

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

**Sea Palms Resort and Conference Center
St. Simons Island, GA**

March 8-10, 2011

SUMMARY MINUTES

Snapper Grouper Committee

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Other Participants Attached

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in the Sea Palms Resort and Conference Center, St. Simons Island, Georgia, Tuesday afternoon, March 8, 2011, and was called to order at 1:55 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: We'll call the Snapper Grouper Committee to order. Our first agenda item is to approve the agenda and then the minutes, if you would as usual and especially today and tomorrow allow me a little latitude with rearranging things. We're starting early, which is a good thing, but the bad news is some of the folks that were scheduled to give presentations and have the information to provide to us don't have it as of yet so aren't here yet.

We'll just kind of go through what we can today and try to make as much headway this afternoon as we can and hopefully not stop in the middle of too much, but we will if we have to. With that caveat, without objection we'll consider the agenda approved. Everybody has had an opportunity to view the minutes. Are there any corrections or changes to the minutes? Then by consensus we will approve the minutes.

We're going to start on Agenda Item 5, which are the black sea bass and golden tilefish issues, and Gregg is going to walk us through that. I think the first attachment is 2A, the status of the black sea bass recreational catches.

MR. WAUGH: Mike is e-mailing this around to you so that you have this. As you all have already discussed some, the black sea bass fishery closed during our public hearings, and we were scrambling to try and address all the concerns raised by the public and to explain to them what went on. One of the issues, I pulled the Southeast Fisheries Science Center recreational catch monitoring report from our December meeting.

At that time I hadn't remembered receiving earlier reports and so erroneously I was informing the public that we just got these numbers and we just realized we were over the black sea bass recreational quota; and that if we had realized we were over in prior times, we would have addressed the bag limit analysis.

I've already apologized to Bonnie for stating that because when we went back and pulled the reports – I went back through the briefing book and then got with Tom Jamir to make sure we had them all. We have been receiving reports since September of 2007 on the recreational catches of black sea bass. This highlights the need to step back and get our SAFE reports in place, because nobody, myself included, ever sat down and pulled the recreational black sea bass catch numbers and compared them to the quota and compared where we were commercially to the quotas.

In my mind the first cut of a SAFE report would include a table such as the one that was up here. If there was absolutely nothing else in the SAFE report but this table for our species that are under quota monitoring, that would be extremely helpful. What it would mean is we're watching our quotas, we're evaluating where we are with respect to the quotas. If there are overages, then we will do something about it.

But we are where we are and so I just wanted to recap what the status is, and this is going back to the fishing year 2006/2007 when the quotas were implemented and TAC management was implemented through Amendment 13C. Those regulations became effective December 23, 2006, and that put in a step-down of the TAC. We took three years to phase out overfishing, and we no longer have that luxury.

But that's why, if you look, the TAC goes from 1.11 million pounds in 2006/2007 to 983 and then to 718, and that was to phase out overfishing in 13C. The allocations were split and the recreational allocation was 633,000 the first year, 560 and then 409; and on the commercial side it went from 477,000 to 423 to 309,000, where it is now. And remember black sea bass were overfished, undergoing overfishing and there is a ten-year rebuilding time period that started with implementation of 13C; so 2006/2007 is Year One.

And so you can see that based on the – and another data point that was corrected – and it's shown up there – is the recreational catch, as it has been reported in the Center reports that we're receiving are whole weight, so those have now been converted to gutted weight, and so the table up here shows gutted weight relative to our quotas at gutted weight.

So you can see that in the first year the recreational sector went over their allocation by 11 percent and the commercial was under – we went 3 percent over the TAC, so the total TAC was exceeded. In 2007/2008 the recreational sector was under 1 percent and the commercial was under, and so we were 20 percent under the TAC.

Then in 2008/2009 the recreational sector went over by 8 percent and the commercial went over by – it did not go over, but the total TAC was exceeded by 4 percent. In 2009/2010 the recreational sector was 19 percent over their allocation of the TAC and the commercial sector was under, but we were over by 9 percent.

And we've got preliminary 2010/2011, and the data on the NMFS quota monitoring sites through December has the recreational sector at their quota as of December; so by the time you factor in January and February, their overage will have the recreational sector over their allocation. And, of course, now with 17B there is a payback so that will be deducted. An estimated amount of that average will be deducted from the allocation that they get in the next fishing year that starts June 2011.

