we are catching now are more plentiful and bigger than ever before. This is a stock that has rebounded and it's there already. Your data is behind. Your data doesn't show what's actually out there in the Atlantic Ocean. Thank you.

Mr. Currin: Thanks, Mr. Heil. Holly Binns and next is Rob Darner.

Ms. Binns: Good morning, Chairman Harris and South Atlantic Council members. My name is Holly Binns and I'm the manager of the Pew Environment Group's Campaign to End Overfishing in the Southeast. The Pew Environment Group is the conservation arm of the Pew Charitable Trust and our aim is to strengthen environmental policies and practices in ways that produce significant and measureable protection for the natural environment and the rich array of life it supports.

Thank you for the opportunity to provide input regarding the proposed red snapper interim rule. We recognize the important role that you play in managing for sustainable fisheries here in the South Atlantic region and offer our support for the interim rule. This is an important step towards ending overfishing and restoring healthy and robust fisheries in the South Atlantic.

We also strongly urge you to continue moving forward with measures to end overfishing for both

red snapper and the other nine species undergoing overfishing by the congressionally-mandated 2010 deadline. What I would like to do, if I can, is take you back in time about fifty-five years to 1954, which is the year of Hurricane Hazel.

That's when red snapper landings were at their zenith, at more than a half-million pounds, and there were more than five-million red snapper off of our coast. Of these, almost a million were more than twenty years old. These fish would have been more than three feet in length and more than twenty pounds. The most common size was thirty-four inches.

If we come back to today, the most recent stock assessment found that the common size today is seventeen inches and two-and-a-half pounds and that the large fish are exceedingly rare. Of the approximately half-million snapper off of our coast, there are virtually no fish left that are more than ten years old. Landings have reached an all-time low of less than 80,000 pounds and red snapper are estimated to be at 3 percent of the population at maximum sustainable yield. That's where the financial benefits from the fishery are at their greatest.

To rebuild a more sustainable fishery, many more of these large red snapper need to survive through time. Fortunately, red snapper have had some really strong recent year classes. You've heard today, I think a number of times, that fishermen are reporting seeing increased numbers of fish in the water and that is an observation that's supported by the science. These are strong year classes that can help to more quickly recover the red snapper fishery to a high level only if they're afforded some protection from future fishing pressure.

There are two reasons that we urge the council to take action today and the first is practical. By the end of June, about 63 percent of charter, 46 percent of private, and 58 percent of commercial landings will have already crossed the docks in north Florida, where most of the red snapper are landed. A delay of a few months might not mean a lot here in this room, but on the water, that's effectively the loss of another potentially recuperative year class.

I think the second reason that we would urge you to act today is the message that it sends. I think everyone here is relying on you to manage a healthy fishery that provides jobs and food and recreation and income for years to come.

Finally, I just urge you to ask all of yourselves a question. If red snapper doesn't deserve emergency protection, what does? For years, this council has declared its commitment to ending overfishing and right now, you're faced with an opportunity to make good on that commitment. You could kick the can down the road and hope for the best or we can make what is admittedly a very hard decision to conserve this important species so it's around for future generations.

I urge you to demonstrate the wisdom and the courage to take what is an admittedly painful, but I think a necessary, action to put this species on the road to recovery today. I think too much hangs in the balance right now to delay or to fail to follow the science. Thanks.

Mr. Currin: Thank you, Holly. Next is Rob Darner. The next is Ron Surrency.

Mr. Darner: Thank you, guys. Thank you for having me here and letting me speak in front of

you. My name is Rob Darner. I live in St. Augustine, Florida, where I've been fishing out of that community since 1984. I'm here to tell you guys that we are a victim of our own success. I think one of the more brilliant points brought up during the Q&A session on Monday night was the number of regulations that we have had in place to help this stock rebound.

One of the more brilliant points brought up by Captain Dennis Young is the change in regulations from when it was twelve inches now to a twenty-inch snapper limit and a harvest of two for the recreational anglers. Now, we have seen a rebound of our snapper population, most of us agree. Even the council, at the Q&A session on Monday night, the scoping meetings in Jacksonville and other places, agree that the data is flawed.

Even the data from the 1950s is not totally reliable, to say that that is the magic number in which we have to return. I believe what we are seeing is an increasing number of fish. We might have had a peak zenith spawn of 1998 or 1999, but it does not mean that the following classes of spawning fish have quit or those might be just 10 percent less. We're having more spawning fish out there and we're having greater success.

Now, as many more organizations become increased and concerned about the catch of red snapper, there are other alternative ways. I have suggested slot sizes and I know other people have said an increase in the total length of fish, but one of the things I do believe is that we're also looking at this butt-backwards, folks. Here in Georgia right now, they're going to create a new artificial reef right off their boat ramp and here, they promise more oysters, a bigger oyster bar, bringing in more fish.

You guys are looking at shutting down a fishing industry and you will start with the interim rule. I'm sure it will progress further and I'll be back here stating my opinions, but with the red snapper that I do not believe is in danger of being overfishing, you folks are looking to cause economic harm to the class of the fishing industry.

I will remind and I will paraphrase your website. Under the Socioeconomic tab, it says you must consider, by the Magnuson-Stevens Act and also by executive order and statute, the economic harm you will cause to this industry and you will cause it. We know boat manufacturers are going out. We have twenty-eight potential charterboat captains or headboat captains that will be displaced and out of business, with their mates.

If you don't believe in trickle-down economics, you will see it. If you don't believe in trickle-down economics, ask Detroit when GM goes under here in a little bit, if their bailout starts. This is what you will cause when you go ahead and start to eliminate the snapper fishery. You can join with us. I hope that environmental groups would join with us in creating more habitat, so that we can spread out the fishing pressure and give them a lot more places to go and spawn. Thank you, guys.

Mr. Currin: Thank you. Ron Surrency and next is Joshua Giordano-Silliman.

Mr. Surrency: Good afternoon. My name is Ron Surrency and I run a charter business and a commercial fishing boat out of Jacksonville, Florida. I'm just here to beg on anybody that's

concerned about fishing that this interim rule will be devastating to our industry. Our economy right now has got the recreational sector and as far as the charter men -- It's got people where it's having a hard enough to come out here and fish as it is.

On that side of it, shutting us down snapper fishing is like one of the main arteries to our fishery on the east coast of northeast Florida and Georgia and South Carolina. This fishery right here, a lot of the people, a lot of the tourists come here, and they want to eat good, fresh fish. They live out in the Midwest and this is has built a big reputation in the State of Florida.

As a commercial sector, I strongly believe that, like you've heard over and over and over before, from every sector, from a recreational fisherman, a recreational diver, a commercial fisherman, a commercial diver, everybody is telling you all that they're seeing more fish, more red snapper, than they have in years. The old-timers that's been fishing for fifty years, they're saying that it's the best that they've seen since they've been doing it.

I know as a diver that it's like I see little juveniles all the way up to these big bites of snapper, where you're hearing these commercial boats coming in and catching 7,000 pounds on a trip. They're backing up with a 5,000-pound trip and these are not -- These are three and four guys that are catching these fish that are over the -- The first 4,000 or 5,000 pounds are fish that are over eighteen pounds, from eighteen to twenty-five pounds.

Then they dwindle down or the fish catch on and then they move on or the spawn goes off, moves on. I'm just begging for our livelihood that this is going to be critical, as you've heard over and over. This is going to be a critical decision that's going to hurt the industry. As a commercial industry, it's stable, in an economy that's really unstable, that we say it's in a recession and going into a depression.

This is going to take a stable industry and basically head it towards going out of business. As a recreational business, it's on the brink. Recreational is a fun money business and people -- A lot of my customers don't have fun money falling out of their pockets, unless they're some CEO of AIG or GM or Fannie Mae or Freddie Mac or something like that.

They're already having a hard time making ends-meet and so they want to come and they've got their customers coming in from the center of the country and they want to be able to catch the fish and be able to keep the fish that they catch and then eat it at the restaurant right there where we unload at and this right there -- It's just going to take away all that. I'm just asking you all to really think about how it's going to be an effect on our industry and go with the data.

You all haven't done -- I looked up on the internet and in 8/31/83, you all went from twelve inches to twenty inches. That's when we're supposedly saying that the fish was getting depleted. From January 1 of 1992 to the present day, you all went from twenty inches on the commercial, with no kind of limits, and twenty inches on the recreational, with a two fish per person, and you all haven't done a thing for seventeen years to this fishery. There's never been another issue about it.

Now, all of a sudden, over the last year, the fishery -- Oh my God, the fishery is in this horrible

state and so why has it taken this long? Why couldn't we have done measures earlier to prevent us from making such a drastic decision to putting us out of business, because this is what this is going to do. I appreciate the time that you all have let me speak and that's my opinion. I ask you all not to implement this interim rule. Thank you.

Mr. Currin: Thank you and thanks for staying on time. Joshua Giordano-Silliman is next and then Becky Hogan.

Mr. Giordano-Silliman: Hello. My name is Joshua Giordano-Silliman and I'm from Mount Pleasant, South Carolina and my home port is Shem Creek. I'm here today to comment on the interim rule request. I'm opposed to the interim rule request, because any decision to do so would not be based on the best available science. The best available science would actually account for every participating angler, regardless of experience level or sector.

The current methodology of assessment also does not account for the years of data that haven't been recorded by the recreational sector and leads to a skewed view and understanding of the fishery. Since red snapper sex is determined at birth and there is no transition with maturity, I cannot foresee a collapse of the stock or that the fishery is endangered at any time in the future.

I believe previous and current regulations have improved the fishery. Yet, it will take years to see those benefits. Dehooking and venting device regulations will further improve the fishery in the future as well. It is my belief that the current stock levels are sustaining to our fishery and nation. It is also my belief that the interim rule will have little positive biological effect on the fishery, due to its short-term nature.

The second reason why I'm opposed to the interim rule is because it would defeat the purpose of a sustainable fishery in the South Atlantic. There are no economical counterbalancing provisions for all sectors, commercial, recreational, and for-hire, to absorb. Without continued work within the South Atlantic, many members of all sectors will see demise in the current state of our economy.

This demise will have great effects not only today, but for many generations to come. Only proper social, ecological, and economical balance provisions could procure a victory for the sustainability of the fishery in the South Atlantic and begin to make a way to a responsible closure.

The third reason why I'm opposed to the interim rule is on the belief that it's taking away from society's ability to obtain healthy, fresh harvest from the sea. An interim rule would strip away a food source that many families depend on throughout the year. The interim rule would result in a nutritional loss within society, due to the lack of domestic fishing production, and an increasing cost that would occur for the individual consumer to procure inferior fish.

The interim rule would disrupt the domestic food supply chain and would lead to greater, more destructive fishing practices outside the reach of our laws and more importantly, outside of the reach of our conservation principles. The interim rule would only lead to further destructive exploitation outside of the United States and as a member of the South Atlantic, never would I

want to weaken my fishery or create burdens in other fisheries. This is not within my conservation principles.

The fourth reason why I'm opposed to the interim rule is because it would lower the supply of domestic fish caught within the nation. Regardless of the size amount, it would force the South Atlantic to import more fish. The increased demand of non-domestic fish would be a known avenue for detrimental harm to the nation, either from foreign or domestic entities.

In conclusion and most importantly, I'm opposed to the interim rule request because of the destructive effects it will have on the families, either from not allowing them to practice the family tradition of fishing to receiving the health benefits and to the economy that it provides for so many individuals and their loved ones. Thank you.

Mr. Currin: Thank you. Becky Hogan is next and then Holly Reynolds.

Ms. Hogan: I'm Becky Hogan. This is about the interim rule. I've been here all week listening to the discussions in regards to Amendment 17. Personally, a lot of people are saying things about the flawed data. I think if you've been going to the meetings for the past couple of years, like I have, the data that you have, you're going to use and I think you're doing what you can do with the data.

The 3 percent spawning ratio that we need to bump up to 40 percent is going to take a lot of work. You've obviously done a huge amount of work since the Wilmington as far as the development of Amendment 17 to address overfishing for red snapper. When I was at the meeting back in Wilmington, and I saw the grids and I saw the map and saw the potential closed areas, I kind of started thinking that they're going to close red snapper and I have accepted that.

I think that since Wilmington, thanks to Duane and John Carmichael and some other people, they've been really trying to help us out as far as looking at maybe some smaller closed areas. Using those contours is going to be a lot more difficult for you guys than just closing a bunch of grids, because that's a lot easier way to handle that.

I'm trying to do a business plan for this year, meaning 2009 and 2010. In 2009, we're going to be faced with Amendment 16 most likely being approved by the Secretary of Commerce, which, of course, everybody knows will end the vermilion snapper fishing for us in November. I thought, well, we'll get through the summer with the snapper and we've got a year to end overfishing and now -- I know the issue came up today that -- Roy had actually written a letter to George, Mr. Geiger -- When you come to all the meetings, you get to be on a first-name basis and I'm not going to apologize for that.

He said we have to address overfishing and it's time. This letter was written on July 8, 2008, which would give us until July of 2009 to end overfishing of red snapper. Back on the 26th of September, this would have been in 2008, there was a letter written to Dr. Crabtree and this letter was from -- I think it was from Duane, if I'm not mistaken. Yes, Duane actually had written a letter to Dr. Crabtree and it said, pursuant to Magnuson-Stevens, we're going to request an interim rule for gag grouper, because we need to end overfishing. It had been identified as being

overfished.

The council actually received notification on June 12, 2007 that gag grouper was being overfished. It took fifteen-and-a-half months -- This is not an insult to anybody on the council, but it took fifteen-and-a-half months to actually request that the interim rule be used for gag grouper, because there were just so many things -- I asked George about this and he thought maybe they were waiting on some more stock assessments and maybe that's why. You can comment on that if you want to. Maybe that's why it took fifteen-and-a-half months to get this letter written.

My point about that is they didn't do it in a year. The letter says if we use the interim rule for the gag grouper and then we go through the Amendment 16 process after trying to implement the interim rule, by October of 2008 everything is going to be in place and ready to go. Well, Amendment 16, we all know, is still in the Federal Register waiting on -- We've got until March 9 to comment on the proposed rule.

I think it's a great amendment. I've sent in my comments. It took a little longer than what everybody anticipated and does that surprise anybody? You've got ten species that are overfished and you've got until 2010 to resolve all of that and I think that -- Just based on everything that I had heard from Wilmington from when I was in Pooler, I thought we would maybe get the one more year to fish out for the red snapper. That's what I was hoping for.

Of course, I'm opposed to the interim rule. I did my quarterlies or my reports. I turned in my taxes for this year and I'm not paying anything. I lost 6.6 percent and I went into my reserves just because of fuel. I didn't miss one day because of any maintenance issues. I just had my bad weather days and I thought one more year of being able to fish my charters for my snapper, I can dig out of the hole. I've got a new plan based on some of the Amendment 17 recommendations that you guys are going to have and I'm not opposed to any of them.

I'm so excited about everything that you presented this week as far as Amendment 17 goes, but wow, I didn't think I would walk out of here today and not be able to make it through the summer. I would rather take my efforts over the next couple of months and keep working on my business plan for next year, what I'm going to do when those areas are adjusted maybe, possibly, for Amendment 17.

I feel like I've got to walk out of here and I've got to call and say guess what, they're going to try to use the interim rule and I'm going to use all my efforts to try to fight that. I just think that's such a waste of time. It's not a waste of your time to use the interim rule and I understand why you're going to use it and why you feel like you have to use it, but I don't think that year time constraint --

I think if you had a conversation with the congress people -- Nathan said it was actually not a problem for you to ask advice. You can't lobby, but you can ask advice, if they can get around that, that we just continue on with 17, because you're doing a lot of good work with that and maybe we could make it through the summer. If not, we probably won't.

Mr. Currin: Thank you, Becky. Holly Reynolds is next and then Libby Fetherston.

Ms. Reynolds: My name is Holly Reynolds and I have the Majesty out of Mayport, Florida, Jacksonville. I'm not much of a speaker and I don't have anything prepared, but I'm not going to sit here and say the data is flawed and everything. We are seeing more snapper and everybody knows that and you get kind of blocked of hearing it. I've heard everybody talk this afternoon and I'm kind of tired of hearing it myself a little bit.

It gets old, but my biggest thing is I'm going to plead for us not to use the interim rule, simply to give us time to figure out what we're going to do with our businesses. I just bought a brand-new boat and basically, if this comes into play, I have no way of making August bills. You have to forgive me. I get very emotional with this. This is just unbelievable, it really is.

I've been in the business for ten years and it's being taken away. My husband has been in it for over twenty-five and it's just -- You have to allow us that time to plan to be able to survive this for next year, for Amendment 17. We can't do that in two months, seriously. My house, I might sell it and have to downgrade. I know that's not you all's problem, but, unfortunately, it somewhat is.

Being we could push this back a little bit and deal with more Amendment 17 next year, we may be able to not -- Some of us may be able to hang on and it would give us the opportunity to look for something else, to sell our boats if we have to. The people with the restaurants and stuff and just everything, to look for something else and a little bit more time, to be able to plan in advance, because we can't do that right now with two months.

Given four or five or six months, just the rest of this year, as Becky was saying at the end, just to plan. You've got to have time to plan. Certainly everyone can understand that. I would like to leave my rest of the time for silence, if you all would. Just think about it.

Mr. Currin: Our next speaker is Libby Fetherston and then next will be Sid Preskitt.

Ms. Fetherston: Good afternoon, council. My name is Libby Fetherston and I'm here on behalf of the Ocean Conservancy and I'm going to be as brief as possible. I sit here, like many of you, humbled by the task before us and I have the unfortunate job of following two sort of very eloquent and powerful speakers, but I have a comment letter here that's signed by a thousand of our members and friends in the South Atlantic that are asking you to move forward with the interim regulations and I support that, with a heavy heart, but my organization is looking towards the future of ocean health in the South Atlantic and I think this is the right thing to do.

I think we're following the science and the law and the discussions this morning were very heavy. Amendment 17 has a lot of information and it has a lot of difficult choices and I applaud you for doing your best to work through that, but I support the committee's decision and I would ask the support of the full council. We need to end overfishing of these species in the South Atlantic and build a healthy fishery, based on sustainable harvest. Thank you very much for your time.

Mr. Currin: Thank you, Libby. Sid Preskitt is next and then Clay Mobley.

Mr. Preskitt: Thank you, Mr. Chairman and council members. My name is Sid Preskitt from Daytona Beach, Florida. I was here for the Q&A a few nights ago and briefly, I just want to go back and cover again something that I brought up there and that's the fact that over the past twenty or twenty-five years on the east coast, certainly in Florida, red snapper is one commercially viable species that by and large has been left alone.

There has been, in general, no directed commercial fishery for the red snapper off the east coast of Florida and probably up in Georgia and the Carolinas as well. There has been some small-scale activity, but, as you guys may remember, it was the council, National Marine Fisheries Service, that came to the commercial industry, back in the 1980s, I believe, and urged us to diversify into underutilized species.

We did that. We developed the shark fishery, deepwater golden tile fishery, and the swordfish industry. Everybody shifted to those industries and back ten or twenty years ago, fifteen years ago in my experience, red snapper was something that was a treat to catch. There was not a large abundance of them ever, in my memory. Today, everything has totally changed.

When I heard recently that the council was proposing a closure on red snapper and a stock assessment that has classified them as overfished, it made my head spin. I can't believe it. Everybody in this room, I think, will agree that we have a problem with the data collection system that's being used, not only on this council, but in general across the country.

It doesn't apply just to red snapper. We've got problems with stock assessments in golden tilefish and other fisheries as well. I would like to focus a little bit here on something positive. I would like -- We have a Regional Director here in this council and I would like to ask you, at the conclusion of these council meetings, to leave here with a commitment to immediately convene a panel, use whatever mechanism that you people deem appropriate, to immediately start looking into the data collection system that we have that comes up with a stock assessment on red snapper that is frankly unacceptable.

You have to use this as a tool to manage these fisheries. We have something here right now in place that is totally unacceptable. I think everybody may agree with that. I'm just asking you to go forward from here and make some positive changes in the system. I'm not pointing my finger at any of the scientists or anybody involved in this process. I want to look at the methodology and the data collection systems that are in place and let's make changes to come up with valid data that we all have confidence in, that we can conduct our businesses in, and continue to go about our lives and maintain healthy fisheries. Thank you.