The commercial is also over by 5 percent; and so when we get to looking at the SEDAR stock assessment we will have to see what impact these overages are going to have on the rebuilding rate for black sea bass, because remember we're under a ten-year rebuilding period, so that's five years of data with a cumulative overage, so we'll need to see what impact that has had on the stock. That's all I wanted to cover; and I'd be glad to answer any questions.

MR. HAYMANS: Gregg, do you have the monthly or the wave landings handy so that we can see what the projection was for January?

MR. WAUGH: The data that is available on the website only goes through December. There is some of that in the – and we'll get into some of this when we go through the black sea bass bag limit analysis. Jack has some of those data.

Okay, next is Attachment 2B, and Myra will pull that up, but you all have this in your briefing book. It's the black sea bass management overview, and this is what is being used by the SEDAR stock assessment participants. This guides the stock assessment. If you look at Page 5 – and Myra will pull up Table 2.5.4, which is the stock projection information, and this is on Page 5 of Attachment 2B.

The question posed is what sort of projections do you want to see in the black sea bass stock assessment. Remember, right now we have a constant catch strategy; and if you're considering changing that, we need to provide some guidance to the SEDAR process, and that's why we've got those two issues highlighted to get your input here. I think John will offer some further clarification or help guide the discussion so we make sure we get the right requests to the SEDAR so that we get the projections that we need.

MR. CURRIN: All right, this kind of what I initiated, I guess, during the SEDAR Committee and how we'd like to have the projections run here. John, do you have something that you'd like to say beforehand or just react to questions from folks?

MR. CARMICHAEL: Yes, I think we talked about it at the SEDAR Committee, as you said, and then laid out the case pretty well. What we would like to have, if it's your intention that you would consider and if it's possible that we could consider alternative approaches for rebuilding sea bass, that we'd like to get that folded into this assessment so we can have the information for you when you get the final refining in all of this assessment in December.

MR. CURRIN: Yes, it's certainly appealing to me off the top of my head. Mark.

MR. ROBSON: Well, it was to me and what I heard was I thought that the current rebuilding plan was not using F-rebuild. It was based on a constant catch and it doesn't sound like that's what we want to do on this next round. It sounded to me like we definitely would want to consider an F-rebuild.

MR. HARTIG: Bonnie, are there any tradeoffs scientifically that you can see from doing either one of these; F-rebuild versus constant catch? I mean just from a layman's point of view if you've got constant catch and there are some problems that arise, you may be farther ahead of the game in your next assessment, but I don't know.

MR. CURRIN: Yes, I think that's one aspect of it, and the other aspect of it Gregg just showed us on the previous slide if we've stuck at an allocation or a TAC or an ACL or whatever it is now. For a number of years we've got a rebuilding fishery so the interactions from the recreational sector in particular are increasing; yet the ACL is staying constant. I think you can predict those sorts of problems with rebuilding fisheries. Other thoughts or comments? I'm hearing generally positive suggestions that we would like to look at a constant F approach. Is it too much to ask to be able to look at both of those to compare, John, both the constant catch –

MR. CARMICHAEL: No, I don't think that's too much to ask and I think that would be sort of inherent in this. You have an approach in place now of the constant harvest, and so what you could look at is a constant F, the F-rebuild as we know it traditionally, and you'd look at what F can get you to the rebuilt stock within the rebuilding time that you had, which was – what was it, ten years or something when you put 17B in, so we'd look back at the time when we expect the stock should be rebuilt and find what it is. We'd have both and then you could compare the two.

MR. CURRIN: Yes, the best I remember back from – and I think it was 13C when we put the step-downs in place and established the quotas originally at least. I guess in looking at the various approaches or strategies the constant-catch approach gave us a little bit higher TAC at that time in the early years.

I think that was appealing to the commercial sector in particular. Keep that in mind as we ask for this constant F approach because I don't know how to predict – John, you may be able to, but it may end up with a little bit lower TAC starting out the year of that and then stepping up as we go, but I don't know. A lot of that depends on the status of the stock and what kind of progress we've made in the last handful of years on that. All right, is that sufficient direction, John and Gregg, or do you want a motion to ask the –

MR. WAUGH: I think a motion be best.

MR. ROBSON: I would move that we ask that in the upcoming assessment that they take a look at the F-rebuild or constant F method for projecting rebuilding.

MR. CURRIN: Motion by Mark; second by David. Gregg.

MR. WAUGH: And did you want, Mark, add also, as John suggested, that fishing mortality rate to rebuild by the end of the rebuilding period, which is ten years?

MR. ROBSON: Yes.

MR. CURRIN: Any further discussion on the motion? All right, the motion is to ask in the upcoming black sea bass assessment to take a look at F-rebuild, constant F and a constant fishing mortality rate to rebuild by the end of ten years. I'm going to let her finish and then I'm going to read it again. Mark.

MR. ROBSON: On the rebuilding period I just want to make sure – my question is on the rebuilding period, the ten-year rebuilding period was established in 13C. Are we starting over with a new – you're still using the same – could you explain that a little bit more?

MR. CARMICHAEL: No, there is nothing to restart the clock. This would be whatever years are left in the rebuilding time; the F that gets you there. We are at about year four of five or so; I can't recall exactly.

MR. ROBSON: Okay, so it would actually be a shorter rebuilding schedule than ten years in this next assessment?

MR. CARMICHAEL: Well, I'd be careful how you use that. It's not a shorter rebuilding schedule than ten years. You're just in the midst of your rebuilding schedule. It would be the remaining years that you have in your ten-year rebuilding schedule that you put in several years ago.

MR. CUPKA: I would just before "assessment" add "black sea bass" because we're going to have a lot of motions; and when we go back and start looking at these, we need to be clear and the public needs to know what assessment we're talking about, too.

MR. CURRIN: Yes, if you noticed I read that in even though it wasn't there. Gregg.

MR. WAUGH: And this issue is going to be important when we talk about the black sea bass bag limit; because what you're talking about is through that action possibly putting it in with Regulatory Amendment 9 that we could approve for final approval here is affecting the 2011/2012 fishing year for black sea bass that starts June 1.

In order to affect what the harvest is then, we need to finalize that action at this meeting. And then we will have the results of the SEDAR stock assessment at our December meeting, and we need to be ready to finalize any changes you want to put in place for the 2012/2013 fishing year. So, the 2012/2013 fishing year is really the first year that you would have the opportunity to adjust your rebuilding strategy.

MR. ROBSON: But, again, to make sure I understand, if we do take a bag limit action and we could do it under the regulatory amendment and that could be effective when the black sea bass season restarts in June, and that could be done in a way that would potentially avoid another closure the second half of the year?

MR. WAUGH: We could complete our portion of that at this meeting and then we would submit it to NMFS as soon as possible after this council meeting, assuming you all decide to go ahead with a change in the bag limit, finalize that document, address the SSC issues with some of the analysis, get that package to NMFS as quickly as we can after the council meeting, and then it would be up them to try to get it implemented so that was in place June 1.

MR. CARMICHAEL: Just to clarify on the record here, it was Amendment 15A where the black sea bass rebuilding plan was set at ten years; 2006 was Year One – so that would be the 2006/2007 fishing year, and we're looking at being rebuilt in the 2016/2017 fishing year.

MR. CURRIN: All right, any further discussion on this motion? All right, the motion is to ask in the upcoming black sea bass assessment to take a look at F-rebuild, constant F and a constant catch to rebuild by the end of the ten-year rebuilding period ending in 2016.

MR. WAUGH: That should be the 2016/2017 fishing year. We really need to be clear with these fishing years versus calendar years.

MR. CURRIN: Yes, that provides clarity, and Joe I didn't have to read it again, so I'm okay.

DR. CHEUVRONT: I'm just trying to count this correctly. If the first year was 2006/2007; isn't it really 2015/2016 when you counted up? Is that not ten or am I counting it wrong?

MR. CURRIN: I think you're right; I think it's 2015/2016.

DR. CHEUVRONT: I had to use my fingers to do it, but I think that's the way it turned out.

MR. CARMICHAEL: You have through 2015/2016 to do it. When the 2016/2017 year starts, you should be rebuilt.

DR. CHEUVRONT: I think we just need to be clear that 2016/2017 isn't a year that we're rebuilding. We need to be rebuilt by then; by the end of the previous year, at the beginning of this year that you have up there.

MR. CURRIN: I think the way the motion is read, those dates are now correct or were correct, 2015/2016. That's the tenth fishing year. **I'll read it one more time: ask in the upcoming black sea bass assessment to take a look at the F-rebuild or constant F approach and a constant catch to rebuild by the end of the ten-year rebuilding period, which ends in the fishing year 2015/2016. Is there any objection to that motion? I see none and that motion is approved.** All right, Gregg, what else?