Mr. Currin: Thank you, Mr. Preskitt. Clay Mobley and then Margot Stiles.

Mr. Mobley: I'm Clay Mobley, Executive Director for Coastal Conservation Association, Georgia. Thank you for the opportunity to comment on the interim rule closing the directed red snapper fishery. According to the science presented by the National Marine Fisheries Service, the Atlantic red snapper population appears to be in a serious state, with all signs indicating

severe trouble.

Under the tenets of the Magnuson-Stevens Act, closing the red snapper directed harvest to both the commercial and recreational fishery is a required first step in beginning the ultimate recovery of an important population, but in and of itself, it will not end overfishing. We await the proposed management measures to be found in Amendment 17 to begin the full recovery of Atlantic red snapper to a healthy population level and their former geographic distribution.

We are very concerned that this fishery, like many others in the snapper grouper complex, has been allowed to sink to such low levels before management action is taken. If managers in the past had taken the necessary steps to recover this and other stocks, we would not be facing such difficult decisions now.

As this population recovers, we expect that the council and the National Marine Fisheries Service will reexamine the red snapper fishery to establish a fair and equitable distribution between the commercial and recreational sectors. We believe fisheries should be managed as a public resource for the greatest economic benefit to the nation. Thank you.

Mr. Currin: Thank you, Mr. Mobley. Margot Stiles is next and then Ed Kalakauskis.

Ms. Stiles: Hello. This is Margot Stiles from Oceana and I think I know very little about red snapper. I'll just say that right up front and I think most of the people in this room know more than I do and so I'll be speaking more generally to your work on snapper grouper. As you all know, red snapper is just the latest difficult piece of your bigger snapper grouper problem.

On behalf of Oceana, I wanted to encourage you -- During the past it seems like a couple of days, but I think it's just today, I did not envy the discussions that you're having on several different amendments on snapper grouper, with the numbers going the same for a number of different species. I really appreciate the range of options that have been discussed, both on how to equally share the burden and the pain between the different sectors on trying to make area closures more surgical and most recently proposing an experimental fishery that might allow some people that are shut out by these rules to participate in the data collection that will help bring these fish back.

Unfortunately, I think your mission is clear from Magnuson-Stevens. It's you where the buck stops and it's you that has to take the reins to end overfishing and unfortunately, I don't think there's a lot of flexibility there. On red snapper, again, I don't know the specifics of this fish, but as time passes, I can see that on snapper grouper in general you're increasingly backed into a corner and the longer you wait, the fewer degrees of freedom you have and the less latitude you have to discuss the range of options that you're discussing.

I think as time passes that you just run out of options and you may be forced into more draconian things and I would hate to come to one of these meetings and see the entire fishery shut down or see other things that are really going to cause big problems in the local communities. I would just encourage you to persist and to hang in there on each of these species as they come up, because if you take no action, then you really may be faced with a lot fewer options in the future

as to how to implement these changes. Thanks.

Mr. Currin: Thank you, Margot. Next is Ed Kalakauskis.

Mr. Kalakauskis: I'm Ed Kalakauskis and I'm really here on behalf of artificial reef building. I've been doing it for over thirty-something years and I wanted to first of all say that the Amendment 17 interim, we need to look at that, because of the economic impact it will have on our community in north Florida.

I would like to first of all thank everybody for the opportunity to speak before you. I'm what you may classify as a gee-whiz diver. I go down to the bottom and I look at things and I say, gee whiz, but I've been building reefs for our community. For thirty years, I've been active in that program and in saying that, the fishermen that you've got here before you are people that put their money where their mouth is.

They've been constructing these habitats with their own personal money and commitments for over fifty years in the northern Florida area. These people do have a grasp on fishery management and conservation. These people also understand the law. They understand the gun that you guys are under and they also understand the law and the intent of the law and also the interpretation of the law. These people do understand that, but I want to tell you a little small story that happened to me this week.

I went to my dentist, who has been diving as long as I have, and the first thing he said to me, he said, man, them snapper are back. Then I went to my butcher on the same day and was picking up some products there and was telling him about how they may close down the snapper season and said, well, I'm just not going to fish anymore. He happened to use a headboat captain.

This is definitely going to have an impact on our fishing community and I will close it with saying, speaking on behalf of the snapper, is we're there and speaking on the gag grouper is, we're back. Thank you.

Mr. Currin: Thank you. That's all the sheets that I have from people who indicated that they wish to talk about the interim rule on red snapper. There were a number of other people and thank you for filling out public comment forms, but you indicated you did not wish to speak. Thank you all for being here and thanks for your sincere comments and we will close our public comment session.

Mr. Harris: Before we go back into the committee of the whole and finish the Snapper Grouper Committee actions, we had scheduled a public comment period beginning at 2:30, or immediately following the Snapper Grouper Committee meeting, for public comment on the Fishery Ecosystem Plan. Is there anybody that's here to speak about the Fishery Ecosystem Plan? Can you wait until after the Snapper Grouper Committee? Okay. Then we'll finish the Snapper Grouper Committee meeting.

Mr. Currin: We're back to Amendment 18 then. Everybody seems to be okay with the three alternatives we have for the first action, which is consideration of extending the Snapper Grouper

FMU northward. Kate, we'll turn it back to you.

Ms. Quigley: I just have one comment. I've got additional information on where to find some of those tables for New England. PDF page 153 of Amendment 18 has commercial landings in New England. This is Table 4-4 and so as Chapter 3 includes state-by-state landings data, Chapter 4, Table 4-4, includes commercial landings for all of New England and then the Mid-Atlantic as well, split out commercial and recreational. That's where you can find those tables. PDF page 24 includes the regulations, Virginia regulations, just in case you're looking for that.

I'm going to go back now to the alternatives and we can move on to the second action. Was there any other comment on that first action? All right, I think we're good. The second action is Limit Participation in the Golden Tilefish Fishery. We have the no action alternative.

Mr. Currin: It begins on page 42.

Ms. Quigley: Sorry, it's PDF page 42, Limit Participation in the Golden Tilefish Fishery. There's a no action alternative, do not limit participation and effort in the golden tilefish fishery. Alternative 2 is limit participation and effort in the golden tilefish fishery through the implementation of an LAP program. Alternative 3 is distribute golden tilefish gear-specific endorsements for snapper grouper permit holders that qualify under the eligibility requirements stated below.

There are some very detailed requirements. These were taken from what the Golden Tilefish LAP Workgroup came up with. Only snapper grouper permit holders with a golden tilefish longline endorsement or a golden tilefish hook and line endorsement associated with their snapper grouper permit will be allowed to target golden tilefish. The commercial quota will be allocated as 10 percent to those holding golden tilefish hook and line and 90 percent to those holding golden tilefish longline endorsements. This also includes the change in the start date, which is another action. This is the endorsement action, but it includes the start date to August 1.

There are a number of sub-alternatives. Sub-Alternative 3A, to receive a golden tilefish hook and line endorsement, the individual must have an average harvest of 1,000 pounds when the individual's best three of five years from 2001 to 2005 are estimated. To receive a golden tilefish hook and line endorsement, the individual must have an average harvest of 500 pounds when the individual's best three of five years from 2001 to 2005 are estimated and then there are eligibility requirements for the longline endorsement.

To receive a longline endorsement, the individual must have a total of 2,000 pounds between January of 2005 and November of 2007. There is a year difference for the longliners versus hook and line. Those are the numbers, the options, that the golden tilefish workgroup came up with.

Dr. Cheuvront: Between 3A and 3B, did the golden tilefish workgroup seem to have a preference?

Ms. Quigley: There was one representative, hook and line representative, and he came up with

both of these alternatives, because he didn't have time to go back and check with the other people that were hook and line fishermen. We received no further information on if they preferred one over the other. They were just presenting two options. They weren't quite sure, until they saw the analysis. Data has been requested to look at that, but that analysis hasn't been done.

Dr. Cheuvront: Then I would just suggest let's just leave all three alternatives in.

Mr. Harris: I think you all have done a great job laying out the alternatives. I happen to prefer Alternative 2. I don't know that anybody else will, but I would like to see that be our preferred alternative here. **Analyze the other ones, but I would move that Alternative 2, establish a LAP program for golden tilefish, and if we happen to do one for the snapper grouper fishery as a whole, that would be folded into a snapper grouper LAP program.**

Mr. Currin: Motion by Duane to select Alternative 2 as our preferred in Amendment 18 at this point. Second by Robert.

Dr. Crabtree: Didn't we, I guess in the Controlled Access Committee, talk about that we were going to move the LAP out of Amendment 18 and into -- Does this committee need to make that same decision or does that just go to the full council or what do we do?

Mr. Currin: I don't know exactly the best way to handle it, but we certainly don't need to do it twice and be working on two amendments under two different committees.

Mr. Waugh: What I've done is projected from your Snapper Grouper Overview the items that are included in Amendment 18. If you remember our discussions, the LAP Committee works on some general items, but if we are working on a specific LAP program for a specific species, that committee is the one that will take the lead on it. Even if we split these LAP programs out into a comprehensive LAP amendment, thus far they're all snapper grouper species and so it would stay with the Snapper Grouper Committee.

Mr. Currin: I'm not out of a job yet then, huh?

Mr. Waugh: Not yet, but at some point, either when we get finished looking at the specific alternatives here or now -- Roy has brought it up. We need to talk about if we are indeed going to create a comprehensive LAP amendment that takes several items out of Amendment 18. At some point, we need to discuss that.

Mr. Currin: I agree totally, but I don't think right now is the appropriate time to do that. At least for now, I think everybody acknowledges that the LAP Committee has made that recommendation. It's done appropriately here and so far in 18 to consider that LAP -- It's been selected as our preferred, which would perhaps heighten interest in that, and at some point, if we start adding other species, I presume, we would carve that out into a separate LAP amendment. Is there discussion on the motion to select this as a preferred?

Ms. Merritt: I don't believe that our workgroup, golden tile, specifically wanted a LAP put in place as much as they wanted endorsements now and a LAP only if they had the amount of quota

that would be -- I think we've all agreed that they're not going to get that. I would not be in favor of making that the preferred alternative at this point.

Mr. Currin: Keep in mind all the other alternatives, at least so far, will remain in this document and there are other larger decisions, perhaps, to be made in the context of LAPs.

Mr. Wallace: Rita said what I was going to say, but it was still -- The golden tilefish workgroup was not in favor of a LAP and I'm just questioning whether or not we were going to override their wishes.

Mr. Currin: So far, nobody is overriding anything, but we're kind of staking out a preferred alternative at this point. At least it's been proposed. We haven't even voted on it yet and so we'll see how that all shakes out.

Mr. Geiger: John just kind of spoke to my concern that we have received information back from that workgroup which indicated they were not in favor of a LAP and I would speak against this as being our preferred alternative.

Mr. Currin: Kate has some clarification.

Ms. Quigley: I've got the direct quote up from the LAP workgroup on the screen and I'll just read that: The LAP workgroup does not endorse Option 2, LAP program, at this time, due to low quotas. They prefer Option 1, endorsement, and an August 1 start date. A low stock assessment does not leave an individual in an economically-viable position. Some workgroup members felt that in the future if the commercial quota is equal to or greater than 480,000 pounds, the LAP workgroup is in favor of LAPs. Others were in favor of a LAP if the commercial quota were equal to current levels or a little higher.

The LAP workgroup put together this report and this was the most significant quote in the document. They did prefer an endorsement. Now, since that time, the Amendment 18 has gone out to scoping and members from that workgroup have spoken differently. That's just something to take into consideration. Two of the fishermen that were on the workgroup have since said that they are in favor of LAPs for the golden tilefish fishery. It can be a little bit confusing.

I've just got some different information and I think over time that some people have changed their positions and then I've just -- If you need it, I've also got information on the informal survey that was done of the entire golden tilefish fishery, if we need that.

Mr. Currin: Thank you, Kate. Keep in mind everybody that the workgroup's former preferred approach to this is in here as an alternative along with the LAP.

Ms. Smit-Brunello: I guess I'll ask a question. The idea was to keep all these alternatives at this point and then move them all into a LAP or an effort limitation amendment or something of that nature or have we not got there yet?

Mr. Currin: We haven't gotten that far yet, but that's being discussed as a possibility, I think.

Right now, we're just going to try to define the issues for 18 or wherever they might be important issues for the council to consider.

Mr. Wallace: I'm not opposed to leaving alternatives in there. I'm more opposed to it being our preferred.

Mr. Currin: The motion is to select Alternative 2 as our preferred. That alternative is to establish a LAP for the golden tilefish fishery. **All in favor of that motion raise your hand, five; all opposed, seven. The motion is defeated then.**

Back to the range of alternatives that we have here. Is everybody okay with those? The only thing that I would point out is that under Alternative 3, main Alternative 3, there was a suggestion to split the allocation or the quota 10 percent to the hook and line fishermen and 90 percent to the longline fishermen. This is a workgroup that had one hook and line fisherman on it.

We got some comments, I think, from some of the other hook and line fishermen that perhaps splitting that quota in that manner may not be particularly their benefit and they didn't like it, particularly. I don't know whether we want to at this point leave that as an alternative, but to form another alternative that does not divide the quota or how we want to deal with that, but I would certainly feel more comfortable with having an alternative that did not define the percentage quotas among those two sectors.

Dr. Chevront: I was just wondering, do we have an estimate of the percentage split between the actual fishing that is being done by these two sectors?

Mr. Currin: Kate said it's probably pretty close to 90/10, at least over the last handful of years. Everybody is okay with where we are? I'm sure we'll get comments and that might be tweaked and suggested to move it somewhere else. Any other discussion on these alternatives for golden tilefish participation limitation? All right, let's move.

Ms. Quigley: The next action is Limit Participation in the Black Sea Bass Pot Fishery. There are a number of alternatives here. It's PDF page 44. The first alternative is no action, do not annually limit the number of black sea bass pots deployed or pot tags issued to holders of federal snapper grouper vessel permits.

Alternative 2 is to require that each black sea bass pot in the water or at sea on a vessel in the South Atlantic EEZ have an attached valid identification tag issued by NMFS. Limit the black sea bass pot tags annually to 100 per holder of federal snapper grouper vessel permits. NMFS will issue new identification tags each fishing year that will replace the tags from the previous fishing year.

Alternative 3 brings that number down to fifty. Alternative 2 is 100 pot tags per holder and Alternative 3 is fifty tags per holder and Alternative 4 is twenty-five per holder. Alternative 5 states to require that each black sea bass pot in water or at sea on a vessel in the South Atlantic EEZ have an attached valid identification tag issued by NMFS where that number is limited to

100 in year one, fifty in year two, and twenty-five in year three and onwards until modified. Require that new identification tags be issued each fishing year. There's a ramping down of the number of tags that are allowed to be held.

Then Alternative 6 states that each person can have 100 pot tags per holder in year one and fifty in year two and onwards until modified. Alternative 7 states to limit the number of black sea bass pots fished annually to fifty per holder for any fisherman that is currently using an average of less than fifty-five pots, based on average number of pots fished on trips between January 1, 2005 and December 31, 2006 and fishermen entering the fishery after January 1, 2007. Limit it for those two eligibility categories.

For any fisherman currently using an average of fifty-five or more pots, limit the number of black sea bass pots annually to their average, less as reduced by 10 percent. Limit the maximum number of pots allowed per holder of federal snapper grouper vessel permits to 125, limit the number of black sea bass pot tags issued annually each holder of federal snapper grouper vessel permits to the number of pots allowed plus 10 percent for damage and loss. However, each permit holder may only fish the number of pots allowed and the number of pots fished will be determined from snapper grouper logbooks that have been submitted to NMFS on or before March 8, 2007.

Alternative 8 is that black sea bass pots must be brought back to shore at the conclusion of each trip and then although there's no alternative here for LAPs, that was something scoped for and that was something that I believe a motion was made to take a look at in December of 2008.

Mr. Currin: Thank you, Kate. There's a lot of alternatives there. I would just make one suggestion that we rename Alternative 7 "The Cheuvront Alternative".

Dr. Crabtree: I just wanted to point out that I do think this is something we need to look at in a serious way. Since December of this year, we have had five right whales observed entangled in fishing gear, four of them considered to be life threatening. I am not implicating the black sea bass fishery here, because we don't know. We do know some of that gear came from Canada, but it does, I think, emphasize to us the dangers to right whales by having a lot of ropes in the water.

I know that the Atlantic Whale Take Reduction Team has looked at the black sea bass fishery and they are looking at gear requirements and potential weak links and seeking ground lines and things like that in the fishery. I know all of us are very familiar with the issues right whales are making and a lot of the material that we find on right whales, we can't really determine, necessarily, what fishery it comes from, but anything we can do to reduce the amount of ropes in the water and still have the fishery function I think is a positive thing. I just ask that you all keep that in your minds and I think in the document we probably need to talk a little bit about right whales and the potential impacts.

Mr. Currin: I think we've got a sufficient number of alternatives in there that do exactly that and step it down and it's a real broad range.

Dr. Cheuvront: To that point, Roy, I'm looking here at all the gear analysis from entangled large whales from the years 1997 through 2005. There are a lot of them and not a single one identifies black sea bass pots as the gear involved in that entanglement. Now, approximately one-third of the interactions show no gear, but out of two-thirds, if black sea bass pots were involved, you would think that out of two-thirds that there would be at least a black sea bass pot and frankly, if NMFS is really concerned about entanglement with vertical lines, get lobster traps out of the water and not black sea bass pots.

Mr. Currin: You know what the identified gears look like. He's right that some have been identified as lobster traps out of various places. Back to our business at hand here, we have a nice broad range of alternatives to both consider pot limits, leave it alone, and step them down, if that's what it takes to address the needs and concerns of the fishery. Are there other alternatives? In addition, Kate has suggested that perhaps we might want to add the one to consider a LAP in the black sea bass pot fishery as an alternative in here.

Mr. Cupka: Not in terms of alternatives, but I'm on the Atlantic Large Whale Take Reduction Team and we've been working on a plan and one of the things that Kate needs to look at is the current regulations that are already in place, because there have been some regulations implemented already dealing with wet storage of traps and whatnot that do cover sea bass pots.

It has been classified as a Category 2 fishery and there are some regulations already in place, not under Magnuson, but under the MMPA and the ESA, that apply to this and it's marking of gear, as well as how long you can leave them out. You might want to include some of that discussion in there as well.

Mr. Harris: David, one of the things I wanted to get Kate to add to whatever alternatives we include here is some kind of weak link rule, but is that already covered under the Large Whale Take Reduction requirements, the weak link rule for traps?

Mr. Cupka: That is, I think, already in place and Tom Burgess said that their fishermen up there were already using them, although the weak link is really to deal with breaking the line and all. The sea bass pot is not the problem. They don't fish them in long trawls like they do lobster traps and lobster traps are a lot heavier. There's something to pull against to break those weak links, but the danger, I think, on the sea bass pots is more relative to the line than it is the actual pot itself.

Dr. Crabtree: I think that there are weak link provisions. I also think they're requiring sinking ground lines have to be used by April 5, 2009. We need to check on all that stuff and make sure that's all discussed in the document.

Mr. Currin: Tom, if you've got anything else to add to that, please do, since you're involved in that fishery and operate that gear.

Mr. Burgess: Yes, we are required to have weak links and they are being used. We have gear markings for the South Atlantic, for identification. Yes, sinking ground lines will be required and at the next meeting for the team, we will be discussing vertical lines and start to move ahead

in that area. If I may make a few comments on the alternatives --

Mr. Currin: I would rather you didn't at this point, but thank you. You'll have plenty of opportunity and you can make those away from the table and they can be addressed again, but let's -- Thank you for your insight into the requirements regarding right whales, Tom.

Ms. Merritt: I agree with the right whale interaction being just a non-issue in this fishery and the presentation earlier regarding the research that Tom was involved in I think also gave us some really good information in considering some of these alternatives. However, I would like to say that I think Alternative 4 and 5 should be eliminated and Alternative 8 eliminated, specifically because we have already heard of the economic impact regarding bringing in these traps, due to people not having storage or the additional travel time and equipment involved with that, as well as no science at this point to back up the fact that that is a problem by having them not brought in after each trip.

Mr. Currin: As a response, Rita, I know that we have heard from some people that participate in the fishery that twenty-five pots is enough pots and several people have indicated that they think it's important that those pots be brought back to the beach every night. I would be a little hesitant to remove those two particular ones at this point, just because there is some interest in that and we're just -- We'll get the full gamut of comments, I'm sure.