MR. WAUGH: I think that's it for black sea bass. We just wanted to get that clarification on what projection. If we look at Attachment 2C, it's the golden tilefish management overview, and on Page 5 –

MR. CURRIN: Before you move into that, I just want to make sure on that table that we were looking at on PDF Page 5, projection criteria values for interim years should be determined; are we good there that we've touched on that?

MR. WAUGH: What this is referring to is what you assume in the projection from the terminal year of the data that you have until the first year that – is your regulations are going to take effect? So, it's the years between your last data point in the assessment when your regulations are going to take effect.

I think what you'll see when we get into the bag limit analysis is the black sea bass stock has been increasing, so each year they're catching more fish; and so if you use the average of three years, you're definitely going to underestimate what they catch. We talked about this a little bit during the Socio-Economic Subpanel. They feel they can come up with some other ways to look at this to start talking about projecting fishermen's behavior. It seems to me you might want to add in addition to the average of the three years, that you look at perhaps the last year.

MR. CARMICHAEL: Well, in this case we may actually want to look at we assume that you hit your quota because that's another – when you have regulations in place and you have quota management, one way of dealing with this in those interim years is to assume simply that you meet the quota.

So if you didn't have regulations or something going and you just wanted to assume an F, you can do that to bridge the gap. It's really bridging the gap between when your data ended and when you think you'll make changes. And if you think you can make changes for the – you'll get this 2011 for the 2012/2013 fishing year. Then the projection assumption for the 2011/2012 fishing year will be that you'll land the 847,000, assuming that you do it perfectly.

Another option would be to use some average of the landings that you've had and just presume – if, let's say, we've gone over the 847,000, then one option would be to use the average landings; but for one year it might be safer given the safeguards that are in place now—thanks to the other amendments – you might be on very good grounds just simply assume you'll land the 847,000.

MR. CURRIN: Well, also if we modify bag limits for that last year, then that's going to have an impact, too, perhaps.

MR. CARMICHAEL: Right. For black sea bass, assuming you hit the quota and you have the safeguards in place with the commercial closures and the recreational, that might be the best assumption for this species.

MR. CURRIN: Well, I would certainly have to rely on your best judgment on that or the SSC's.

MR. CARMICHAEL: We can do that, too; we can allow some flexibility.

MR. CURRIN: All right, that suits me. Okay, on to golden tile, Gregg.

MR. WAUGH: All right, the same issue with golden tile. This is Attachment 2C, Page 5, the bottom of that page. The last time tilefish was assessed we had some overfishing going on so there wasn't – it was not overfished; but, again, generally they do some projections to see what is likely to happen into the future, and so the question is here what sort of projections do you want to see? If no overfishing is taking place, then I guess the projection would be based on the current harvest or assuming the quotas are met, but just to get the same type of guidance here.

MR. CURRIN: What are your thoughts here, folks? Do you want to approach it the same way we did with black sea bass; does that make sense, with a constant catch and constant F? Okay, I'm seeing consensus; is there a motion? Duane.

MR. HARRIS: Mr. Chairman, I would move that we ask in the upcoming golden tilefish assessment to take a look at the F-rebuild, constant F and constant catch to rebuild by the end – is this a ten-year rebuilding, also, or different?

MR. WAUGH: It's not overfished. The last time it was done it wasn't overfished.

MR. HARRIS: Then I'll just cut off that last part of that sentence “and constant catch to rebuild”. Is that what you're looking for there or do I need to reword this?

MR. CARMICHAEL: No, you didn't need anything about that. He was asking about in the interim years; so if you want to just use presuming that the fishery is going to land the TAC that you have in place, quota or whatever we call it; that's the assumption.

MR. HARRIS: So help me with the motion.

MR. CURRIN: To clarify that motion, shouldn't it just be look at a constant F and a constant catch or should it be F-rebuild?

MR. CARMICHAEL: Right, in the event golden tilefish comes up that – you don't need a motion for this because you've already, years ago, set up a set of criteria if we determine a fish is overfished, that we do different types of rebuilding scenarios, anyway. We would look at time to rebuild at F equals zero; time to rebuild at constant catch; rebuilding at the different Fs; so if it turns out that golden tilefish falls into that boat, then that triggers a whole nother set of criteria.

MR. CURRIN: So we don't need this motion?

MR. CARMICHAEL: Probably not at this time since it's not in a rebuilding plan.

MR. CURRIN: All right, so I don't think we ever had a second, so, Duane, do you need to withdraw your motion if you haven't had a second.

MR. HARRIS: I'll withdraw the motion, Mr. Chairman.

MR. CURRIN: Okay, that's fine. All right, is that it for golden tilefish and black sea bass management issues now? Charlie.

MR. PHILLIPS: I'm a little confused now, John. If golden tilefish weren't overfished so there was no rebuilding plan going on, then why did they cut the TAC so bad; to end overfishing?

MR. WAUGH: Yes, there was some overfishing going on and so it got reduced to end overfishing.

MR. CURRIN: All right, do you want to move into the black sea bass bag limit analysis; can we do that, Jack?

DR. McGOVERN: Yes, sir, Mr. Chairman. Just a little bit of background on this; last December I think it was when it was realized that we were probably going to have close black sea bass in season, it was requested by a council member that we look at a bag limit analysis at this meeting to possibly prolong the season or prevent some kind of – later on prevent an in-season closure.

The SERO staff and the South Atlantic Council staff put together this bag limit analysis. Currently the bag limit is 15 fish per person per day. I think everybody was e-mailed this document. If you look on the second page of this document, there are alternatives in there that

staff came up with. These may not be the same alternatives that the committee wants to consider, but it reduces the bag limit from 15 fish per person per day to 7 and on down to 1.

MR. CURRIN: Jack, hold one second and make sure everybody has got this. It's Attachment 3 and it was e-mailed to you in a group of attachments earlier. Go ahead, Jack.

DR. McGOVERN: Okay, it's listed as Alternative 13, and the reason why it's Alternative 13 is because there is a possibility that this would be put in the Regulatory Amendment 9 and there are 12 alternatives in there. There is Subalternatives 13A through 13E. Now, if you look at Table 1 on the next page, that shows the percent over the ACL that the recreational landings would be by year, and it ranges from 7 percent in the 2008-2009 fishing year to 33 percent more recently, and that's an estimated reduction for 2010.

We have the data for June through December of 2010, and the data for 2011 from January through May were estimated by averaging the three previous years. Just taking the sum of all those landings and comparing it to 409,000 pounds, we came up with a 33 percent value. Is everybody with me so far? Go ahead, Doug.

MR. HAYMANS: Jack, so the 33 percent assumes the total landings from January through May of some previous year average?

DR. McGOVERN: That's correct; it assumes an average of the three previous years because what we had to do here is just figure out what reduction would keep the fishery open all year. The fishery is closed right now; so in order to estimate what the landings would be from January through May, I just averaged the three previous years. We get a total out of that and it's 613,000 pounds and compare that to 409,000 pounds, and you needed a 33 percent reduction.

And then Table 2 shows you for the different fishing years when you might expect to meet the recreational ACL of 409,000 pounds; and you can see in the 2010-2011 fishing year, that's in January. And you also see, as Gregg mentioned, by the end of December you're pretty close to the recreational ACL of 409,000 pounds.

Tables 3A and 3B show the reduction that you get with a bag limit and it shows it by sector. Table 3A shows the reduction based on data from 2007-2009 and then Table 3B just shows it for the 2010 – using the 2010 data. And then if you look at Table 3C, this shows you the bag limit reduction using different years of data.

One interesting thing you see if you look at any bag limit reduction like for a bag limit reduction of five, for 2007 you get 13.6 percent; 2008, 8.6 percent; 2009, 9.3 percent, but then it jumps up again in 2010 to 15.5 percent. One reason John Carmichael pointed out that this might be occurring is because in a rebuilding stock the chance of encountering black sea bass might increase, and so you might have more smaller catches of black sea bass.

And then the increase in 2010 and the reduction with the bag limit might be a function of targeting other species – or because vermilion snapper is closed and fishermen are now targeting

black sea bass instead, and also it might be a function of stock rebuilding there, too. In Tables 4 and 5, it shows when the ACL would be expected to be met with different bag limits.

Table 5 is just based on using data from 2010, and you can see that for the 2010-2011 fishing year if the bag limit was reduced to five, it would be expected that the ACL would be met in March. And then Table 6 just shows the effect of the spawning sea closure alternatives that are being considered in Regulatory Amendment 9 and what additional reduction might be needed to prevent the ACL being met on top of that.

For example, if there was a March through May closure, based on date for the 2010-2011 fishing year, an additional 11 percent reduction of harvest would be needed to prevent any further closure of the season. That's a brief look at it and I'll answer any questions anybody might have.

MR. WAUGH: Mr. Chairman, I just wanted to thank Jack and the Southeast Regional Office staff again for putting this together. As we mentioned earlier, this was an issue that surfaced where this fishery closed while we were at public hearings, and on top of all the other amendments and actions that the IPT is working on they were able to get the biological, the economic and the social analysis completed of this and have it here for us to look at it. It's a commendable job.