Mr. Cupka: Here again, that's what I was saying earlier. We need some of that in there, because there's already a requirement, I think under these other acts, that would not allow certain types of wet storage anyway. That's already -- Some of that, I think, is already in place, but we're not aware of it because it's been promulgated under another act, the Marine Mammal Protection Act.

We need to get some clarification, because I know there are some restrictions, in terms of wet storage, that requires traps to be brought back or they can only be left out so long. We need to get that clarified.

Dr. Cheuvront: I would like to draw your attention to Alternative 7, the Cheuvront Alternative. I believe at the time, when I proposed this, about two years ago, it was at a time when we didn't have very many alternatives on here. Looking at the other alternatives and based on what's there, I think we can capture the gist of what I'm looking for through a combination of perhaps some of these other alternatives.

The idea was that -- At the time, I believe we were looking at getting people quickly down to twenty-five pots. We have other alternatives now that allow us to look at other measures. If it would be easier -- I know it would be easier for staff not to have to deal with Alternative 7 if they haven't already done some analysis on it. Kate, have you guys done analysis on Alternative 7 yet?

Ms. Quigley: In a general manner we have. No, not 7 specifically.

Dr. Cheuvront: That's what I thought, because not long after this was made, I was contacted by Jim Waters at the Beaufort Lab and we talked about it and the difficulty that it would be to

analyze this alternative. **I would like to go ahead and make a motion that we put Alternative 7 to the appendix, Considered but Rejected.** I think it's too complicated right now, considering the number of other alternatives that we have.

Mr. Currin: Motion by Brian to move Alternative 7 to the Considered but Rejected and seconded by Susan and Tony and me and everybody else. Thank you, Brian. Is there other discussion of this alternative?

Ms. Smit-Brunello: Not this alternative, but, Kate, I'll make sure I get you the information too that might pertain to these pots, traps, whatever, from the either MMPA or ESA regulations that are put into place.

Mr. Currin: I think you're right, Brian. I think they are captured. The gist, certainly, of Alternative 7 is captured in and among a number of the other alternatives. Any further discussion on this motion? **Any objection to this motion? I see none and the motion is approved.**

Ms. Merritt: I'm just rethinking through this returning of the pots alternative and to perhaps add in a sub-alternative regarding that the public input for bringing them back after seventy-two hours. Here again, I'm only looking at it from the standpoint of giving the fishermen time and not leaving them out for an extended period of time, because of the potential ghost fishing, but to allow the fishermen time to get back in in a safe manner.

Depending upon the size of their boat and the weather conditions or whatever, they can't always bring them back after every trip. They don't always have a place to store them when they bring them back in or they may not have the sufficient space on the vessel. I was just looking for some other alternative that might give us an additional allowance for them.

Mr. Currin: If you've got an idea, you can make a motion or if David or somebody else does. We did receive some input regarding seventy-two hours as a way to approach it. I've talked to a number of fishermen that say forty-eight hours -- If they make an overnight trip or leave them, it's usually no more than forty-eight hours that they're out. We could add a couple of alternatives along those lines or one alternative, whatever suits everybody.

Mr. Cupka: I was just going to tell Rita that I think that's the way it currently reads in the Atlantic Large Whale Plan. I think it is seventy-two hours and we did it specifically for that reason, realizing that there may be times when they couldn't get out there to recover those traps and not wanting them to go into a situation that wasn't safe. I think when we look at those regulations, I think there is some wording in there about the seventy-two-hour allowance on that. It would be consistent with that, I believe.

Mr. Currin: Rita, would you like to offer a motion to add that as an alternative?

Ms. Merritt: Yes, thank you, Mr. Chairman. **I would like to make a motion that we add a sub-alternative under the Black Sea Bass Pot Alternative 8 to allow fishermen to leave the pots in the water for no more than seventy-two hours.**

Mr. Currin: Motion by Rita and second by David Cupka. Discussion?

Dr. Crabtree: How would we enforce something like this? Otha, do you -- How could you possibly enforce this without -- Would you have to have some sort of call-in that I'm going to put trap-number-such-and-such in the water or how would we do that?

Mr. Easley: I'm not on the committee, but maybe if the trap had a telephone associated with it, to give me a call, but other than that, there's no sure way. There's not a good way to tell. Even the definition of out of the water, as John was saying. They pull the trap out and empty the fish and drop it back in and so that's another seventy-two hours? It's tough to enforce, just short of unenforceable.

Mr. Currin: There's a precedent, apparently, according to David, in the right whale or the Large Whale Take Reduction regulations, or at least under consideration.

Mr. Geiger: As I recall, when we were taking testimony on this and having discussions about it, one of the reasons that we were going to try to go to twenty-five pots, or were encouraged to go to twenty-five pots, was that it was a manageable number of pots for the vessels to operate on a daily basis and bring back to port.

During that discussion, the point was also made that it was the most effective way for enforcement, because the pots would be with the vessel and could be inspected when they were in port for the type of lines that needed to be on them, plus the marking. Certainly if somebody was offshore, at least I know in Florida offshore, and weather came up and somebody decided to leave their pots in the water because it was unsafe to retrieve them, I can't see anybody being cited for that. That's a safety at sea issue and the judgment of the officers on the scene would prevail.

Mr. Currin: There are alternatives in here currently that would do exactly what you said, if they were both selected, I think.

Ms. Merritt: It was actually to Otha's point about the telephone call. The earlier comment about a texting method, would that work, Otha, text your deployment and text message your retrieval?

Mr. Easley: That's an option that we can visit. Of course, that's up to the captain and up to the crew and their honesty to get the right information to us in a timely manner.

Mr. Currin: A motion is on the board. Let's deal with this motion. Any further discussion of the motion? **Is there objection to the motion? I see two opposed. The motion is approved to add this alternative for consideration.**

Dr. Chevront: This just has to do with the fact that the comments that have been raised. One thing about concerns about ghost pots is they already have biodegradable panels on those things and so while we could end up with yet more garbage on the bottom of the ocean if a pot gets lost, there is a biodegradable panel and so we're not going to be wasting fish on there.

The other thing is there are two experimental programs going on right now in North Carolina that are looking at hailing in and hailing out, as well as sending text messages to report catches and landings and to look at that as a method for -- Both of those as methods for fishermen to report their activity and I just wanted to make sure you're all aware of that, that there might be some data that will help us in the future to look at the validity of that kind of reporting.

Mr. Currin: That may offer some potential for law enforcement at some point, especially as self service increases. I know we're going to have this conversation again about all this stuff. I'm just trying to get these alternatives fleshed out so that we can move on. Is everybody good with the alternatives that we have now for sea bass pot limitations? Okay.

Ms. Quigley: The next action is on page 46 of the PDF document, Separate Snowy Grouper Commercial Quota into Regions or States. Alternative 1 is the no action alternative, do not separate snowy grouper commercial quota into regions or states. Alternative 2 is to separate snowy grouper commercial quota into regions. Alternative 3 is to separate snowy grouper commercial quota by state.

Then we had a rejected alternative from 13C and it was Alternative 6, to institute two separate commercial quotas for snowy grouper, one for fish landed in North Carolina and one for fish landed in the remaining three South Atlantic states. At the time, that alternative was rejected because the council deemed it unreasonable, due to administrative and legal concerns. Their administrative concerns were the institution of a quota set at low landing levels. The approximate North Carolina allocation of an 84,000 gutted pound commercial quota would be 19,320 gutted pounds, as it takes at least two weeks to close a fishery.

The council was concerned this alternative would violate National Standard 4 of the MSA by allocating 23 percent of the snowy grouper catch to only a few fish houses. National Standard 4 dictates that management measures must not discriminate between residents of different states.

Mr. Currin: This is one that may or may not end up in this amendment, but I think it's important to North Carolina, at least, for consideration and perhaps to other states as well. We've got three alternatives separated into regions. They're undefined regions, but they're regions, states, and then Kate and the staff pulled up that rejected alternative from 13C.

I guess the question is whether you want to reconsider that again. I remember some of the discussions and Mike McLemore was here, in fact, when we had that discussion in 13C about the strictly a North Carolina quota. It's primarily where that fishery occurs. I don't think it's totally just two fish houses, because there are fish houses down south that did handle or do handle snowy grouper as well, but he reacted pretty forcefully when he understood that there were only perhaps a couple of fish houses, primary fish houses, that were dealing in snowy on the northern Outer Banks. That's why that was considered but rejected. Is there any desire by anyone to resurrect that and argue that again, to see if it moves on? Are we okay with the three alternatives for snowy there now?

Mr. Wallace: George and I have been talking about this and trying to get an answer, but in 17, didn't we put the ACL at zero, the ACL equal to zero? If that's the case, why are we doing this?

Mr. Currin: No.

Mr. Wallace: That's what we're trying to get settled here.

Mr. Currin: So far it's not and keep in mind that 17 is still just a work in progress. We've got things going on parallel tracks and it may be that the first thing through the gate makes other things disappear or I don't know how it's going to work. I hate having the staff work on two different things, but this is relatively clear cut here and at some point, we may be able to cut it off before we're through the gate.

Mr. Wallace: That's why I wanted clarification.

Mr. Currin: Staff, is that the best approach, Kate and Gregg, to try to deal or keep alive this issue of the snowy grouper or any other state-by-state quotas or quotas for other species?

Mr. Waugh: As you pointed out, right now in 17, you've got a preferred alternative to close the deepwater fishery deeper than forty fathoms, but there is some bycatch shallower in the mid-shelf fishery and certainly down the road, once snowy are rebuilt, we'll have to deal with this issue. If your intent is to keep this in for now in case that doesn't remain your alternative to close the fishery or you want to have that allocation in place for when snowy grouper rebuilds and we can have a directed fishery again, then we can keep it in.

Mr. Currin: Brian, would that be your pleasure?

Dr. Chevront: I don't want to remove this right now, but clearly whatever happens in 17 is going to affect this and it could become a moot point. We all know what my preferred alternative would be, but I'm just saying I don't want to see it go away at this point. It may be very useful later on, I hope.

Mr. Currin: Is everybody okay with that then? We're not going to put in the one resurrected from 13C and so that will be three alternatives under snowy grouper commercial quota. Okay, let's move.

Ms. Quigley: The next action is separate gag recreational allocation into regions or states. This is on page 47 of the PDF document. Alternative 1 is no action, do not separate gag recreational allocation into regions or states. Alternative 2 is to separate gag recreational allocation into regions. Alternative 3 is separate gag recreational allocation into states.

Mr. Currin: Is everybody okay with this? The three alternatives seems to kind of cover it. All right, let's move on.

Ms. Quigley: The next action is Adjust Golden Tilefish Fishing Year. Alternative 1 is to retain the existing January 1 start date for the golden tilefish fishing year. Alternative 2 is to change the start of the golden tilefish fishing year from January 1 to September 1. Alternative 3 is to change the start to August 1. Alternative 4 is to change the start date to May 1 and then Alternative 5 is to remove the 300-pound trip limit when 75 percent of the quota is taken.

Mr. Currin: I guess the last one gives me a little pause and I do remember a comment by somebody that said that if the start date was moved or there was some caveat that the 300-pound trip limit would no longer be necessary. Is staff confident that in fact if that occurs that the 300-pound trip limit will not be taken or will not be needed?

Dr. Chevront: I believe September 1 was the comment that said they wouldn't need the 300-pound trip limit.

Mr. Currin: We got a lot of comments. We got some that said we don't need to change the start date, but if we change the start date and if you do this, then you don't need to do that. I want to make sure we capture not only those comments, but that we satisfy ourselves -- From my perspective, the bandit fishermen are still going to be able to fish, because they haven't been the last few years. We didn't think the longliners would fish on 300 pounds, but apparently they have or somebody has and caught the quota up very, very quickly. That concerns me and I would like to be able to --

Dr. Chevront: I didn't want you to think I'm necessarily supporting that, but I was just making a clarification, I think, from what you had asked.

Mr. Currin: I understand. I just want to be assured that if we do step the quota down that the longline fishermen are not participating by fishing on 300 pounds with longlines.

Dr. Crabtree: If that's your concern -- Right now, that's not prohibited. You could prohibit the use of longline gear in the fishery when 75 percent of the quota is caught, I guess, and that would help that.

Mr. Currin: That would be very acceptable to me if someone would make that motion.

Mr. Harris: **I'll make it as a motion. I would move that we add Alternative 6 that would close the longline fishery when 75 percent of the quota is taken, golden tilefish longline fishery.**

Mr. Currin: Motion by Duane to add an alternative that would close the longline fishery for golden tiles after 75 percent of the quota was taken. Is there a second? Second by Susan. Discussion of the alternative or the motion?

Mr. Waugh: Just to clarify, it's when it's taken or projected to be taken, is that right?

Mr. Harris: I would say when it's projected to be taken, unless Roy has a better idea.

Dr. Crabtree: **I would just write it when the 300-pound trip limit goes into effect longline gear is prohibited.**

Mr. Harris: **I'll accept that friendly amendment to my motion.**

Dr. Crabtree: That's the cleanest way, I think, to write it. That way, when we put out the notice

that the trip limit is going in place, we would say in the notice and effective that day use of longline gear in the fishery is prohibited.

Mr. Currin: Further discussion of the motion? **The motion is to add an Alternative 6 that would close the longline fishery when the 300-pound trip limit goes into effect. Is there any objection to that motion? I see none and that motion is approved.** Is everybody okay with those six alternatives?

Ms. Quigley: **I think it would simplify it for staff if perhaps Alternative 5 could be changed to a sub-alternative to go under Alternative 2, Alternative 3, and perhaps Alternative 4.** That would make more sense for the analysis.

Mr. Currin: I don't think that's a problem at all. Do you need a motion to enable you guys to do that?

Mr. Robson: **So moved.**

Mr. Currin: Motion by Mark.

Mr. Harris: Second.

Mr. Currin: **Second by Duane to move Alternative 5 under each of Alternatives 2, 3, and 4 as a sub-alternative. Any discussion? Any objection to that motion? I see none.**

A question for the staff. We're talking about changing the opening date to September 1 and then to August 1. How much is the analysis going to differ based on those two start dates? They seem awful close to me and I'm just trying to get at whether we can pick one that might be the most acceptable.

Ms. Quigley: Alternative 4 was preferred by South Carolina fishermen, longliners. September 1 was most preferred by the Florida hook and line guys and so August 1 was seen as a compromise. I think there should be something that's a compromise between May 1 and September 1. Now, that could be June 1, July 1, or August 1, but the LAP workgroup did say that they preferred August 1 as a group. They agreed to that.

Mr. Currin: All right. We'll get comments about that as we go along. I was just looking for ways to save space and trees, if we could. Is everybody okay with these alternatives? Okay.

Ms. Quigley: The next action is on page 50 of the PDF document, Improvements to Data Reporting. Alternative 1 is no action, retain existing data reporting systems for the commercial sector. There is a table in this document that shows the current data reporting programs. We'll find that in just a moment.

Then Alternative 2 is to require federally permitted snapper grouper dealers, if selected, to report electronically, computer or fax, through the SAFIS system. NMFS is authorized to require weekly or daily reporting as required. Alternative 3 is to require all permitted snapper grouper

dealers to report electronically, computer or fax, through the SAFIS system. NMFS is authorized to require weekly or daily reporting, as required.

Alternative 4 is to require all vessels with a federal snapper grouper commercial permit to have an electronic logbook tied to the vessel's GPS onboard the vessel. Alternative 5 is to require vessels with a federal snapper grouper commercial permit, if selected, to have a NMFS-approved observer onboard while fishing for snapper grouper in the South Atlantic EEZ. I just want to make the committee aware that there is an electronic logbook pilot program that may be funded for next year involving seven to eight vessels.

Dr. Crabtree: The only thing that comes to my mind with this is if our goal is to move to electronic reporting, do we really consider faxing in a piece of paper -- I question that that's electronic reporting. It avoids using the U.S. mail, I guess, but it's still a piece of paper, in the end. I don't know if that really -- Maybe if it was something that the Center could put into a reader and it would read it and automatically populate a database, maybe that works, but I don't know that they have the capabilities to do that or not. It seems to me if we're going to go down this path that we ought to go all the way and say you've got to enter it in a database on a computer and send it in so that it goes into something.

Mr. Currin: I appreciate your point. Unfortunately, I'm also aware of the fact that there are dealers, in North Carolina at least, that still don't have computers and all of that and I don't know whether they're snapper grouper dealers or not. I agree that if we could get away from it and not disenfranchise someone, I think it would be great.

Mr. Waugh: This alternative tracks what's currently in place for the states of North Carolina north. If we want to look at something else, we can add another alternative, but the intent here is to track what's currently in place through the SAFIS system for the states of North Carolina north. Mike Cahall of the ACCSP program has offered to provide the software to the states south of there at no cost to the states, to help them with that reporting.

If we could also at some point consider adding another alternative here to address our data reporting by area. We spent a lot of time talking about the grid system. Every time we go to use the grid system, we come to the conclusion that the grids are too large. Yet, we've never gone back and required reporting to a finer scale and I think we need to do that, because in each instance that we've tried to make use of the logbook reporting to the grid system, it's never to the detail that we need.

Mr. Currin: It's a very good point. I don't know if we can pull it off and there's probably all kinds of problems, but it's certainly worth looking at. If we can do that, it would help in the future. Monica, did you have something?

Ms. Smit-Brunello: I thought Amendment 15B also had a requirement that you would carry a NMFS-approved observer onboard if you were selected. I could be wrong, but we should double check that and see if that carries over, as well as electronic logbooks. I thought that was one of the requirements in 15B, but not through the SAFIS system. I guess I'll get with staff and we'll just double check what's already in 15B, because they may be the same.

Mr. Currin: Gregg has suggested that we add an alternative to report data by smaller grids than currently exist in the logbook program. Is that a doable thing on you guy's part, Bonnie or Roy or whoever? It certainly has appeal.

Mr. Waugh: The headboat program is providing data to a smaller, more refined area. Apparently there's a data system already in place that can collect the data to a more refined scale. What it would do -- I think that's voluntary now. This would make that mandatory and then refine the commercial logbook reporting from those large grids that just have not proved useful down to the same fine grid scale that's currently being collected, at least in part, from the headboat program.

Mr. Currin: I think if you remember, John Carmichael said there were thirty-six of those headboat smaller blocks within each one of those commercial logbook blocks. It's still not like you're going to find out where somebody's favorite rock is, but you're going to get closer than you would in one of those big blocks. Does that seem doable, from NMFS's perspective? You don't have to answer now. Just we'll get a motion to add that and you'll have time to think about it, add that as an alternative, if it's the pleasure of the committee.

Dr. Chevront: **I'll jump in and make the motion. I make a motion that we consider recommending a finer measurement in the logbook squares to match what is currently used in the headboat logbook.**

Mr. Currin: Is there a second to the motion? Second by Mark. Is there discussion? Any further discussion? **Any objection to that motion? I see none and the motion is approved.** Is everybody okay with the rest of the alternatives under data reporting? All right, let's move on.

Ms. Quigley: I just want to let people know that the current data reporting requirements table that I referred to is on page 27 of the PDF document. Moving on, the next action concerns For-Hire Data Requirements. Alternative 1 is to retain existing data reporting systems for the for-hire sector.

Alternative 2 is to require all vessels with a federal for-hire permit to report electronically, computer or fax, to the SAFIS system. Alternative 3 is to require selected vessels with a federal for-hire permit to report electronically through the SAFIS system and Alternative 4 is to require vessels operating with a federal for-hire permit to maintain a logbook for discard characteristics, for example, size and reason for discarding, if selected.

Mr. Currin: Everybody okay with these alternatives for now?

Dr. Crabtree: What are we requiring them to report? Is that in here somewhere? Do we have specifics about that?

Ms. Quigley: I can't remember exactly. I need to go ahead and check in the rest of the document.

Mr. Waugh: We'll make sure that's in there, but it would be catch by species, location. We'll

make sure that information is detailed in the document if it isn't in there now.

Dr. Crabtree: The only comment I would offer up to you is that -- Everyone understands the MRIP program is proceeding and recently, the for-hire working group has reported out and addressed a lot of these things. There are some pilot studies looking at using electronic logbooks in the for-hire industry and later this month, the Gulf States Marine Fisheries Commission is hosting a half-day workshop in New Orleans to discuss data collection methods in the for-hire fishery.