When you see the SSC comments tomorrow, the SSC got it similar to how you all are getting it, right before your meeting, and they expressed obvious concern about the short time period for their review. But, it's a commendable job to have this level of analysis done in such a short period time, such that you could, if you choose to, add this to Regulatory Amendment 9 and approve it formal review at this meeting.

MR. CURRIN: Yes, Jack, on behalf of the committee and the council, I want to thank you as well, you and everyone involved. I know it was a lot of work and a very tight deadline so we appreciate it. All right, comments. Brian.

DR. CHEUVRONT: And I'll echo those; I really appreciate the amount of work that went into it, which makes me reticent to bring up the next idea. I'm assuming, then, that bag limit reductions and a closed season was all that was considered. Nobody looked at the concept of raising a size limit or anything like that, maybe up to 13 inches, and seeing if that would buy people – you know, buy us more fish.

I'm seeing heads shaking, no, that hadn't been done, and I understand. I mean we're up on a very, very short timeframe. The only reason why I even bring this up is I had several fishermen, including headboat operators, had suggested to me within the last few days of is there a possibility of increasing the size limit because they say they're seeing much larger fish out there now than they saw even two years ago. That was their concern so I thought I would bring that forward just to see if any kind of discussion about increasing the size limit had occurred at all.

MR. CURRIN: Unfortunately not, but that's certainly something that can be considered in recreational management measures after we get the next assessment back. I heard some

comments from people as well about considering opening on the weekends. I mean there are lots of ways we can approach it but not today.

This is what we have before us; and if there is some interest in trying to move forward with a reduction in the bag limit to at – perhaps not to end the closed season or eliminate a closed season, but at least extend the season some. You have the analysis of this bag limit. That's something we can, it appears, get into Regulatory Amendment 9 if that's what the committee and council want to do. Gregg.

MR. WAUGH: And, again, this was in response to requests that were made to look at it. The IPT wasn't sitting around thinking of ways to address this problem. You will see in the SSC review there were some concerns raised about potentially increasing the size limit, you're pushing fishing farther offshore, deeper water, so your discarding mortality is going to be higher. When we get around to looking at that in the future, if you all want that looked at, it can be looked at, but again this was in response to what can we do to try and change the bag limit to prevent to prevent an early closure in the next fishing year.

MR. BOYLES: Jack, just to make sure I'm clear; the tables that were produced here, we obviously don't know what the overage is in the recreational sector this year, so we're going to have to do some further analysis on bag limits to account for the overage this year; is that correct?

DR. McGOVERN: We don't know what the overage is, and this is just an estimate, anyway. The committee doesn't have to identify a specific bag limit that will keep the season open all year. It's kind of a tradeoff between extending the season for a little bit and allowing for some closure, anyway.

DR. CRABTREE: Well, I think we definitely need to lower the bag limit. I've talked to a lot of people about sea bass over the last few weeks and virtually every person I have talked to has said lower the bag limit, fifteen is too high. If you think about where we were five or six years ago, we were at ten inches. Now they're bringing in much larger fish.

I doubt that raising the size limit would really help us because as the stock recovers it is not going to be a problem to catch big fish. You can bring in a smaller number of fish now and end up with more pounds of meat than you would have had in the past because you're bringing in such smaller fish. There is a big difference between a 13- and 14-inch sea bass and a 10-inch sea bass in terms of the yield.

To me I think we definitely need to lower the bag limit. It's just a matter of figuring out how far we need to lower it. I don't pretend to think we're going to avoid a closure. I think we're going to continue to have closures until we change the management strategy or rebuild the stock, whatever. To me it's a matter of lengthening the season to the extent that we can. I think we're looking at coming down to seven anyway, and the question is can we go even lower that. If we can stretch this fishery and have it run another month other than what it would have been, I think that's a benefit to people.

MR. HARRIS: Mr. Chairman, I'd hate to see us lower the bag limit to seven fish. I was hoping that we could do something with somewhere around ten fish because that's what we heard at the public hearings. I agree with Roy, there is probably not going to be a way to avoid a closure, but closing at a certain time of year by changing the fishing year is certainly more desirable to me than lowering the bag limit down to three or two fish. I just can't see doing that.

MR. BOYLES: And we talked about this back in December about the fishing year and the committee said grace over it. I'm wondering, though, following up on Duane's comment whether there is any desire or wisdom in perhaps splitting the fishery and beginning the recreational season at some other point other than June. Now whether that's back to January, as we discussed back in New Bern, or some other time, I don't know, but I'm wondering if that's maybe a way forward.

MR. CURRIN: Yes, I guess it's a possibility, Robert. I don't know quite how you get there. The fishery is going to open in June again. I guess one way to get there is just keep it closed until when you want it to open again. I don't know how acceptable that would be to people. I don't know how it should get there, but you can't have some harvest and then ignore it to start over again. I've been through that in North Carolina before. It doesn't go over very well. Tom.

MR. SWATZEL: It's clear that we need to reduce the bag limit. I think certainly seven is a reasonable number. I think part of the problem is you're going to obviously still have closures, and it's where the closures occur and when. In the Carolinas if you ended up with closures still after a seven-fish bag limit, if those closures were in January and February, it's not as harmful; but if those closures are in January and February off Florida, it is harmful.

I'm wondering if there is some way to reduce the bag limit to seven and have the sea bass fishing years different, for example, off maybe the Carolinas and Georgia versus Florida to where if you're going to have closure, the closures are different to where they have minimal impacts in those geographical regions. Just a thought.

MR. CURRIN: Yes, and again, Tom, I think we're in kind of the same boat with those other issues that Brian brought up at this point at least. There are certainly approaches that we can take when we respond to the new assessment; but if we're going to do something today, I don't believe we can get into changing the fishing year. Roy, to that point.

DR. CRABTREE: Well, you do have actions in Regulatory Amendment 9 to change the fishing year for sea bass, but they're not broken down by area, so that I don't think you could get done. I guess you could change the fishing year, but the problem, of course, as Tom says it's going to affect people in different places differently.

MR. CURRIN: And just to correct something that I just said, Myra reminded me that there are alternatives under Regulatory Amendment 9 to change the fishing year. We haven't selected any preferreds there, but those are in the document and could be adjusted. Tom Burgess.

MR. BURGESS: I was just going to bring up what Tom brought about the regional difference and the problems associated with changing the fishing year, so he kind of spoke about it already.

MR. ROBSON: And, again, I'm just reiterating what was just said, and I think it would be a real problem in central and south Florida if you didn't have some kind of a split in the season fishing year start because of the difference in activity.

MR. BOYLES: Mr. Chairman, along those lines is it possible for us to pursue with splitting the season beginning June 1st. It doesn't change the fishing year but you split the year. Roy, maybe between a period June through December and a second period January through May; is that a non-starter?

MR. CURRIN: Well, Robert, I think there are split-season alternatives in Regulatory Amendment 9. I'm hearing general consensus from the committee that some adjustment in the bag limit probably should be considered in Regulatory Amendment 9; so if somebody wants to make a motion to develop or enter some alternatives in Regulatory Amendment 9 to adjust the bag limit, then that would be appropriate; or if you've got a number in mind, that might be appropriate as well. Brian.

DR. CHEUVRONT: I'm thinking that – I'm just going to go ahead and make the motion and just see where it falls. **I would like to make a motion that we reduce the black sea bass recreational bag limit to seven fish.**

MR. CURRIN: Motion by Brian; is there a second? Second by Charlie. Discussion on that motion? Any objection to that motion? I see none and that motion is approved. I presume by that, Brian and the rest of the committee, that the intent is to move this action in Regulatory Amendment 9; is that correct?

DR. CHEUVRONT: That was my intention, yes.

MR. CURRIN: All right, so I guess as an action or a sub-action or alternative or series of alternatives in 9; will we in fact need a number of alternatives there or would it suffice to –

MR. WAUGH: Well, my understanding of what your direction is, is to move this Alternative 13 into the amendment, and it has alternatives that have been analyzed reducing the bag limit to seven, five, three, two and one.

MR. CURRIN: That answers my question. Everybody is clear on that; so even though the motion was to select a bag limit as a specific bag limit, I think the best approach is to move the alternatives Jack outlined into Regulatory Amendment 9, and there will be a series of alternatives there. John.

MR. CARMICHAEL: Myra, you might want to pan down to Table 4 because it starts out with this bag limit analysis. It's based on the idea of keeping the fishery open longer because people were dissatisfied with the black sea bass fishery closing at the end of January. Well, based on the analysis, the seven-fish bag limit in 2010/2011 would have closed the fifth of February.