There are a lot of things going on at this time and the real issue with logbooks in the for-hire fishery is being able to verify or validate that the reporting is accurate. I don't know that it does us any good to have charterboats fax us a piece of paper at the end of the trips and I'm not sure what we would do with it if we had it. If you had come up with some way to verify and enforce that the reporting is accurate, then it could be valuable, but I think the key thing right now is we need to stay engaged with the MRIP program and what's going on there, because I think we need to all stay on the same page with them.

If we go further down this path, it might be worth having someone come in and report to us on what is happening with MRIP and what they've determined in studies going on and all those kinds of things.

Ms. Quigley: We have some of that information and I'll make sure that we've got that information in the document at least, that we've got an update from what's included in MRIP.

Mr. Currin: In fact, Roy, I don't know how much of it MRIP will try to capture or attempt to capture. I guess all of it, ultimately, but the MRIP survey may actually serve as a check for some of these electronic logbooks, which may give you more fine-scaled or detailed information than you currently would gather at MRIP and so I don't know. For now, it would make sense, to me, to leave it in and track that closely.

Dr. Ponwith: To that end, that workshop is going to happen within this month and that's to take a look at the progress that the MRIP For-Hire Working Group has made. One of the things that they as a working group have put forward to the MRIP Operations Team is a proposal for developing protocols on how you would go about establishing validation programs of self-reported data in the for-hire industry, which is going to be just absolutely crucial to the success of that type of a data collection process.

Mr. Currin: At least I'm comfortable with kind of, at this point, moving along on parallel tracks. If they end up solving our problem for us, then we can bag it. Is everybody okay? Let's move on.

Ms. Quigley: The next action is on page 52 of the PDF document regarding Private Recreational Data Reporting. Alternative 1 is to retain existing data reporting systems for the private recreational sector. Alternative 2 is to require vessels with a state recreational fishing license to have an electronic logbook tied to the vessel's GPS onboard the vessel if selected. Alternative 3 is to require vessels with a state recreational fishing license to carry a NMFS-approved observer

when on a trip in the South Atlantic. Alternative 4 is to implement a voluntary logbook for discard characteristics, for example size and reason for discarding, for vessels with a state recreational fishing license.

Mr. Currin: This is another one where it may move along parallel with MRIP at this point. Several of these don't make a whole lot of sense to me. It doesn't seem very feasible, I guess.

Dr. Crabtree: I honestly don't think any of this is feasible or makes any sense, because I don't think we have really any authority to tie a requirement to the state fishing license, necessarily. I just don't see any of these as workable. Everything I've seen indicates to me that MRIP will remain a survey-based program to estimate private boat catches. I just can't imagine us requiring private boats to carry electronic logbooks or things like that. It just doesn't seem practical to me to carry forward with most of these things.

Mr. Currin: The thing that probably to me would give me the most hope would be Alternative 4, would be a voluntary logbook, but that in itself has some problems, verification problems, that Bonnie has brought up before. It makes me feel good to think that anglers might be willing to participate and participate honestly and they should be able to provide some useful information for management and I think many of them are willing to do so, as we've heard from people in the public. They're crying to help out, if they can, but we don't have a mechanism for them to do it.

Dr. Ponwith: I agree with you. I am really encouraged by the enthusiastic endorsement that I'm hearing of the recreational participants in making sure that we're making decisions based on good, solid science and offering whatever they can do to push that forward. If people are willing to volunteer to carry logbooks, as long as we can meet PRA requirements to make sure that we have designed that process in a way that the results have utility and we can meet PRA, I think that there's value.

To actually make a shift from the current sample-based methodology to a census-based methodology for an industry that's as vast as the private boat sector would require a mandatory, electronic-validated system, which would be a huge undertaking.

Mr. Currin: Just from the sheer numbers, an electronic logbook for recreational anglers would not seem to be a cost-effective nor doable sort of thing. If everyone else agrees, we could offer a motion to remove that one, at least, and perhaps some others. What's your pleasure here, folks?

Mr. Boyles: **I would like to make a motion that we move Alternative 2 and 3 to the appendix as considered but rejected.**

Mr. Currin: Motion by Robert to move Alternatives 2 and 3 to the Considered but Rejected. Second by John Wallace. Is there further discussion? **Is there objection to that motion? I see none and that motion is approved.** All right, Kate.

Ms. Quigley: The next action is to Update the Wreckfish ITQ Program. Alternative 1 is do not review and make updates as needed to the current Wreckfish ITQ program. Alternative 2 is eliminate the current Wreckfish ITQ program and replace with alternate effort-limiting criteria

for participation.

Alternative 3 is to eliminate the current Wreckfish ITQ program and do not replace it with any effort or participation-limiting criteria. Alternative 4 is to keep the Wreckfish ITQ program and implement a cost-recovery program and establish a cap to limit the number of shares or coupons an individual shareholder may obtain.

Mr. Currin: From the scoping comments and all that, have we got alternatives covered that address most of the concerns that people in that industry have had?

Ms. Shipman: This is another one where I think we've got to see how this overlays or overlaps with what was coming out of the LAPP Committee the other day. We clearly said a wreckfish LAP would be our priority to take a look at. We need to figure out how these two intertwine.

Mr. Currin: Clearly it's in the same boat as golden tile and the black sea bass pot effort limitation or LAP consideration and all that, in some ways. It's related somehow. We're not sure how yet, but so far, this is the only place that it exists for consideration, in an amendment form, and until we figure out a better way to transfer it or move it, does it make sense to keep it here?

Ms. Quigley: I've got a possible suggestion that might make analysis a little bit easier. Perhaps Alternative 4 could be reworded to say to keep the Wreckfish ITQ program and bring it into compliance with the new requirements under the Magnuson-Stevens Act and that would encompass things that we have not yet thought about and it would include a review, a formal review, of the program.

Mr. Currin: That's an excellent suggestion.

Ms. Smit-Brunello: I was going to suggest something along those lines. I think that's a great idea.

Ms. Merritt: **I would like to so move.**

Mr. Waugh: That would include the concern -- One concern we did hear during the scoping comments had to do with modifying the ACL and the impact that would have on existing fishermen that are active versus inactive permits. That would include the ability of staff to work up alternatives looking at ways to allow the current fishermen that have been active to continue in that fishery without having to purchase additional shares.

Mr. Currin: I would assume that to be the case, yes. It's implied. Rita, do you want to read that motion into the record and then we'll try to get a second?

Ms. Merritt: **I move that we modify the Wreckfish ITQ program to keep the Wreckfish ITQ program and to update it to meet the new requirements of the Magnuson-Stevens Act.**

Mr. Harris: Second.

Mr. Currin: Second by Duane. Is there further discussion or any discussion on this motion? **Is there any objection to the motion? I see none and that motion is approved.** Does that handle everything there okay, Kate?

Ms. Quigley: There were a couple other comments made in scoping that you may or may not want to address. One of them was for recreational allocation. We had a couple of people come in and they wanted -- One person came in and asked that some portion of the wreckfish TAC is provided for recreational take. Then we had a suggestion for federal buyout of shareholders needed. I don't think the council can do much about that, but just to say that those were the other scoping comments.

Mr. Currin: I know the recreational anglers are encountering a few wreckfish in the deepwater fishery. As long as that remains open, the deepwater fishery, not the deepwater species that occur up on the shelf, it makes sense to me to carve out or at least allow them to fish within the whole ACL, but I don't know how important that is at this point, in view of where we seem to be headed in 17. At some point, when that fishery opens up -- I would hate to think that we would have to go back in to amend a whole plan or get into the whole wreckfish management just to allow that. I don't know. Would this be the best place to try to do something like that, whether it's moot or not at this point, or put it off? What are your thoughts?

Mr. Geiger: Couldn't that be addressed under the previous motion, when we reevaluate the Wreckfish ITQ program, in terms of a recreational allocation?

Mr. Currin: I guess so. We're going to get back into the whole program, I guess. It would give us the latitude to do that under that alternative. Would it not, Gregg?

Mr. Waugh: You all are providing that guidance, yes. One question we add too was under Alternative 4. This motion, Number 29, that we just approved replaces Alternative 4. What you're asking us to do is do a complete reevaluation of the Wreckfish ITQ program, including allowing some retention by the recreational fishery, if indeed that deepwater fishery is left open. I think that's clear enough for us at this stage.

Mr. Currin: That would make me happy. Is everybody okay with that? We can do that under the new Alternative 4 or whatever alternative that's going to be. I think that was the suggestion and is that clear, that Alternative 4 be replaced by this new one? Okay.

Ms. Merritt: I wanted to back up to the motion that I made earlier and I think it was Number 4 or 5, keeping the program and meeting MSA. **I would like to suggest that we make that the preferred.**

Mr. Currin: **Motion by Rita to select that as our preferred alternative.** Second by Susan. This is the one to bring the Wreckfish ITQ up to date and meet the requirements under Magnuson, the new wreckfish alternative. Is there any further discussion? **Is there any objection to that motion? I seen none and it's approved.** Are we done with wreckfish?

Ms. Quigley: I think this is the last action, Designate EFH and EFH C-HAPCs for Snapper

Grouper and Extended Jurisdictional Areas Under Action 1. Alternative 1 is no action, do not designate snapper grouper EFH in new jurisdictional areas encompassed in Action 1. Alternative 2 is designate EFH and EFH HAPCs for snapper grouper in the northern areas encompassed in Action 1.

Mr. Currin: We've already had some discussion of this and linked it to our discussion of the fishery management unit and Rick has made some comments on that as well and this will be an item for discussion at the Mid-Atlantic Council meeting.

Mr. Robbins: Just to follow up on that, certainly we already have EFH designations in our FMPs that would relate to three of the primary species in play, black sea bass, scup, and golden tilefish. As I did point out, we already have a GRA that covers most of the Norfolk Canyon in depths from 125 fathoms seaward. If there were proposals to extend that north of the Norfolk Canyon, my expectation is that that would be an issue of significant concern to the Mid-Atlantic, but we will look forward to that discussion and presentation at the April meeting and we'll report back after that. I just look forward to the opportunity to discuss it with you further.

Mr. Currin: Thank you very much and you've mentioned those gear-restricted areas a couple of times and can you tell me what the regulations in there entail? What gear is restricted and how so?

Mr. Robbins: Mr. Chairman, I believe the restrictions are relevant to bottom tending gear. It would prohibit bottom trawling, but they're not final yet. In other words, that's been our recommendation in Amendment 1. We would expect those to be in place later this year and I can get a copy of the actual GRA proposed regulations and get that out to you before the next meeting.

Mr. Waugh: Just to clarify, the wording of that action says "EFH C-HAPC", but it shouldn't be coral. It should just be "HAPC", to track the wording of the actual alternatives. In addition, we may want to consider adding another alternative that would be simply to track the EFH and EFH HAPC designations of the Mid-Atlantic Council as another alternative, because that may turn out that that would cover the EFH that we need.

Mr. Harris: **I would so move that we do whatever Gregg puts on the board there will be my motion.**

Mr. Currin: The motion is to add a new EFH alternative to track the Mid-Atlantic Fishery Management Council's EFH and EFH HAPC designations. It's seconded by David Cupka. Is there discussion? **Is there any objection to that motion? I see none and that motion is approved.** Anything else in 18? Didn't you say that's the end of it for now? Thank you, all.

Mr. Waugh: We had one question and I think Roy raised this earlier, the question of -- It's going to come up with the motion from the LAPP Committee as well. Do we want to establish a comprehensive LAP amendment? I don't know that you want to discuss it now, but the question did come up earlier.

These are the actions that are currently in Amendment 18 and if we pull out the three LAP programs out of this Amendment 18 -- There were questions about staff workload and we're prepared to discuss that at this stage or later, if you prefer. Just some question, if we do pull a significant portion of the actions out of Amendment 18, is what's left in Amendment 18 sufficient to keep it as a separate amendment or should we fold those actions into 17?

Mr. Currin: It's an important question, Gregg, and we're going to have to answer it. I'm not sure that we can answer it at this point without some -- I certainly can't at this point, but if it's necessary, we'll try to do that at this meeting, but it's going to require some discussions away from the table, I think, or more time than Snapper Grouper has already run over.

Mr. Harris: We don't have discussions away from the table. That's not what you meant.

Mr. Currin: That's not what I meant, thank you. One last item, I believe. Well, two additional items, the Comprehensive ACL.

Mr. Waugh: Mr. Chairman, while Rick is getting ready, I can orient you to the items that are in the Comprehensive ACL Amendment right now. This is Snapper Grouper Attachment 16. It's a draft list of the ACL Comprehensive Amendment items. What we are currently addressing there are the species that are in our FMPs.

We have recommendations to do mackerel and spiny lobster as joint amendments with the Gulf Council, but the items we're addressing for our remaining species that are not currently in an overfishing status are: annual catch limits; accountability measures; annual catch targets, if you choose to; allocations between the commercial, for hire, and recreational sectors; and then regulations to limit total mortality landings and discards to the annual catch target or annual catch limit, if we don't specify a target.

Mr. DeVactor: There is an attachment in this document called "Summary of Comments on the Comprehensive Annual Catch Limit Amendment from Scoping" and I was just going to just read through that. It should just take a second. This is Attachment 18. I separated the comments that we received from scoping. Again, we took this amendment out to scoping and I separated the comments into general comments, comments on the annual catch limits, comments on the allocations, comments on the ecosystem component species, accountability measures, and management measures.

The first couple of comments were just general in nature. This person supported the ACL Comprehensive Amendment and supports work with the council's SSC to determine ACLs. The second comment liked the Amendment 17 draft that was before you in December. They liked that version of it and they thought it was a well thought out system implementing the ACL requirement.

Then going to annual catch limits, one person thought that the ACLs and ACTs should be done by state. A second comment, they also believed that the ACLs should be divided by the states according to the historical harvest and they should also be managed by the states. There's two people in support of that.

The third comment on annual catch limits said that the amendment should include control rules for ABCs, ACLs, and ACTs and the control rules should account for management and scientific uncertainty. The amendment should also describe the process of how ACLs would be updated and certainly that pertains to the discussion you had on framework procedures earlier today.

Then the next category of comments were on the allocations. Allocations should be done on a long-term, historical basis. People were in support and not in support of coupling the for-hire sector with the private recreational. That second comment was it should be included with the recreational and then there was a comment where a for-hire operator was in favor in separating the for-hire and private recreational sector.

The fourth comment said it also should be separate, as there's no way to keep track of the recreational sector, referring to the private recreational sector, and that there's better accountability currently of the headboat sector. The last comment on allocations stated that charter captains should be given their own allocations.

Moving on, there was a lengthy comment on ecosystem component species and this person was in support of having ecosystem component species in the amendment. However, this person thought that there was a risk if you did attach ecosystem component to a bunch of species that they would be ignored in the future. This person thought that species should not be removed from the FMU.

Accountability measures, just a couple of comments on that. Recreational fishermen have overproduced by 300 percent each year. If you put in a quota on the recreational fishermen, there's no way to track it and shut them down. Also, another said you should include accountability measures when fisheries are expected to meet the targets and it should be accountability for failed rebuilding timelines.

The last series of comments deal with the management alternatives. Again, this document will have management regulations to ensure that you do not exceed the ACL. The first comment was to change the trip limit of greater amberjack from 1,000 to 2,000 pounds a trip. Another comment objects to the restrictions to the recreational sector while there is a commercial fishery. This was in the form letter that you all received and so was the next comment. It objects to any commercial landings while there is a reduction of the recreational landings.

The next comment objects to limits and targets put into place until a data collection system is put into place, a reliable data collection system. Stick with daily trip limits and closed seasons and areas in order to discourage hi-grading and discards. The last three comments were the best thing that could be done are area closures. One person commented that we should develop a lottery system for goliath grouper that would allow catch and finally, there was a comment to prohibit all commercial spearfishing. That's my report, the summary report. The comments are included in the briefing material.

Mr. Currin: Any questions for Rick on the scoping comments on the Comprehensive ACL? All right. What else do we need to do on the ACL, guys?

Mr. Waugh: I touched on the items that are included and what we would just like to make sure is that those are the items that you all want us to continue to analyze, in particular the issue of allocating to three sectors.

Mr. Currin: Everybody comfortable with that, with those approaches, those items to be included in this amendment?

Mr. Swatzel: I had earlier emailed out a document that the Allocation Committee had developed quite a while back, I guess with the intention of discussing it in Amendment 17, but it's probably more appropriate here, going back to the issue of yes, allocating to three sectors. Any idea of -- Are we going to eventually use what the Allocation Committee came up with, in terms of approach to allocations? This would certainly seem to be the amendment to apply those formulas to, if we're ever going to do so. I'm just raising that issue, do we want to revisit allocation using a more progressive formula than just a basic long-term history? If so, now is probably the time, in the ACL Amendment.

Mr. Currin: Reaction to Tom's suggestion or comments?

Mr. Geiger: It's more of a reaction, I think and it's a reaction because I don't remember exactly what we did, but I know we discussed the 50/50 -- Robert Boyle's formula that we came up with in the Allocation Committee. I thought we adopted that as our standard that we were going to use as we moved forward. I guess it was up to each committee to use it. I'm not exactly sure what it is we said. It's been two meetings ago, at least, that we talked about that, I think.

I think it was that we were supposed to use that, but it was accepted as the de facto proforma formula for determining allocation and we were going to use it and continuing working on what that -- There was some unidentified factor that went in there and that was future requirements, I think. Robert, correct me or help me.

Mr. Boyles: That's right. I recall the discussion and Susan and I had the sidebar and I believe it was September that we discussed this. Just to remind everyone where we were, we looked at allocating among the sectors on the basis of kind of a long-term time horizon. I don't remember the date. Staff, I guess, could get that, in order to serve as kind of the proxy for the long time historical trends in the fishery, but also to acknowledge more recent changes in the fishery.

That would be given an equal weight, simply because none of us are soothsayers and have a crystal ball, but that that could, in fact, serve as a proxy for the desired future condition of the fishery, but to give both the long-term and recent short term kind of equal weight in making these allocation decisions. It looks a lot better when you project a nice mathematical equation than it is for me to try to explain it.

Mr. Geiger: I understand and I appreciate, Tom, the desire to move to three sectors. However, if you look at some of the stocks, when you look in poundages and you start dividing by three sectors, you might want to be very careful what you ask for. If you get it, you might not have much to fish for. Maybe we should do it species by species. I just don't know how to attack that, but it's a slippery slope. Be careful what you ask for.

Ms. Shipman: I think that was the reason we were recommending it forward to the individual committees to look at and potentially use, because we knew it might not be a good fit for certain species.

Mr. Waugh: What we're really looking for here is just guidance that yes, you all still want us to work up all the data so that you can look at it for three sectors. It's not to lock you into that, but if your intent is just to go back to recreational and commercial, we don't want to expend all the time and effort to develop three separate sector databases for you to look at. It will also be collapsible into just recreational and commercial.

Mr. Currin: That suits me just fine. I think that's the intent and the desire, from the majority of the committee, to at least consider a three sector approach. Tom, were you suggesting that within the Comprehensive ACL that we also address the allocations or take a more comprehensive look at allocations within that Comprehensive ACL Amendment?

Mr. Swatzel: Yes, I was talking about a more comprehensive look and not just those that were not undergoing overfishing, but those that are. In terms of if we were serious, again, about applying the allocation formula, that might be the time to do that, even if you didn't break it out into three sectors.

Mr. Currin: To be honest, I guess my first reaction is that at least for the species that are -- If you're interested in looking at species that are undergoing overfishing, Amendment 17 probably would be the best place to do that. Does that make sense?

Dr. Crabtree: As I recall, at the last meeting or the meeting before that, we took the allocations out of Amendment 17, didn't we? I would also remind you that you have allocations under review by the Secretary right now for vermilion snapper that haven't even been approved or not yet, but didn't we have allocations in 17 and we took them out of 17? I hope we're not going to revisit that discussion.

Mr. Currin: I know we took a lot of them and probably all of them, but I don't remember the wholesale get rid of allocations discussion. Maybe that's what we did, but I know that most of them, we ended up not considering the allocations, probably all of them.

Dr. Crabtree: It's up to you what you want to do with allocations, but you know it's going to turn into a contentious issue and I would suggest not putting those in Amendment 17, just because of the timeline we're under. Put them somewhere else.

Mr. Currin: All right. Other thoughts about Tom's suggestion? We're going to have to give direction to staff if we want to include that as an issue in the Comprehensive ACL Amendment. What's the committee's desire? Would you like to make a motion to include those or look at those, Tom?

Mr. Swatzel: If I could, yes. **I would like to move to have the staff look at allocations of not only the fish that are not undergoing overfishing, but those that also are and consider that in the ACL Amendment.**

Mr. Currin: Motion by Tom to ask staff or direct staff to look at allocations for all species in the Comprehensive ACL Amendment. Is there a second? Second by Tony. Discussion?

Mr. Harris: I just ask staff, what's involved in doing that? Do you need additional guidance from the council or can you just go ahead and do it? How much more time is it going to take? Is it going to delay this amendment or what's involved?

Mr. Waugh: Again, we're talking about the Comprehensive ACL Amendment and I take it by allocations that you mean allocations to either two or three sectors. We have been compiling the data to be able to do that and we have the motions that were just up there from the September meeting, giving us the direction for the specific alternatives. We were just sort of doing a reality check here to make sure you were still interested in considering the three different sectors. We have the data, and I think it's almost complete, to look at doing that.

Mr. Harris: Mr. Chairman, then I would speak in favor of the motion. If we've already got most of the work done, let's go ahead and look at it and see where it takes us.

Ms. Shipman: Just for clarification though, I think, as I'm reading this document, this was to be for the species not undergoing overfishing and I think what Tom is suggesting is we roll the ones also in there that are -- To that end, how much more work is it going to be?

Mr. Waugh: It will, but I don't think that we just compiled the tables for -- I think we were compiling the tables for all the species.

Mr. Currin: Further discussion of this motion? **Is there any objection to this motion? I see none and the motion is approved.** Okay, Rick, have you gotten all the limited help that we can give you on this at this point? You're okay and you guys are fine? All right. Is there any other business to come before the Snapper Grouper Committee?

Mr. Geiger: I hear discussions going on there about a tasking motion and it's probably going to be difficult to convene. I just wanted to make sure that one thing was captured in your tasking and we talked about earlier using 30 percent versus 40 percent SPR and there was an action to get the SSC to develop their intent, or words to that effect, tell us what the rationale was for moving from the 30 to 40 percent. I didn't know if anybody captured that when we talked about it, but that was something that was discussed as an action.

Ms. Shipman: Relative to George's comment on that task, is that species specific?

Mr. Geiger: Yes, it was species specific to red snapper. When we were talking about red snapper, the discussion came from Dr. Crabtree's direction, where he thought we needed additional intent from the SSC as to why we were going from 30 to 40 percent.

Ms. Shipman: I recall that discussion and then I thought we had some discussion from John, but I also thought we had some discussion in December. I thought the SSC somewhat reported that back to us of why the review group had suggested that. We may have already had it, but since none of us remember it, it's probably a good thing to get it again.

Dr. Crabtree: My question that I raised earlier was more about whether this was a one-time specific to red snapper or were we making a shift in -- I'm not asking the SSC to just -- I don't want to just hear that SEDAR said and we said, but I want to hear the bigger picture on it kind of thing.

Ms. Shipman: I would think the Science Center does need to weigh in on that and that was really what my question was of George, is was this red snapper specific or the bigger picture? I think it is a bigger picture.

Mr. Geiger: Roy explained it exactly.

Ms. Shipman: I'm assuming the Science Center will be participating in that SSC meeting to bring the wisdom of the Science Center to bear on that discussion, too.

Mr. Harris: What I want to do is go ahead and take a ten-minute break and then we're going to come back in -- He's in recess, because we've got to come back and do the rest of his report, but I don't want these people that are here for public comment to have to wait any longer than they've already waited. We're going to take a ten-minute break and then we're going to come back and, Brian, I'm going to let you go ahead and take public comment on the Fishery Ecosystem Plan.

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SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPE COMMITTEE

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

March 4-5, 2009

TABLE OF MOTIONS

PAGE 32: Motion to defer to the Sanctuary for rulemaking relative to the establishment of the research area. The motion carried on page 34.

PAGE 43: Motion to establish an ACL of zero and prohibit all fishing for or possession and retention of all deepwater snapper grouper species seaward of forty fathoms and allow harvest of golden tilefish in a specified area and that that be a preferred alternative. The motion carried on page 45.

PAGE 49: Motion to add Alternative 5 to the golden tilefish measures. The motion carried on page 49.

PAGE 51: Motion to select Alternative 5 as the preferred alternative. The motion carried on page 53.

PAGE 56: Motion to add an alternative to establish a recreational daily bag limit of one snowy grouper per vessel. The motion carried on page 58.

PAGE 59: Motion to move Alternatives 2 and 5 to the Considered but Rejected Appendix. The motion carried on page 59.

PAGE 64: Motion to add a recreational accountability measure to use the three-year running average of recreational snowy grouper catches and allow the Regional Administrator to shorten the following season to ensure that catches do not exceed the recreational ACL. The motion carried on page 64.

PAGE 65: Motion to select the new snowy grouper Alternative 2 as the preferred alternative, which is to establish a recreational daily bag limit of one snowy grouper per vessel and add a recreational accountability measure to use the three-year running average of recreational snowy grouper catches and allow the Regional Administrator to shorten the following season to ensure the catches do not exceed the recreational ACL. The motion carried on page 66.

PAGE 85: Motion to exclude wreckfish from the deepwater closed area alternative. The motion carried on page 86.

PAGE 90: Motion to move Alternatives 3 and 4 to the Considered but Rejected appendix. The motion carried on page 92.

PAGE 96: Motion to modify Alternative 5 in order to close the logbook grid squares 2880, 2980, 3080, and 3180 between thirty meters and a greater depth to be determined at a later date and staff to provide analysis. The motion carried on page 98.

PAGE 100: Motion to direct staff to analyze the impacts of a closure for red snapper on other species from previous regulations. The motion carried on page 102.

PAGE 106: Motion to evaluate a red snapper monitoring program, based on a research set-aside, to include an experimental headboat fishery with observers. The intent is for scientists to develop recommendations on numbers of trips, areas to fish, et cetera. The motion carried on page 107.

PAGE 111: Motion to make Alternative 2B the preferred alternative. The motion carried on page 112.

PAGE 113: Motion to move Alternative 3A to the Considered by Rejected Appendix. The motion carried on page 114.

PAGE 115: Motion to make Alternative 2C the preferred alternative for recreational AMs, to compare the recreational ACL with recreational landings over a range of years. For 2010, use only 2010 landings. For 2011, use the average landings of 2010 and 2011. For 2012 and beyond, use a three-year running average. The motion carried on page 120.

PAGE 123: Motion to remove Alternative 4B from the accountability measures section. The motion carried on page 124.

PAGE 126: Motion to not only include SEDAR for adjustments, but also to include other avenues for adjustments, staff to develop alternatives for adjustments to the framework procedure. The motion carried on page 127.

PAGE 128: Motion to select Alternative 2, which is no harvest of red snapper in the EEZ off of North Carolina, South Carolina, Georgia, and Florida, to request an interim rule to implement no harvest off of those four aforementioned states. The motion carried on page 132.

PAGE 133: Motion to request the RA not to publish the final rule prior to the June 2009 council meeting. The motion carried on page 134.

PAGE 134: Motion that the council request National Marine Fisheries Service to draft a red snapper monitoring program for review at the June 2009 meeting. The motion carried on page 135.

PAGE 159: Motion to select Alternative 2 as the preferred alternative, to establish a LAP for the golden tilefish fishery. The motion failed on page 161.

South Atlantic Fishery Management Council 2009 Council Membership

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GEORGE SEDBERRY(PRESIDENT)

KATE MICHIE

NIK MONTA

PAUL RUDERHAUSEN(President)

ALEX CHESTER

SHRIMP

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Roy Crabtree
David Cupka
Wilson Laney
John Wallace
Staff contact: Myra Brouwer

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✓ Robert Boyles
✓ Roy Crabtree
✓ Brian Cheuvront
✓ David Cupka
✓ George Geiger
✓ Duane Harris
✓ Tony Iarocci
✓ Rita Merritt
✓ Susan Shipman
✓ Tom Swatzel
✓ John Wallace
✓ Red Munden, Mid-Atlantic Council
✓ Staff contact: Rick DeVactor

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David Cupka, Vice-Chair
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Susan Shipman
Staff contact: Bob Mahood

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Rachael Lindsay
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Gregg Swanson

PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

Snapper Grouper Committee Meeting

Jekyll Island, GA

Thursday, March 4, 2009

Wednesday 4

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Lobby Fishers	Ocean Conservancy - FL	
Rick Robins	MAFMC 757 876 3778	5103 MARINERS Cove Suffolk, VA 23435
Orin Furr Robinson	EDF	1875 Overbrook Ave Washington DC 20009
Holly Binns, Pew Environment Group (PEG)	850-322-7845	2107 Mulberry Blvd, Tallahassee, FL 32303
Sera Prerenat, Pew	910-685-5705	25 Corbett St Bolivia, NC 28422
Zack Bowen	912-398-3733	32 Bull River Bluff Savannah, GA 31410
Becky Hagan	(904) 514-5200	PO Box 331092 Attn: Beach 32233
Wennis O'Heern	727 692 6901	4604 49th St N #34 St Petersburg FL 33714
Donna McDowell	912-262-3146	GA Dept. of Natural Resources
Jim Sutton	904-960-9309	9265 CEMSA AVE. ST AUG 32080

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North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

Snapper Grouper Committee Meeting Jekyll Island, GA Thursday, March 5, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

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William M Whittington	912-427-9561	PO Box 450 JESUP GA 31546
Leda Dunmire	305-453-9626	93 Marina Ave Key Largo FL 33037
Mike Merritt	910-256-3197	38 pelican Dr. Wrightsville Beach, N.C. 28480
Margot Stiles, Oleana	202-833-3900	US50 Connecticut Ave NW Wash, DC 20036
George Sedberry NOAA/NO5		
Darden Rice	Oleana	
Sean McKe		NCFE
Jeff Cunningham	305-619-0039	PO Box 501404 Meridian, FL 33050
Kenny Fee 910-620-5847		907 W yacht Dr 07456

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Snapper Grouper Committee Meeting

Jekyll Island, GA

Wednesday, March 4, 2009

Thursday

5

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Dennis O'Hern FTRA

Dave Heil CEOA, FSFA

Anne Hammes-Brown

Charleston, SC

Mark Brown

Charleston, SC

Sera Dreviak (PEG) 910-685-5705

25 Corbett St. Bolivia, NC 28422

Michele Owen^{EDF} 850 766 232

1990 Main St Suite 750 Sarasota FL 34235

Libby Felnerston

DC-FL

Kathy Knowlton

GADNR

Steve Amick

Amicks Deep Sea Fishing

SAVANNAH, GA

South Atlantic Fishery Management Council

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North Charleston, SC 29405

843-571-4366 or Toll Free 866/SAFMC-10

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Snapper Grouper Committee Meeting

Jekyll Island, GA

Wednesday, March 4, 2009

Thursday

5

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Joshua Giordano-Silliman 843-819-6778 1176 N Shadow Dr Mt Pleasant, S.C.

Edward A. Kalikowskis Jacksonville Offshore Sport Fishing 1202 Audubon Ct 29404
Jacksonville FL 32226 904 923-3954

Becky Hogan Mayport Pricers

Matthew Kern

Darden Rice Ocean

JANIE THOMAS 904-261-6615 95289 NASSAU RIVER Rd
Lemauria FL 32634-9523

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843-571-4366 or Toll Free 866/SAFMC-10

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Snapper Grouper Committee Meeting

Jekyll Island, GA

Wednesday, March 4, 2009

Thursday

5

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

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803 953 5770

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George Sedberry NOAA/NMFS

PAUL REISS

843 870 9810

Russ Bynum

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Scott Zimmerman

305 619 0039

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Darden Rice

Ocean South Atlantic Fishery Management Council

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Clay Mobley

912-927-0280

CCA Georgia 42 W. Mart. X-rd, Ste. K Savannah, GA 31406

**VIRGINIA MARINE RESOURCES COMMISSION
“PERTAINING TO TILEFISH AND GROUPERS”
CHAPTER 4VAC20-1120-10 ET SEQ**

PREAMBLE

This chapter establishes recreational and commercial limitations on the harvest and landings of Tilefish and Groupers in Virginia.

This chapter is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia. This chapter amends previous Chapter 4VAC20-1120-10 et seq., which was adopted and effective April 24, 2007. The effective date of this chapter is June 28, 2007.

4VAC20-1120-10. PURPOSE.

The purpose of this chapter is to provide for the conservation of tilefish and grouper and to reduce the potential for overfishing by establishing limits on the harvest and landing of these fish.

4VAC20-1120-20. DEFINITIONS.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Commercial fishing” or “fishing commercially” or “commercial fishery” means fishing by any person where the catch is for sale, barter, trade, or any commercial purpose, or is intended for sale, barter, trade, or any commercial purpose.

“Grouper” means any of the following species:

Black grouper, *Mycteroperca bonaci*
Coney, *Cephalopholis fulva*
Gag grouper, *Mycteroperca microlepis*
Goliath grouper, *Epinephelus itajara*
Graysby, *Cephalopholis cruentata*
Misty grouper, *Epinephelus mystacinus*
Nassau grouper, *Epinephelus striatus*
Red grouper, *Epinephelus morio*
Red Hind, *Epinephelus guttatus*
Rock Hind, *Epinephelus adscensionis*
Scamp, *Mycteroperca phenax*
Snowy grouper, *Epinephelus niveatus*
Speckled Hind, *Epinephelus drummondhayi*
Tiger grouper, *Mycteroperca tigris*
Warsaw grouper, *Epinephelus nigritus*

Wreckfish, *Polyprion americanus*
Yellowedge grouper, *Epinephelus flavolimbatus*
Yellowfin grouper, *Mycteroperca venenosa*
Yellowmouth grouper, *Mycteroperca interstitialis*

“Recreational fishing” or “fishing recreationally” or “recreationally fishing” means fishing by any person, whether licensed or exempted from licensing, where the catch is not for sale, barter, trade, or any commercial purpose, or is not intended for sale, barter, trade, or any commercial purpose.

“Tilefish” means any of the following species:

Blueline tilefish, *Caulolatilus microps*
Golden tilefish, *Lopholatilus chamaeleonticeps*
Sand tilefish, *Malacanthus plumieri*

4VAC20-1120-30. RECREATIONAL HARVEST AND POSSESSION LIMIT.

A. The recreational harvest, landing and possession limit for tilefish, as described in 4VAC20-1120-20, shall be seven fish. It shall be unlawful for any person to recreationally harvest, land or possess more than seven tilefish within or without Virginia tidal waters. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit for tilefish shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by seven. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.

B. The recreational harvest, landing and possession limit for grouper, as described in 4VAC20-1120-20, shall be one fish. It shall be unlawful for any person to recreationally harvest, land or possess more than one grouper within or without Virginia tidal waters. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit for grouper shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by one. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.

4VAC20-1120-40. COMMERCIAL LIMITATIONS.

A. It shall be unlawful for any vessel to land in Virginia more than 300 pounds of tilefish, as described in 4VAC20-1120-20, per day when commercial fishing.

B. It shall be unlawful for any vessel to land in Virginia more than 175 pounds of grouper, as described in 4VAC20-1120-20, per day when commercial fishing.

C. It shall be unlawful for any person to transfer at sea to another person or vessel any harvest of tilefish or grouper.

4VAC20-1120-50. PENALTY.

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

* * * * *



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Interim Rule - Red Snapper

LOCATION OF MEETING (CITY & STATE) Jekyll Island, GA		DATE OF MEETING March 5, 2009
YOUR NAME (PLEASE PRINT) Joe Penovich		TELEPHONE NUMBER (& AREA CODE) 321-543-0435
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) 39 YAWL DR, COCOA BEACH, FL 32931		
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) Sunrise Marina/Grills Restaurant/OBSESSION		
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		

Petition

Petition from Concerned Citizens and Fisherman of the South Atlantic Region

This is a petition from concerned citizens who will be negatively affected by the emergency interim ruling on the closure of American Red Snapper, which will result in a economic disaster. We have heard and testified on numerous occasions at public hearings that the numbers and sizes of Red Snapper catches have improved and does not co-inside with the NMFS stock assessments, ruling will affect all aspects of the fishing charter boats, head boats, commerc people in this region. In this difficu cause many more losses in jobs and this ruling is put into effect it will l on the benefits of fishing.

From Joe
Penovich -
(file w/ comment
card)

February 2008. This recreational fishermen, related businesses and States is facing this will shing communities. If of the citizens who rely

Name	Boat/ Business/ Individual
1. John H. Potts	BUSINESS BROKERAGE COMM.
2. William Fazio	Commercial Fishing
3. Chris Lacey	Recreational Fisherman
4. Vito Drant	Recreational Fisherman
5. Matt Vesposito	Rec. Fisherman
6. Chris Buccato	Rec Fisherman
7. Marc Richards	Fish Retail
8. Wes Meadlock	Restaurant owner
9. Kevin Bragdon	Pro. Captain
10. Robin Roark	SUNRISE MARINA, INC.
11. Rodney Senatre	Com. Fish
12. Jeff Riggs	Sunrise Marina
13. Bob Patterson	Rec Fisherman

14. Bob O'Hattman Jr. Party Boat Rider
176 Euclid Rd. Butler
15. Bonnie Frost Marina Manager Port Canaveral ⁷⁴
16. Bruce Wicks Grill's Seafood
17. Long Lytle Comm. Fisherman
18. Eric M. Hupp Comm. Fisherman
19. Russell Sinclair Com/Rec Fisherman
20. Frank Booth G.M. Seafood ATL Com Fisherman
21. John McFarley Seafood Emp. Employee
22. A. H. H. SFA Truck Driver
23. Roberto Alvarez SFA
24. Ron O'Ferman BROWN'S TAXIDERMAY
25. Gene Edmonds ADE machine
26. Jackie Meadowcroft Smokehouse Foods
27. John Hill Smokehouse Foods
28. Bob Brown Browns Taxidermy
29. Le Esres MARY ROSE (MATE)
30. Jimmy Walker Comm. Fishing
31. Mac Loring Capt. Fish
32. Arthur R. Bell CHARTER BOAT OWNER
33. Marilyn C. Smith Canaveral Custom Boats
34. Alan [Signature]
35. Jim Mable C.A.F., Inc.
36. Jim Turley TOW BOAT U.S.

37. Chuck LeClerc
38. Thad Curran Charter Capt.
39. Brenda C. Lagarias (RECREATION) OBSESSION FISHING CHARTERS
40. Debra David DeBuccia Seafood
manger Grills Restaurant
Cape Canaveral FL
41. Chris H.
42. Bob O'Donnell BIRD BIASSE COMMERCIAL FISHERMAN FL.
43. Dustin Rapp Captain Right Work
44. Wm. Hoff Recreational Fishing
45. Jim Lee Decheant
46. Ken Gray Employed ~~AT~~ MARINA
47. Kurt Albrecht Employed Cape Marina
48. AS Charter Boat Captain
49. Don Reford Recreational Fisherman
50. Steve Miller Charter / commercial Fisherman
- Chris Charter / Head Boat Fishing

Petition

Petition from Concerned Citizens and Fisherman of the South Atlantic Region

This is a petition from concerned citizens who will be negatively affected by the emergency interim ruling on the closure of American Red Snapper. We have heard and testified on numerous occasions at scoping meetings that the numbers and sizes of Red Snapper catches have improved and does not co-inside with your scientific research or NMFS stock assessments, specifically SEDAR report 15, dated February 2008. This ruling will affect all aspects of the fishing industry. This includes recreational fishermen, charter boats, head boats, commercial fisherman, and all the affiliated businesses and people in this region. In this difficult economic crisis the United States is facing this will cause many more job loses and dollars these communities desperately need. If this ruling is put into affect it will be an economic disaster for all of the citizens who rely on the benefits of fishing.

- | Name | Boat/Business/ Individual |
|---|----------------------------------|
| 1. <u>David R. [Signature]</u> | <u>- Individual</u> |
| 2. <u>John Adams</u> | <u>- GOING OFF SPORT FISHING</u> |
| 3. <u>ADRIAN MARTINEZ</u> | <u>- HANDLE CUSTOM RODS</u> |
| 4. <u>RON MISCA - CHRYSLER</u> | |
| 5. <u>STEVE HARTLEY - DOLPHIN COFFEE</u> | |
| 6. <u>CHARLES LEVI JR "FISHERMAN'S WORLD"</u> | |
| 7. <u>NORM ANDREWS</u> | " " |
| 8. <u>BARRY DIXON BUCKLEY</u> | |
| 9. <u>BEN MCANISH</u> | |
| 10. <u>VENUS DE SOUZA</u> | |
| 11. <u>DAVID DE SOUZA</u> | |
| 12. <u>MISS CAPE OFFICE MANAGER</u> | |
| 13. <u>MISS LAKE CHEN</u> | |

14. Zachary Middlehurst MISS CAPE CAN
15. TONY ADAMS OWNER MISS CAPE CANAVERAL
16. DAVID HESTON Deck HAND M.C. CANAVERAL.
17. ~~James Jones~~
18. ~~Jim Jones~~
19. James Protenberg
20. ~~Don Lind~~
21. ~~John~~
22. ~~Mike Green~~
23. ~~Steve Campbell~~
24. ~~John~~
25. ~~Andrea Kelly~~ (Obsession Charters Mtg. Port Canaveral, 7/)
26. ~~Robert Schaffer~~
27. ~~Mike Sanchez~~ Obsession Charters
28. ~~Jimmy Hall~~ Obsession Charters
29. ~~Michael Palmer~~ Obsession Charters
30. ~~Scott Olson~~ (SG-AP)
31. Capt Bill Reynolds Obsession Charters
32. ~~Elliot Kelly~~ " "
33. ~~Pat Phillips~~ Sport Fisherman
34. ~~Michael Long~~ STAR PARTY Boat
35. Capt. Sid Proskitt Daphnia Bch. St
36. _____

37. _____

38. _____

39. _____

40. _____

41. _____

42. _____

43. _____

44. _____

45. _____

46. _____

47. _____

48. _____

49. _____

50. _____



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Interim Rule - Red Snapper

LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

Dennis O'Hern

TELEPHONE NUMBER (& AREA CODE)

727 692 6802

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

FRA

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Interim Rule - Red Snapper

LOCATION OF MEETING (CITY & STATE) Jekyll Island, GA		DATE OF MEETING March 5, 2009
YOUR NAME (PLEASE PRINT) Capt Chris Rooney		TELEPHONE NUMBER (& AREA CODE) (904) 683-4234
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) 1762 BRANCH VINE DR W, JAX FL 32246		
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) IOSFC JAX OFFSHORE SPORT FISHING CLUB		
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Interim Rule - Red Snapper

LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

DAVE HEIL

TELEPHONE NUMBER (& AREA CODE)

407-492-1991

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1653 Joceline Ct Winter Park, FL 32789

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CEOA

FSFA

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

☒

YES

☐

NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

Holly Binns

TELEPHONE NUMBER (& AREA CODE)

850-322-7845

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

2107 Mulberry Blvd. Tallahassee, FL 32303

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

hbinnis@pewtrusts.org

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

Rob Daenor

TELEPHONE NUMBER (& AREA CODE)

904-827-1181

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

334 Van Gogh Cr, Pompano Beach, FL 32081

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

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DATE OF MEETING

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YOUR NAME (PLEASE PRINT)

Ron Surrency

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

6652 Shady Oak DR Jax FL 322

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

WATL Coast Charters

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

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LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

Joshua Giordano-Silliman

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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PUBLIC COMMENT ATTENDANCE RECORD

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LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

Becky Hogan

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Mayport Princess

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

☒ YES

☐ NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE) Jekyll Island, GA	DATE OF MEETING March 5, 2009
YOUR NAME (PLEASE PRINT) Holly Reynolds	TELEPHONE NUMBER (& AREA CODE)
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) Majesty	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	
<input checked="checked" type="checkbox"/> YES	<input type="checkbox"/> NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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NORTH CHARLESTON, SOUTH CAROLINA 29405

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Interim Rule - Red Snapper

LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

SID PRESKITT

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

PO Box 22 EDGEWATER, FL

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

☒ YES

☐ NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

CLAY MOBLEY

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

42 W. MONTGOMERY CROSS ROADS, STE. 1K SAVANNAH, GA 31406

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

COASTAL CONSERVATION ASSOCIATION GEORGIA

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

Margot Stiles

TELEPHONE NUMBER (& AREA CODE)

202 833 3900

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1350 Connecticut Ave NW 5th floor Washington DC

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Oceana

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

ED KALAKAUSKIS

TELEPHONE NUMBER (& AREA CODE)

904 923-5994

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1207 Aruba CT Jax FL 32226

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Artificial Reef

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

☒

YES

☐

NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

BRANDON DEAN

TELEPHONE NUMBER (& AREA CODE)

912-223-4021

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1199 HOUSESHOE Cove Rd. Waverly GA 31565

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Blue Water Dredge

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

☐

YES

☒

NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

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LOCATION OF MEETING (CITY & STATE) Jekyll Island, GA	DATE OF MEETING March 5, 2009
YOUR NAME (PLEASE PRINT) Ashley Parmelee	TELEPHONE NUMBER (& AREA CODE) (912) 617-3474
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) 111 Peachtree St. St. Simons Isl, GA 31522	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) CHARTER CAPTAIN	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE) Jekyll Island, GA	DATE OF MEETING March 5, 2009
YOUR NAME (PLEASE PRINT) FRANK THUM	TELEPHONE NUMBER (& AREA CODE)
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) 815 SAVANNAH HWY Ste 204 CHARLESTON, SC 29407	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) South Carolina Seafood Alliance	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO



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March 5, 2009

YOUR NAME (PLEASE PRINT)

CAPT ANDY HICKS

TELEPHONE NUMBER (& AREA CODE)

912-634-0940

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

#4 GEORGE T. MORRIS CIRCLE ST. SIMONS IS. GA. 31522

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CONCERNED CHARTER CAPTAIN

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

☐

YES

☒

NO



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DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

Bob Black

TELEPHONE NUMBER (& AREA CODE)

912 223 2986

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

409 Whitfield AVE SSI. GA.

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

☐

YES

☒

NO

409 Whitfield AVE



FSFA
PO Box 1216
Cape Canaveral, FL 32920
www.fsfaclub.org

To Whom It May Concern, SAFMC

The purpose of this note is to provide the position of the Florida Sport Fishing Association (FSFA), a 41 year old organization with over 170 family memberships headquartered in Cape Canaveral, Florida. This position is in regard to the subject of the SAFMC meeting to be held March 2-6, 2009 in Jekyll Island, GA.

The proposal for a period shut down of the recreational season on shallow water Grouper and American Red Snapper in the south Atlantic is not only unnecessary (based on member per trip catch experience) but unfairly penalizes the recreational fisherman and the entire related economy at a time when the stocks are steady, even increasing, and when the east Florida coast economy does not need a further negative hit enacted by an agency for the same government that is distributing billions of dollars in an attempt to do just the opposite.

Our organization is certainly not against responsible management of the marine resources where reasonably current science shows action is needed to protect it. However, with the economy already responsible for a significant reduction in recreational pressure in the last year, and with the local catches remaining strong on a per trip basis indicating a healthy population of Grouper and especially ARS, we are of the opinion the proposed closure action is definitely unnecessary, unfounded and constitutes a substantial, negative economic impact to the region.

The FSFA would ask the Council to look at daily recreational limit reductions alternatives in conjunction with other actions such as commercial bag limits and at reducing the shrimping activity in the critical 70' to 200' depth ranges.

Sincerely,

David C. Werner
FSFA Secretary
davewerner1@bellsouth.net
321-752-9955
<www.fsfaclub.org>



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

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LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

Libby Felherston

TELEPHONE NUMBER (& AREA CODE)

727 895 2188

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

449 Central Ave Ste 200 St Petersburg FL 33701

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Ocean Conservancy

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO

(RS IR)

Help red snapper survive

Chairman Duane Harris
 South Atlantic Fishery Management Council
 105 Demere Retreat Lane
 St. Simons Island, GA 31522

Dear Chairman Harris,

I am writing to ask you and the Council to take immediate action to help restore a healthy red snapper population. Red snapper has been undergoing overfishing at 10 times the sustainable level for over 20 years. By requesting that the National Marine Fisheries Service implement an interim rule to close the red snapper fishery, the South Atlantic Fishery Management Council can take a critical step towards a long-term, science-based plan to end overfishing of red snapper.

Our region is shaped by its wealth of natural resources, including its fisheries. Healthy reef fish support a healthy economy through dive tourism and commercial and recreational fishing. The health of our coastal communities depends on ending overfishing and creating sustainable and profitable fisheries.

You and the Council have acted before to enact science-based fishery rules and I applaud your foresight. I hope you will continue on this track so we will reap the benefits of your decisions for years to come.

Signed

	First Name	Last Name	City	State
1	Richard	Bergmann	Orlando	FL
2	Heather	Williams	Washington	DC
3	lydia	aletraris	athens	GA
4	Terry	Barham	Savannah	GA
5	Sharyn	Shubert	Naples	FL
6	Patricia	Wicks	Lake Worth	FL
7	Beverly	Nelmes	St. Petersburg	FL
8	David	Brodt	Plantation	FL
9	Kerri	Annis	St. Petersburg	FL
10	Edgar	Martinez	miami springs	FL
11	CATHY	NIEMAN	Weaverville	NC
12	Cristine	Saunders	Holly Hill	FL

13	Shannon	Ratterree	Chester	SC
14	Kevin	Bickers	Atlantic Beach	FL
15	robert	wolf	naples	FL
16	Janet	Moore	Gainesville	FL
17	Leda	Dunmire	Key Largo	FL
18	Jerome	Axelrod	Ormond Beach	FL
19	Chris	Gawle	Charlotte	NC
20	David	Wilkes	Smyrna	GA
21	sharon	collette	Athens	GA
22	Robert D.	Wilhoit	Palmrtto	FL
23	Donna	Newman	Raleigh	NC
24	peter	taylor	Salisbury	NC
25	I	Furgang	Coral Springs	FL
26	Jennifer	Weaver	Durham	NC
27	Doris	Murphy	Myrtle Beach	SC
28	Jack	Grup	Flat Rock	NC
29	john	lee	Inverness	FL
30	jesse	mullins	sarasota	FL
31	Karen	Turnbull	Punta Gorda	FL
32	Jason	Waldrop	Marietta	GA
33	Michael	Spino	Wesley Chapel	FL
34	martha	milne	Ft. Myers	FL
35	cara	schmidt	tucker	GA
36	Ann	Mcmartin	Asheville	NC
37	H.Marie	Ostrander	Fairview	NC
38	Ray	Cunningham	Grand Island	FL
39	Cassie	Gurganus	Big Pine Key	FL
40	candace	butler	quincy	FL
41	Howard	Petlack	Boyn ton	FL
42	Matthew	Forrister	Kennesaw	GA
43	Joanne	Bunch	Wake Forest	NC
44	DENA	GARCIA	Saint Cloud	FL
45	Ryan	Iacovacci	Tarpon Springs	FL
46	J	Alessi	Fort Pierce	FL

47	Sam	Herron, III	Venice	FL
48	Charles	Gray	Cary	NC
49	John	Michaels	Oviedo	FL
50	Gloria Ann	Callahan	Aiken	SC
51	Jami	Hatchell	Murrells Inlet	SC
52	shirley	copperman	tarpon springs	FL
53	Joan	Walker	Bell	FL
54	Ron	Lambe	Asheville	NC
55	Megan	Crotty	Pleasant Garden	NC
56	Diana	Donovan	Sarasota	FL
57	Gary	Scruggs	Newport	NC
58	CLAUDIA	SCHLEFSTEIN	PALM CITY	FL
59	liliana	lettieri	Atlanta	GA
60	Wanda	Webster	Largo	FL
61	David	Fowler	atlanta	GA
62	Ross	Kelsonpetit	Miami Beach	FL
63	Michael	Smith	Suwanee	GA
64	Douglas	Shumate	Warner Robins	GA
65	Tracy	Hannon	Melbourne Beach	FL
66	Rashima	Gordon	St Petersburg	FL
67	Tammy	Parks	Raleigh	NC
68	Josh	Eckerle	Lawrenceville	GA
69	sharman	colosetti	decatur	GA
70	Alexandra	Gordon	Miami	FL
71	debra	barry	jefferson	GA
72	Stephenie	Shepherd	St. Petersburg	FL
73	Audrey	Whitman	Atlanta	GA
		Castaneda-		
74	Kicab	Mendez	Chapel Hill	NC
75	Richard	Strowd	Chapel Hill	NC
76	KT	Rice	Tampa	FL
77	Jack	Lhasa	Wildwood	GA
78	Ben	Margolis	Carrboro	NC
79	Penny	Magnin	Savannah	GA

80	Gary	Grove	Goose Creek	SC
81	Donette	Erdmann	Austell	GA
82	Jane	Cone	Ruskin	FL
83	Danna	Williams	Athens	GA
84	Chad	Cooke	Jupiter	FL
85	Rebecca	Ryan	Orlando	FL
86	Gabriela	Borda de Hasty	Dudley	NC
87	mike	finocchiaro	savannah	GA
88	Justin	Dellinger	Shelby	NC
89	Ange	Martinez	Orlando	FL
90	Sandra	Beryle	Tamarac	FL
91	Michael	Wilson	Jacksonville	FL
92	Keith	Cutler	Wake Forest	NC
93	Elaine	Howes	Tampa	FL
94	Luiz	Rodrigues	Miami Beach	FL
95	Carol	Burke	Washington	NC
96	Victoria	Taylor	La Fayette	GA
97	karem	osores	orlando	FL
98	jamie	harrison	west palm beach	FL
99	Nelson J.	Mendoza	Raleigh	NC
100	todd	guerdat	raleigh	NC
101	Carol	Esco	McAlpin	FL
102	Ilana	Cohen	Maitland	FL
103	Theresa	Fazzari	Jupiter	FL
104	Kirsten	Acosta	Denver	CO
105	brianna	frachtman	Coral Springs	FL
106	Lara	Marshall	Boone	NC
107	John	Barfield	Atlanta	GA
108	Gloria	Shen	Asheville	NC
109	lyn	nelson	surfside	FL
110	Michael	Vecchio	Bradenton	FL
		Ogburn-		
111	Ginger	Matthews	Georgetown	SC
112	Richard	Pendarvis	Dahlonega	GA

113	Paul	Naylor, Ph.D.	Durham	NC
114	Dena	Mullen	West Palm Beach	FL
115	Barbara	Franklin	Miami	FL
116	Laura	McKee	Micco	FL
117	Harold	Sims, Ph.D.	Gulfport	FL
118	Ronald	Hammersley	Palm Bay	FL
119	Michelle	Fernandez	Windermere	FL
120	Andrea	Chisari	Titusville	FL
121	Meyer	Jordan	Pensacola	FL
122	chris	safos	hernando	FL
123	Basma	Mohammad	Durham	NC
124	Kenneth	Johnson	Boone	NC
125	Miriam	Espinoza	Miami	FL
126	Bonnie	Milam	Columbus	GA
127	Paul	Kent	Lakeland	FL
128	Sandra	Ericson	Davie	FL
129	Mario	Rivera	Winter Haven	FL
130	James	Cook	Athens	GA
131	Liz	Wildermann	Durham	NC
132	Cindy	Adkins	Port Orange	FL
133	Alessandro	Abate	Miami Springs	FL
134	John	Lambert	Spring Hill	FL
135	Diana	Prats	Miami	FL
136	Karin	Carlson	Apopka	FL
			North Redington	
137	Sonia	Hernandez	Beach	FL
138	Sheena	Shumate	Warner Robins	GA
139	Michele	Jenkins	Palm Bay	FL
140	Amy	Bielawski	Tucker	GA
141	laurie	von dollen	naples	FL
142	Mary	Morales	NewPortRichey	FL
143	Bret	OConnor	Marietta	GA
144	Melissa	Bishop	Vero Beach	FL
145	Lisa	D'Antonio	Fort Lauderdale	FL

146	Karin	Braunsberger	Saint Petersburg	FL
147	sarah	robinson	Safety Harbor	FL
148	Gordon	Gerbitz	St Petersburg	FL
149	Ada	Vidal Beuno	Bradenton	FL
150	Jenny	Hamilton	Lithonia	GA
151	Patricia	Erwin	Duluth	GA
152	Anthony	D'Avanza Jr.	Tampa	FL
153	Kathy	Smith	Suwanee	GA
154	Barbara	Adler	Boynton Beach	FL
155	Keith	Wade	Indian Trail	NC
156	Paula	Stober	Greensboro	NC
157	Marybeth	Dugan	Durham	NC
158	Emily	Cowart	Savannah	GA
159	Lauren	Crosby	Irmo	SC
160	carolyn	applegate	palmetto	GA
161	Jennifer	Greeley	Norfolk	VA
162	Jon	Michael Riley	Fletcher	NC
163	Ed	Tichenor	Boynton Beach	FL
164	Vandy	Parker	Pompano Beach	FL
165	Jason	Hollington	Gainesville	FL
166	Sandy	Kicinski	Merritt Island	FL
167	Judy	Retzbach	Port Richey	FL
168	Greg	McMenamy	Atlanta	GA
169	Susan L D	Shamblin	Morganton	NC
170	Junius	Davis	Chapel Hill	NC
171	Rita	Malone	Sandy Springs	GA
172	Christina	Williams	Arnoldsville	GA
173	Ronald H.	Silver, C.E.P.	Atlantic Beach	FL
174	Michael	Molder	Newberry	SC
175	Margaret	Silver	Atlantic Beach	FL
176	Keith	Berger	Boca Raton	FL
177	Alisa	Battaglia	Hollywood	FL
178	Lyle	Page	Panama City Beach	FL
179	James	Sorells	Groveland	FL

180	theresa	finkbeiner	pensacola	FL
181	Megan	Mason	Clearwater	FL
182	Robert	Bixby	Greensboro	NC
183	Tymothy	Diaz	kissimmee	FL
184	Val	Marjoricastle	Inverness	FL
185	Helen	Drwinga	Apopka	FL
186	Deja	Lizer	Asheville	NC
187	Leonora	Xhrouet	davie	FL
188	parrish	Cooke	Orlando	FL
189	Nina	Fahnestock	Todd	NC
190	Warner	Smith	Charlotte	NC
191	John	Schumacher	Clearwater	FL
192	John	bailey	Tampa	FL
193	Susan	Knauer	Jacksonville	NC
194	Charlene	Inglis	Nokomis	FL
195	Deborah	Hollingsworth	Fort White	FL
196	Brigid	Spratt	Eastpoint	FL
197	Maureen	Burke	PBG	FL
198	Jerry	Banks	Decatur	GA
199	Alan	Kardoff	Palm Bay	FL
200	Mick	Whiting	Tampa	FL
201	David	Jenkins	Sarasota	FL
202	James	R. Haviland	Concord	NC
203	Debbie	Gill	Suwanee	GA
204	Jeannine	Cordak	Woodstock	GA
205	Patti	Thompson	Orlando	FL
206	Judith	Thompson	DeLand	FL
207	Nathan	Tyson	Cordele	GA
208	Ulana	Stuart	Chapel Hill	NC
209	Michael	Neary	Venice	FL
210	Kevin	McVan	Clearwater	FL
211	Michael J	Levas	FT LAUDERDALE	FL
212	Ken	Burleson	Hickory	NC
213	ruth	levow	west Palm Beach	FL

214	Barbara	Cade	Ranger	GA
215	Scott	Fontenot	Stone Mountain	GA
216	gillian	merlyn	roswell	GA
217	Susan	Edelstein	Cary	NC
218	nigel	saylor	kitty hawk	NC
219	Sharon	Campbell	DUNWOODY	GA
220	Fred	Ingle	Shelby	NC
221	Roxanne	Ganley	miami	FL
222	Karen	Willis	Durham	NC
223	Frank	McKinney	Boone	NC
224	Chris	McCarty	Highland Beach	FL
225	Marilyn	Meyer	Woodstock	GA
226	Ann	Sanchez	Mims	FL
227	ian	Corcoran	newnan	GA
228	Kim	Larsen	Rockledge	FL
229	Amanda	Larkin	Atlanta	GA
230	Judy	Cupp	Hope Mills	NC
231	mix	b	.	FL
232	George	Hagans	Durham	NC
233	Carol	Dodson	Columbia	SC
234	Gloria	Diggle	Fort White	FL
235	Rick	Smith	Shalimar	FL
236	Betty	Shipley	Crystal River	FL
237	alina	szostak	miami	FL
238	Carla	Shuford	Chapel Hill	NC
239	Peggy	Murray	Lake Worth	FL
240	Bonita	Gustafson	Sarasota	FL
241	Richard	Moore	Asheville	NC
242	Susan	Blunt	Miami	FL
243	Barbara	Pizzini	Fort Myers,	FL
244	Andres	Mejides	Homestead	FL
245	Ann	Fonfa	Delray Beach	FL
246	Thomas	Lewis	Brandon	FL
247	Michael	Duffey	Ft. Walton Beach	FL

248	Claudia	Miranda	Lake Mary	FL
249	David	Leithauser	Deland	FL
250	Bob	Dellinger	High Point	NC
251	David H and Betty	Batty	Avon Park	FL
252	Sherry	Hemphill	Jacksonville	FL
253	Dennis	Amaya	Davie	FL
254	kevin	murray	jensen beach	FL
255	Crystal	Von Kruger	Loxahatchee	FL
256	Lisa	Licolli	hollywood	FL
257	Alfred	Stokes	New Bern	NC
258	Gabriella	Otero	Orlando	FL
259	Rick	Siegert	Canton	GA
260	Kay	Sanders	Greensboro	NC
261	Michael	Wichman	Naples	FL
262	debbie	bullard	dawsonville	GA
263	Sharon	Barry	Palm Bay	FL
264	Emmett J.	Murphy	Bradenton	FL
265	mary	lewis	pensacola	FL
266	robert	taylor	brevard	NC
267	Joe	Moye	Tallahassee	FL
268	David	Miner	Bradenton	FL
		Elizabeth		
269	Meghan	Harding	Pacolet	SC
270	William	McVay	Hendersonville	NC
271	norma	fleischer	naples	FL
272	James	Stone	Santa Rosa Beach	FL
273	Guillermo	Martinez	Winter Springs	FL
274	Robert	Martineau	Melbourne	FL
275	Dr.Dorothy	Cinquemani	Largo	FL
276	Jean	Gilbert	Bonita Springs	FL
277	Janet	Robinson	Boca Raton	FL
278	Nancy	Wood	Vero Beach	FL
279	Clara Elsa	Perez	Hollywood	FL
280	Shannan	Johnson	Saint Cloud	FL

281	c	huber	Clearwater	FL
282	Anthony	Austin	Hubert	NC
283	Joe	Serpico	Clearwater	FL
284	Tina	Roberge	Islamorada	FL
285	Rita	Cassady	Fort Lauderdale	FL
286	phyl	dupret	Delray Beach	FL
287	Duane	Sebesta	Weston	FL
288	James	Sullivan	Asheville	NC
289	Joan	Dulberg	Raleigh	NC
290	karla	garcia	Miami	FL
291	suzanne	mccoll	wilmington	NC
292	babs	marchand	Naples	FL
293	Judi	Trecartin	Holiday	FL
294	terie	noah	carnesville	GA
295	Kathy	lucy	Decatur	GA
296	Stephanie	MORY	Seabrook	SC
297	Myriah	Shewchuk	Winterville	NC
298	cynthia	odierna	fl	FL
299	Heather	Hamlin	Gainesville	FL
300	Abby	Helfand	Marietta	GA
301	Debora	Stoll	Miami	FL
302	John	Chrystal	Belhaven	NC
303	Susan	Lander	Florence	SC
304	Karen	Fulmer-Scales	Asheville	NC
305	Diane	Tremblay	Holmes Beach	FL
306	ron	foster	easley	SC
307	Jordan	Veatch-Goffi	Dunedin	FL
308	Gail	Marsh	Durham	NC
309	robert w	svetlik	Palatka	FL
310	Ct	Tharp	Athens	GA
311	Linda	McGrail	Gainesville	FL
312	Tracey	Childers	Asheville	NC
313	Donald	Crosby	Tallahassee	FL
314	Brian	Naess	Snow Camp	NC

315	Karin	Hylar	Gainesville	FL
316	H	Hollon	Orl	FL
317	Chere	Force	Maitland	FL
318	rhea	moss	lake worth	FL
319	William	Stone	Carrboro	NC
320	Jacqueline	Waldrop	Jacksonville	NC
321	Tina	Theodore	Miami	FL
322	mike	wygant	tampa	FL
323	Susi	Haisty	Raleigh	NC
324	Mark	Jacim	Tampa	FL
325	Gerri	Reaves	Fort Myers	FL
326	Frank	hartig	Durham	NC
327	Arthur	French	Plantation	FL
328	francis	orozco	MIAMI	FL
329	Christina	Ospina	Charlotte	NC
330	walter	hamilton	tavernier	FL
331	Silvia	Hall	Boca Raton	FL
332	Nancy	O'Byrne	St. Augustine	FL
333	Randi	Rivenbark	Penrose	NC
334	R	Banks	Casselberry	FL
335	susan	raza	macon	GA
336	christa	fairbrother	Gulfport	FL
337	Rochelle	Abrams	Lantana	FL
338	Raymond	Collins	Miami	FL
339	Kathryn	Turk	Fuquay-Varina	NC
340	Colleen	Welch	Mooreville	NC
341	Francis	Horton	Statesville	NC
342	Joan	Hutton	Vero Beach	FL
343	Natalie	Mades	Lake Mary	FL
344	Ruth	Stambaugh	Black Mountain	NC
345	Stacey	Baker	Dallas	GA
346	Paxton	Robinson	Orlando	FL
347	Prentice	Outlaw	Seminole	FL
348	Sara	Woodruff	Savannah	GA

349	Lynne	Koenigsberg	Boca Raton	FL
350	Thomas	Poulson	Jupiter	FL
351	c	berry lee	Durham	NC
352	Craig	Kaitin	Fort Lauderdale	FL
353	Michael	Collier	Oakwood	GA
354	Siobhan	McLaughlin	Hollywood	FL
355	James	Rizzolo	Stuart	FL
356	Roberta	Richardson	Melbourne	FL
357	Susan	Thurairatnam	Rincon	GA
358	Gillian	Adam	Fort Lauderdale	FL
359	Gloria	Morotti	Bradenton	FL
360	Evelyn	Peoples Jordan	Panama City	FL
361	Sheri	Varner-Munt	Clayton	NC
362	John	Witmer	Clemson	SC
363	Connie	Skidmore	Waynesville	NC
364	Howard	Lee	Cedar Grove	NC
365	Neil	Kaplan	Hollywood	FL
366	Ed	Speir	Banner Elk	NC
367	Lauren	McGlynn, JD	Hillsborough	NC
368	Carlos	Schomaker	Fort Myers	FL
369	Sarah	Reynierson	Gainesville	FL
370	Steve	Levine	Tallahassee	FL
371	D.Dirk	Davenport	Port Charlotte	FL
372	Nancy	Moreland	South Miami	FL
373	Marilyn	Fishman	Hobe Sound	FL
374	Leo	Olson	Clearwater	FL
375	Roland	Neal	Sophia	NC
376	Richard	Rothstein	Miami	FL
377	catalina	rosas	ft. lauderdale	FL
378	Matthew	Tripp	Moore	SC
379	Sherry	Gumberg	Hollywood	FL
380	B.	Dawson	Key West	FL
381	Christine	Abdelmonem	Charlotte	NC
382	Sarah	Rickerby	Tampa	FL

383	Ruth	Miller	Chapel Hill	NC
384	Christopher	Galton	Myrtle Beach	SC
385	Susanne & Doug	Hesse & Dyer	Alachua	FL
386	Lee	Webber	Jupiter	FL
387	Karen	Meyer	Fleming Island	FL
388	Tom	Schoenherr	Douglasville	GA
389	Rick	Ulrich	Thomasville	GA
390	Claude	Morris	Efland	NC
391	Dale	Shero	Peachtree City	GA
392	Howard	Barrey	Kiawah Island	SC
393	Jennifer	Augstums	Floral City	FL
394	Daniel	Wagner	Melbourne	FL
395	Becky	Davis	Vilas	NC
396	sarah	Czaporowski	Myrtle Beach	SC
397	Jocelyn	Hyers	Statesboro	GA
398	David	Ho	West Palm Beach	FL
399	Shannon	Kanner	villa rica	GA
400	Jeaneane	Williams	Greensboro	NC
401	Danel	Dorsey	Rossville	GA
402	William	Hannah	Demorest	GA
403	Nellie	Lee	Miami	FL
404	Anne	Ake	Lynn haven	FL
405	robert	chamberlain	tobaccoville	NC
406	Drew	Martin	Lake Worth	FL
407	William	White	Fort Walton Beach	FL
408	Kani	Nicolls	Black Mountain	NC
409	david	poole	Alpharetta	GA
410	Alexandra	Wright	North Palm Beach	FL
411	Eddy	Hogan	Boone	NC
412	Lindsay	Addison	Naples	FL
413	Julian	Bubsey	Ft. Lauderdale	FL
414	laurence	skirvin	Villa Rica	GA
415	danny	rosen	atlanta	GA
416	celeste	henderson	jupiyer	FL

417	Bobby	Driggers	Warrenville	SC
418	caroline	cunningham	atlanta	GA
419	Teresa	Jaeger	Melbourne	FL
420	Joseph	Bail	clearwater	FL
421	bmclendon@tds.net	McLendon	Blairsville	GA
422	Leah	Honarbakhsh	Royal Palm Beach	FL
423	Robert	Wagner	Lawrenceville	GA
424	Rob	Temple	Atlanta	GA
425	Julie	Noel	Lake Worth	FL
426	kathleen	brinkman	greensboro	NC
427	Helen	Goldenberg	Tamarac	FL
428	David	Bernstein	Tallahassee	FL
429	Mary	Hostrup	Hollywood	FL
430	Debra	Raymond	Kannapolis	NC
431	Terrence	Logue	Pittsboro	NC
432	Linda	Baron	Atlanta	GA
433	Andrew	Schneider	Arroyo Grande	CA
434	Jennifer	Larkins	Wilmington	NC
435	Nancy	Feraldi	Fort Myers	FL
436	Lillian	Deslandes	Miami	FL
437	Firelei	Perla	Kissimmee	FL
438	Bert	Corley	Hanahan	SC
439	BRENDA	ROSECRANS	RIVERDALE	GA
440	Cheri	Riznyk	St. Petersburg	FL
441	John	Crisman	Jacksonville	FL
442	Tracy	Gang	Tamarac	FL
443	Amy	Sinyard	Hampton	GA
444	Francee	Levin	Columbia	SC
445	Richard	Kramer	Miami	FL
446	Sacha	Bastiaan	nijmegen	GA
447	Joanne	Kowal	Tallahassee	FL
448	Charles	Humphreys	Cape Coral	FL
449	Hal	Trufan	Charlotte	NC
450	Louise	Farm	Aventura	FL

451	Michael	Ott	Big Pine Key	FL
452	Shilpa	Shah	Chapel Hill	NC
453	R Chris	LaReau	Savannah	GA
454	Sharon	Schultz	Stone Mountain	GA
455	Wilson	McMullan	Ponte Vedra Beach	FL
456	Thomas	Hefner	Greensboro	NC
457	James	McCarthy	East Fort Myers	FL
458	M. Diane	Ryan	Orlando	FL
459	Robert	Apperson	Raleigh	NC
460	Sylvia	Worley	Loganville	GA
461	James	Miles	West Palm Beach,	FL
462	Krista	Lohr	Sarasota	FL
463	John	Franklin	Raleigh	NC
464	Dori	Cifelli	New Port Richey	FL
465	Harvey	Gilbert	Savannah	GA
466	Moon	Dance	Daytona Beach	FL
467	Theresa	Pedrotti	East Point	GA
468	David	Doub	East Bend	NC
469	miriam	figueroa	Jacksonville	NC
470	Peter	Lanzillotta	Charleston	SC
471	robert	stern	ft. Lauderdale	FL
472	mary	rorke	fayetteville	NC
473	David	Mikell	Johns Is.	SC
474	Ryan	Rohrbaugh	Fort Lauderdale	FL
475	Martha	Mills	Pittsboro	NC
476	Charlotte	Thomas	Lake Butler	FL
477	Claude	Higgins	Pompano beach	FL
478	Esther	Garvett	Miami	FL
479	Tyler	Yeargain	Oviedo	FL
480	Terry	Kight	Atlanta	GA
481	Marion	Hilliard	Orange Park	FL
482	Fred W,	Sorard	Orlando	FL
483	Bill	Carlson	Otto	NC
484	Rebecca	Mazzarella	Miami	FL

485	Ronnie	Presley	Asheville	NC
486	Rachel	Parnell	New Bern	NC
487	Tamah	Lettieri	Deerfield Beach	FL
488	kevin	kinnebrew	tequesta	FL
489	Julie	Oster	Tallahassee	FL
490	kelly	simpson	wilmington	NC
491	Laura	Guttridge	Vero Beach	FL
492	Beth	Schramm	St Petersburg	FL
493	Donna	Sasso	Atlanta	GA
494	Gary	Gladhill	Pinecraft	FL
495	Suzanne	Valencia	West Melbourne	FL
496	Myra	Hefner	Vero Beach	FL
497	Ira	Goldman	Athens	GA
498	john	cielukowski	cocoa beach	FL
499	debbie	meerbott	miami	FL
500	carol	peterson	lakeland	FL
501	lucy	venable	Clarkesville	GA
502	Robert	Keiser	S. Miami	FL
503	Kathy	Kent	Titusville	FL
504	Lora	Smith	Bunnell	FL
505	Gesa	Adrianace	Cary	NC
506	marilyn & tom	finelli	APOPKA	FL
507	Ruben	Giral	Hillsborough	NC
508	Marlene	Pendergast	miami beach	FL
509	Shawn	Lyon	Orlando	FL
510	david	robertson	atl	GA
511	Martha	Morales	North Bay Villagen	FL
512	James	Sullivan	Homestead	FL
513	ronnie	apfel	Delray Beach	FL
514	Tina	Bowman	Ponte Vedra Beach	FL
515	Judith	Ford	Hollywood	FL
516	Christina	BAiley	Smyrna	GA
517	John	Dainotto	Charlotte	NC
518	rita	Whalen	Largo	FL

519	Susan	McDavit	Sarasota	FL
		Nadelman,		
520	Fred	LMSW	Savannah	GA
521	Grace	Wong	Miramar	FL
522	Alexandra	Burt	Pembroke Pines	FL
523	Jennifer	Morgan	Saint Cloud	FL
524	Greg	Smith	Bluffton	SC
525	Bonnie	Barfield	Smyrna	GA
526	Marguerite	Loddengaard	Hillsborough	NC
527	Jan	Cioci	Naples	FL
528	Suzan	Bekiroglu	Spring Hill	FL
529	Meredith	Green	Charlotte	NC
530	Dave	Anderson	Palm Harbor	FL
531	wendy	greer	fort lauderdale	FL
	Gerald and Louise			
532	Rose	Blume	Clermont	GA
533	kenneth	knoppik	Boca Raton	FL
534	Kathleen	Spinks	Gainesville	FL
535	Susan	Hough	Canton	GA
536	Guy	Johnson	Gainesville	FL
537	Harriet	Mathis	Fort Lauderdale	FL
538	EDITH	ROSE CHAMBERS	ETOWAH	NC
539	Carol	Rosas	Forest Hills	FL
540	Sherry	Sprinkles	High Point	NC
541	Mr. & Mrs	Brown	Summerland	FL
542	carla	cowgill	haines city	FL
543	Mary	Wigerman	Gray Court	SC
544	Kathleen	Shopa	Pt. Charlotte	FL
545	Daryl	Johnson	Pompano Beach	FL
546	Jane	Gilbert	Miami	FL
547	Zobeda	fernandez-cook	Jacksonville	FL
548	Stephenie	Owen	Miami	FL
549	Chuck	Danielian	Naples	FL
550	Anne	Curran	Sarasota	FL
551	Deborah	Cruze	Alpharetta	GA

552	Carlene	Edwards	Big Pine Key	FL
553	Lori	Ottlein	Flagler Beach	FL
554	James	Klich II	Charlotte	NC
555	mary	dickensheets	savannah	GA
556	Toni	Garmon	Dawsonville	GA
557	Gregory	Austin	Charlotte	NC
558	J.W.F.	Holliday	Myrtle Beach	SC
559	Constance	Mainwaring	Stuart	FL
560	Joy	Henriques	Selma	NC
561	Jayne	Dellera	Marietta	GA
562	Georgia	Tasker	Miami	FL
563	Gilbert	Williams	Spring Hill	FL
564	Michael	Adler	Gainesville	FL
565	melissa	warrenburg	atlanta	GA
566	D.	Doran	St. Augustine	FL
567	Kathy	Crosby	Raleigh	NC
568	Todd	Dripps	Palm City	FL
569	Sandra	Schultz	Miami	FL
570	Tommy	Robinson	Jacksonville	FL
571	Carol	Brizzi	Newnan	GA
572	S.	Cole	Woodstock	GA
573	Rita	Lawrence	Gainesville	FL
574	Russ	Seekatz	Atlanta	GA
575	Darleen	Hogg	Zephyrhills	FL
576	Cynthia	Grossman	Durham	NC
			Daytona Beach	
577	Alexa	Ross	Shores	FL
578	Sarah	Larsen	Estero	FL
579	Julie	Nelson	Asheville	NC
580	Jill	Sheridan	Jupiter	FL
581	Wendy	Watson	Deltona	FL
582	Bob	Mazza	Saint Johns	FL
583	Jane	MacCutcheon	Raleigh, NC	NC
584	GERHARD	FORSTER	PLANTATION	FL

585	Alisandra	Edwards	Davie	FL
586	Ray	Collins	The Villages	FL
587	Karen	Munro	Greer	SC
588	Robert	Howland	Weaverville	NC
589	janet	collins	rome	GA
590	Grover	Mims	Winston Salem	NC
591	Stephen	Killian	Lincolnton	NC
592	Barbara	Rystrom	Aiken	SC
593	Joan	Keto	New Bern	NC
594	Judy	Nickerson	Roswell	GA
595	Charlie	Day	Tampa	FL
596	Alice	Chan	Cooper City	FL
597	Marie	Choiniere	Graham	NC
598	Naomi	Greenfield	Sunrise	FL
599	Elizabeth	Turner	Hanahan	SC
600	eric	rohrig	gainesville	FL
601	Carolyn	Buckner	Chapel Hill	NC
602	Matthew	Brady	Lafayette	CO
603	Peter	Bromer	Miami	FL
604	katherine	moore	Blue Ridge	GA
605	Laurel	Stanley	Middleburg	FL
606	Kim	Lines	Ft. Lauderdale	FL
607	Janet	Berry	Apopka	FL
608	brandi	honeycutt	Denver	CO
609	Gloria	Figueredo	Coconut grove	FL
610	Weldon	Lockerman	Rougemont	NC
611	Karen	Martin	Homestead	FL
		Smallwood-		
612	Sandra	Beltran	Miami	FL
613	Andrew	Foertsch	Saint Petersburg	FL
614	Lynn	Harding	Sarasota	FL
615	Brian	Mealey	Palmetto Bay	FL
616	Ana	Bikic	miami	FL
617	Jeanne	LaStella	Charlotte	NC

618	Lee	Patrizzi	Chuluota	FL
619	Kelly	McCarthy	tampa	FL
620	Karen	Bryant	Wilmington	NC
621	ann	houston	chapel hill	NC
622	Ivey	Emanuel	Columbia	SC
623	ronald	stayton	miami springs	FL
624	Ellen	Meyer	Shoreline	WA
625	Emily	Coleman	Orlando	FL
626	Ronald	Bowen III	St. Pete Beach	FL
627	Leanne	Walker	Clearwater	FL
628	Melinda	Henderson	naples	FL
629	Stephanie	Jackson	Summerville	SC
630	gabrielle	smith	bunnell	FL
631	Christy	Hackman	Riverview	FL
632	Terry	Vogt	Brooks	GA
633	Samantha	Sayer	Atlanta	GA
634	Jennifer	Otting	Panama City	FL
635	Tara	Hottenstein	Gulfport	FL
636	Donna	Selquist	Port St Lucie	FL
637	Beverly	Hollingsworth	Savannah	GA
638	ROBERT	HASTY	DUDLEY	NC
639	Andrea	Wildner	Miami	FL
640	Lee	Kronick	Tamarac	FL
641	Alek	Williams	new smyrna beach	FL
642	Arthur	Krauser	Miami	FL
643	Nancy	Draper	Pompano Beach	FL
644	Kenneth	Kazmerski	Cocoa Beach	FL
645	Laura	Carpenter	Charlotte	NC
646	alan	strowd	tallahassee	FL
647	Sandra	Hays	Pelham	NC
648	Richard	Moore	Hollywood	FL
649	Colleen	McGlone	New Port Richey	FL
650	Jane	Lareau	Mount Pleasant	SC
651	Carson	Rhodes	Tarboro	NC

652	Christi	Dillon	Mooresville	NC
653	Mark	Yelton	Charlotte	NC
654	Diane	Jalbert	Atlanta	GA
655	Mark	Brown	North Charleston	SC
656	Wick	Workman	Lakeland	FL
657	Art	Meeder	Bluffton	SC
658	Whitney	Hawks	Titusville	FL
659	Jean	Wheelock	Marietta	GA
660	Claudia	Van Bumble	Garner	NC
661	Summer	Mitchell	Jacksonville Beach	FL
662	Dorotha	Wolfe	Boca Raton	FL
663	nick	motluck	bluffton	SC
664	Krisallen	Bean	Marietta	GA
665	Alex	Netherton	Asheville	NC
666	Jenell	Holden	Scottdale	GA
667	Kathy	McGRogan	Georgetown	SC
668	Lilian	Norris	Palm Harbor	FL
669	Karen	Clarke	North Charleston	SC
670	Anya	Martin	Decatur	GA
671	Laina	Valentine	Norcross	GA
672	alexandra	price	douglasville	GA
673	Jeff	thomas	Fairburn	GA
674	Linda	Johnson	Asheville	NC
675	Terry	Prather	Morriston	FL
676	Shayne	Giacoboni	vero	FL
677	Michael	DeLoye	Boynton Beach	FL
678	Katherine	Walsh	Tampa	FL
679	Jacqueline	Eckert	Jacksonville	FL
680	Patricia	Reber	Milton	GA
681	Christina	Begley	Deerfield Beach	FL
682	martin	slater	tamarac	FL
683	Leslie	Whaylen	Key Largo	FL
684	janis	epton	raleigh	NC
685	Bob	Steele	Orlando	FL

686	joyce	britcher	miramar	FL
687	Robert	Caine	Atlanta	GA
688	matthew	schwab	kissimmee	FL
689	Harry	S. Marcus	Venice	FL
690	Nancy	Rodlun	Apopka	FL
691	Donna	Reynolds	Lake Helen	FL
692	Suzy	Siegmann	Temple Terrace	FL
693	Sharon	Rich	South Daytona	FL
694	Alan	Somers	Newberry	FL
695	Donna	Gray	Brooksville	FL
696	Judith	Sockloff	Pincrest	FL
697	john	whitehead	Camp Hill	PA
698	Nancy	Witham	Fort Myers Beach	FL
699	Kim	Shiver	Columbia	SC
700	James	Kotlaba	Casselberry	FL
701	Kathy	Kirkland	Key West	FL
702	Janine	Gedmin	Key West	FL
703	Stephen	Gerwer	Port St. Lucie	FL
704	Gloria	Donn	Tamarac	FL
705	Jean	Arnold	Deltona	FL
706	Michael	Schaper	Conyers	GA
707	Linda	Exum	Watkinsville	GA
708	DAVID	MAZURE	mars Hill	NC
709	Christopher	Sego	Ocoee	FL
710	Shirley	Foster	Bradenton	FL
711	Sara Jane	Bush	Nokomis	FL
712	Walter	Holdsworth	Clearwater	FL
713	Bill	Russell	Isle of Palms	SC
714	Gladys	Cattanach	Kernersville	NC
715	Laura	McLeod	Irmo	SC
716	Michael	Heaney	Raleigh	NC
717	Doug	Landau	St. Petersburg	FL
718	Paul	Hawkins	Brevard	NC
719	Adria	Siraco	Port ST Lucie	FL

720	Michelle	Inere	Pensacola	FL
721	Rachel	Neff	Franklin	NC
722	Caroline	Luley	Cocoa Beach	FL
723	christopher	kording	hollywood	FL
724	Phyllis	Hasty	Snellville	GA
725	Diane	Campion	Miami Beach	FL
726	Steve	Nelson	Atlanta	GA
727	John	Harold	Chapel Hill	NC
728	Alberto	Rivera	Clermont	FL
729	Jacqueline	Robinson	Powder Springs	GA
730	Vince	L	oviedo	FL
731	Harriet	Mills	Sandy Springs	GA
732	David Reid	Wiseman	Isle Of Palms	SC
733	gabriela	monge	miami	FL
734	Bob	Peoples	Hillsborough	NC
735	Lanette	Rapp	Leesburg	FL
736	DANA	MOLINA	West Palm Beach	FL
737	George	Michaux	Vero Beach	FL
738	Dena	Bullard	Wilmington	NC
739	Taylor	Gillespie	Mount Pleasant	SC
740	Alfred	Montgomery	Doraville	GA
741	Kimberly	Hurt	Clayton	NC
742	Lara	Warman	Washington	DC
743	Patty	Kusmierski	Summerland Key	Georgia
744	Claudia	von Grunebaum	Winston-Salem	NC
745	Chadwick	Hagan		
746	sharon	collette	Athens	GA
747	Hilary	Macenas	Raleigh	NC
748	Michael	Watts	Greensboro	NC
749	j	trent	landrum	SC
750	Ioannis	Batsios Jr.	Winston-Salem	NC
751	Donna	Davenport	Decatur	GA
752	William	Rogers	Rock Hill	SC
753	Robert	Bradley	Sumter	SC

754	Mark	Erskine	Spring Lake	NC
755	Carol	Gilligan	Covington	GA
756	Ben	Margolis	Carrboro	NC
757	Shireen	Nelson	St Stephen	SC
758	Danna	Williams	Athens	GA
759	melanie	vazquez	shallotte	NC
760	Penny	Farrow		
761	linda	ricks	Beaufort	NC
762	Deborah	Burnett	Goldsboro	NC
763	Melba	Ridgway	Atlanta	GA
764	Chip	Berning	Hendersonville	NC
765	Gloria	Shen	Asheville	NC
766	Cathy	Brunick	Charlotte	NC
767	Patty	Taylor	Elkin	NC
768	Stephen	Van Vuuren	Greensboro	NC
769	Naomi	Harel	Clayton	NC
770	Willie	Hinze	Winston Salem	NC
771	Roger	Pruitt	McDonough	GA
772	Kelly	Malloy	Kill Devil Hills	NC
773	Amy	Samonds	Edisto Island	SC
774	Patrick Anthony	Drake	Lithonia	GA
775	Denise	Garrett	Clover	SC
776	Robert	Bell III	Chapel Hill	NC
777	Ron	Thigpen	Raleigh	NC
778	Laurie	Brown	Powder Springs	GA
779	Ricky	Howard	Wilmington	NC
780	Susan	Hough	Canton	GA
781	Bonnie	Scrudato	Myrtle Beach	SC
782	Elaine	McCall	Decatur	Georgia
783	Peter	Coyle	Delray Beach	FL
784	Mary	Lash	Piedmont	SC
785	deb	bialeschki	Durham	NC
786	Debra	Raymond	Kannapolis	NC
787	Tom	Schoenherr	Douglasville	GA

788	Holly	Clark	Concord	NC
789	Angela	McWilliams	Barnardsville	NC
790	Alicia	Barnes	Pawleys Island	SC
791	William	McVay	Hendersonville	NC
792	cynthia	geiger		
793	Larry	Williamson	Greenville	SC
794	Tonya	Graney	Atlanta	GA
795	Michael	Molder	Newberry	SC
				South
796	Louis	Rhodes	Bluffton	Carolina
797	Lucy	Roache	Roswell	GA
798	melissa	paven	marietta	GA
799	anne	yates	Raleigh	NC
800	Stephen	Thomason	Atlanta,	GA
801	Mikasa	Moss	Temple	GA
802	Hyman	Freilich	Boca Raton	FL
803	Dana	Beach		SC
804	Layla	Holguin-Messner	Stone Mountain	GA
805	Margaret	Van Dyk	Sugar Grove	NC
806	Tim	Leighton	Charlotte	NC
807	Adele	Kushner	Alto	GA
808	Di	Inscoe	Wilmington	NC
809	Amie	Mccook	ATHENS	GA
810	Robert	Wagner	Lawrenceville	GA
811	Chris	Shaw	Jackson	GA
812	Meghan	Prior	Winston Salem	NC
813	JR	Stratton	Greensboro	NC
814	Susan	Yarnell	Chapel Hill	NC
815	Maya	Ahuja	Atlanta	GA
816	Jessie	Furman	ATLANTA	GA
817	Timothy	Strong	Hickory	NC
818	Stewart	Wilber	Alpharetta	GA
819	Mark	Miles	Mebane	NC
820	Ronald H.	Silver, C.E.P.	Atlantic Beach	FL

821	Margaret	Silver	Atlantic Beach	FL
822	Andy	Lynn	douglasville	GA
823	Steven	Handwerker	Boca Raton	FL
824	Megan	Crotty	Pleasant Garden	NC
825	Malia	Mccaffrey	Myrtle Beach	SC
826	Matt	Wiles	Wilmington	NC
827	Sue	Elsasser	Tega Cay	SC
828	Donette	Erdmann	Austell	GA
829	Wendy	Bobadilla	Columbia	SC
830	Michael	Trescott	Matthews	NC
831	Betty	Abadia	New Bern	NC
832	Emily	Dale	Franklin	NC
833	Kori	mulholland	Boca Raton	FL
834	Marvin	Soroos	Raleigh	NC
835	Penny	Atkins	Pawleys Isl	SC
836	Melanie	Smith	Raleigh	NC
837	Howard	Bakken	Hendersonville	NC
838	Mary	Pope	Surfside	SC
839	Tam	Mossman	Marietta	GA
840	Tina M.	Brown	Roswell	GA
841	Margo	Raprager	Franklinton	NC
842	Diane	Jalbert	Atlanta	GA
843	Robert	McGee	Kinston	NC
844	Sandra	Stimpson	Peachtree City	GA
845	Michael	Johnson		
846	Scott	Myers	Powder Springs	GA
847	Natalie	Taylor	Raleigh	NC
848	Carolyn	Buckner	Chapel Hill	NC
849	Lisa	Freeman	Atlanta	GA
850	Lindsey	As	Boca Raton	FL
851	Letitia	Yarborough	Wilmington	NC
852	Barbara	Pringle	Efland	NC
853	Linda	Bowerman	Chapel Hill	NC
854	Stephanie	Mory	Seabrook	SC

855	Walter	Hewett	Wilmington	NC
856	Lynn	Sajdak	Smyrna	GA
857	Robert	McGahey	Burnsville	NC
858	Nadine	Blancato	Huntersville	NC
859	Cynthia	Nolen	Charleston	SC
860	Dana	Burger	Alpharetta	GA
861	Constance	Merwin	Charleston	SC
862	Marilyn	Meyer	Woodstock	GA
863	Don	Richardson	Brevard	NC
864	Patti	Eberhart	Fayetteville	GA
865	Joyce	Pusel	Durham	NC
866	Michael	Ebner	Cornelius	NC
867	Nancy	Newberry	Burnsville	NC
868	Laura	Schild		
869	Stephanie	Jackson	Summerville	SC
870	Gordon	Feighner	Durham	NC
871	Michael	Parker	Lake Park	GA
872	Lisa	Goodman	Savannah	GA
873	David	Fairall	Clemmons	NC
874	Alexandra	Lovinger	Atlanta	GA
875	Ann	Fonfa	Delray Beach	FL
876	Brittany	Brien	Hilton Head	SC
877	Sheri	Varner-Munt	Clayton	NC
878	Adam	Shay	Wilmington	NC
879	Kathleen	Brinkman	Greensboro	NC
880	Amelia	Fusaro	Altanta	GA
881	Ruth	Miller	Chapel Hill	NC
882	Jeanette	Jackson	Raleigh	NC
883	Jambrina	Sakellaropoulo	Charlotte	NC
884	Elisha	Passafero	Mc Cormick	SC
885	Lauren	Weisman	Duluth	GA
886	Charlotte	Steele	Irmo	SC
887	Christopher	Galton	Myrtle Beach	SC
888	Gayle	Stalker	Hubert	NC

889	Rebekah	Brenner	Chapel Hill	NC
890	Barbara	McLendon	Blairsville	GA
891	William	McCullough	Chapin	SC
892	Philip	Grainey	Savannah	GA
893	T.	Tolbert	Acworth	GA
894	Tam	Mossman	Marietta	GA
895	Carolyn	Barrett	Garner	NC
896	Dorothy	Darr	High Point	NC
897	Christina	Williams	Arnoldsville	GA
898	linda	stauffer	winston	GA
899	Angie	Amerson	Savannah	GA
900	Marie	Thompson	Boca Raton	FL
901	Teresa	Ferrell	cornelius	NC
902	Stanley	Charles	Fort Mill	SC
903	Carson	Rhodes	Tarboro	NC
904	Lauren	Crosby	Irmo	SC
905	Dinorah	Hall	Albany	GA
906	John	Barfield	Atlanta	GA
907	James	Darby Jr	Savannah	GA
908	Laura	Sechi	Dallas	GA
909	Karin	Cousineau		
910	Deja	Lizer	Asheville	NC
911	Martha	Johnson	Kill Devil Hills	NC
912	Alexis	Barbeau	Boca Raton	FL
913	Tracey	Allen	Raleigh	NC
		Greenberg		
914	Daphne and Steven	Freilich	Roswell	GA
915	Paul	Hawkins	Brevard	NC
916	Dave	Raczynski	Saint Simons Island	GA
917	Theo	Tucker	Smyrna	GA
918	Todd	Washowich	Woodstock	GA
919	Karen	Bryant	Wilmington	NC
920	Tony	Whetstone	Greenville	NC
921	William	Naylor	Hilton Head Island	SC

922	Gerald	Blume	Clermont	GA
923	Mary	Wigrman	gray Court	SC
924	Gerald	Blume	Clermont	GA
925	Brian	Kirsch	Elgin	SC
926	Mary	Owens	Warner Robins	GA
927	Karen	Boesch	Forsyth	GA
928	Sharon	Russick	Boca Raton	FL
929	Leslie	Lord	Athens	GA
930	Andrea	Fowler	Avondale Estates	GA
931	Kathryn	Buttles	Franklin	NC
932	Theresa	Perenich	Athens	GA
933	June	Cattell	West Columbia	SC
934	De	Bush	Moscow	ID
935	Lorraine	MacArtor	Fayetteville	NC
936	Audra	Guecia	Charlotte	NC
937	carol	strom	winston-salem	NC
938	Kathy	Crosby	Raleigh	NC
939	Erica	Luckstead	Greensboro	NC
940	Carolyn	Turner	Bailey	NC
941	Eamon	Holmes	Huntersville	NC
942	JAN	TURNER	savannah	GA
943	Toni	Garmon	Dawsonville	GA
944	Deborah	Burroughs	Edenton	NC
945	Kiara	Jackson	Winston-Salem	NC
946	C	Tharp	Athens	GA
947	berry	lee	Durham	NC
948	Kyle	Embler	Atlanta	GA
949	Michael	Collier	Oakwood	GA
950	Becky	Davis	Vilas	NC
951	Bonnie	Barfield	Smyrna	GA
952	Carolyn	Greer	Broxton	GA
953	Deanka	Grisham	Jonesboro	GA
954	Phyllis	Hasty	Snellville	GA
955	Kassandra	Tuten		

956	Donald	Adair	Charlotte	NC
957	Dawn	Cason	Powder Springs	GA
958	Suzanne	Cox	Myrtle Beach	SC
959	Marie	Dervartanian	Athens	GA
960	Maureen	Nichols	Durham	NC
961	Cindy	Danan	Boca Raton	FL
962	Lynn	Elliott	Durham	NC
963	Connie	Raper	Durham	NC
964	Libby	Cook-Carlton	Boomer	NC
965	Laksh	Thadani	Atlanta	GA
966	Julianne	Berckman	Lexington	NC
967	Frances	Cone	Pawleys Island	SC
968	Jennifer	Cavarra	Mableton	GA
969	Allyn	Schneider	Hilton Head	SC
970	Gerald	Blume	Clermont	GA
971	Adele	Kushner	Alto	GA
972	David	Mazure	Mars Hill	NC
973	John	Helms		
974	James	Farley	Raeford	NC
975	Kimberly	Harper	Sneads Ferry	NC
976	Deborah	Haithcox	Statesville	NC
977	Steven	Nelson	Atlanta	GA
978	Kelly	Thorvalson		



FSFA
PO Box 1216
Cape Canaveral, FL 32920
www.fsfaclub.org

To Whom It May Concern, SAFMC

The purpose of this note is to provide the position of the Florida Sport Fishing Association (FSFA), a 41 year old organization with over 170 family memberships headquartered in Cape Canaveral, Florida. This position is in regard to the subject of the SAFMC meeting to be held March 2-6, 2009 in Jekyll Island, GA.

The proposal for a period shut down of the recreational season on shallow water Grouper and American Red Snapper in the south Atlantic is not only unnecessary (based on member per trip catch experience) but unfairly penalizes the recreational fisherman and the entire related economy at a time when the stocks are steady, even increasing, and when the east Florida coast economy does not need a further negative hit enacted by an agency for the same government that is distributing billions of dollars in an attempt to do just the opposite.

Our organization is certainly not against responsible management of the marine resources where reasonably current science shows action is needed to protect it. However, with the economy already responsible for a significant reduction in recreational pressure in the last year, and with the local catches remaining strong on a per trip basis indicating a healthy population of Grouper and especially ARS, we are of the opinion the proposed closure action is definitely unnecessary, unfounded and constitutes a substantial, negative economic impact to the region.

The FSFA would ask the Council to look at daily recreational limit reductions alternatives in conjunction with other actions such as commercial bag limits and at reducing the shrimping activity in the critical 70' to 200' depth ranges.

Sincerely,

David C. Werner
FSFA Secretary
davewerner1@bellsouth.net
321-752-9955
<www.fsfaclub.org>



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Fishery Ecosystem Plan

LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 5, 2009

YOUR NAME (PLEASE PRINT)

Margot Stiles

TELEPHONE NUMBER (& AREA CODE)

202 833 3900

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1350 Connecticut Ave NW ^{5th floor} Washington DC 20036

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Oceana

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO

PAGE 164: Motion to move Alternative 7 to the Considered but Rejected appendix. The motion carried on page 165.

PAGE 165: Motion to add a sub-alternative under the Black Sea Bass Pot Alternative 8 to allow fishermen to leave the pots in the water for no more than seventy-two hours. The motion carried on page 166.

PAGE 169: Motion to add an Alternative 6 that would close the longline fishery when the 300-pound trip limit goes into effect. The motion carried on page 170.

PAGE 170: Motion to move Alternative 5 under each of Alternatives 2, 3, and 4 as a sub-alternative. The motion carried on page 170.

PAGE 172: Motion to consider recommending a finer measurement in the logbook squares to match what is currently used in the headboat logbook. The motion carried on page 172.

PAGE 174: Motion to move Alternatives 2 and 3 to the Considered but Rejected appendix. The motion carried on page 174.

PAGE 175: Motion to modify the Wreckfish ITQ program to keep the Wreckfish ITQ program and to update it to meet the new requirements of the Magnuson-Stevens Act. The motion carried on page 175.

PAGE 176: Motion to make the new wreckfish alternative the preferred alternative. The motion carried on page 176.

PAGE 177: Motion to add a new EFH alternative to track the Mid-Atlantic Fishery Management Council's EFH and EFH HAPC designations. The motion carried on page 177.

PAGE 181: Motion to have the staff look at allocations of not only the fish that are not undergoing overfishing, but those that also are and consider that in the ACL Amendment. The motion carried on page 182.