If the stock is continuing to get bigger, the fish are continuing to get heavier, you're going to reach your limit sooner in terms of poundage, so it's very likely that in the next year, without any other actions, you'd close in probably January again. We need to make sure that if we have the objective of keeping the fishery open, we should probably try to pick something that does that. There are other things like the spawning season closure, which are in there, which change that.

DR. CHEUVRONT: And to that point, John, had we had 17B in place this year, the season would have closed probably the end of December, and so it would have closed even sooner. If you look at the landings – we realize there is going to be a closure and maybe we can stave off some of this by looking at adjustments to the season.

Part of the argument to this is that going below seven fish I think is going to create an economic hardship that would go beyond having a three-fish bag limit to keeping the season open longer because people aren't going to go fishing for black sea bass for three fish. It's like telling somebody he can catch only two dolphin. It may be a mental thing or whatever, but folks aren't going to pay the money to go catch three black sea bass, but they can probably live with seven.

We're still going to end up with the same amount of biomass removal even if it closes in February as opposed to later in the season. If we're going to have closure, frankly, I'd rather have the closure in the spawning season. I know that doesn't help Florida at all, but that's part of the thinking that was behind why I said seven fish. Let's try to keep this a profitable fishery.

MR. CURRIN: Keep in mind and I hope you will consider that when we get around to discussing this again in Regulatory Amendment 9, that we've already had a lot of discussion on this about picking specific ones. We have gotten the action or the alternatives into Regulatory Amendment 9 by that last motion and we'll be revisiting the specifics of this in Regulatory Amendment 9. Gregg.

MR. WAUGH: And also to remind you just in terms of how the public perceives this is that the quota for the next fishing year will be reduced by the amount of the overage, so it's also likely that the next year, 2011/2012, will close even sooner because the quota you're starting with is going to be lower. We just need to make sure that as we write this up and explain this to the public that we don't oversell what this will do and get their expectations too high.

MR. CURRIN: Yes, these dates are just estimates subject to lots of influences and changes.

MR. HARRIS: A quick question for John and/or Gregg; based on what you just said, John, about the fish getting larger and the season might close earlier, anyway, where are we getting the weights from the recreational fishery? Is it from length frequencies?

MR. CARMICHAEL: MRFSS weighs some fish – MRIP – in their encounters and they encounter fish and they weigh some fish, and that's where the normal weights will come from for the estimates that you get for MRIP in terms of pounds. I'd have to look to Jack to see what they used – if they use that or if they use some average with perhaps some more data that is used in it.

DR. CRABTREE: We've looked at all this pretty carefully, and the average weight used was a little over a pound. The fishermen I've talked to have said that seems pretty reasonable. The only question in the MRFSS numbers that came up was that Wave 5 catches were high, and it was one of the highest Wave 5s we've seen in years. I don't know why that is, but that's what happened.

I'll tell you my experience with having been through this red snapper, is that in the Gulf is the mistake we made was we never lowered the bag limit enough and people did keep going fishing, and they didn't quit going fishing when we got down to even two fish. My concern is seven fish likely to me isn't going far enough, and what will happen next year is we'll end up regretting that we didn't go lower. I would offer a substitute motion to set the recreational bag limit at five fish.

MR. CURRIN: All right, a substitute motion by Dr. Crabtree to set a recreational bag limit – or I guess actually what the motion would be, Roy, is to select – let's see if I can find which subalternative it might be in 13 to select as the preferred – yes, 13B –

DR. CRABTREE: 13B.

MR. CURRIN: Subalternative 13B as a preferred. Motion by Dr. Crabtree; second by George Geiger. Discussion on that substitute motion? Bonnie.

DR. PONWITH: One of the things to keep in mind – and I know this will be part of the analysis in the assessment that is going to be happening – and that is when you've got a stock that is in a rebuilding plan you base your management measures based on projections that are on a trajectory to achieving your goal by a certain amount of time.

What happens is if you have perturbation to that rebuilding plan early in the process – the perturbation we're talking about right now is an overage in the quota – that is more disruptive to a timely rebuilding than, say, going over a quota very close to the end. If you allow an analogy, it's akin to compound interest when you're building up a bank account.

Basically the animals that were in the projection that were contributing to the recovery of that in terms of spawning stock, that is actually diminished because of the overages, and so it doesn't really equate to a one-to-one replacement. The bottom line is that if you go over, the amount you go over you will likely have to actually cut more than that off of the future years' harvest to be able to recover at that rate. What it does is just puts in some motivation for being attentive to that when you're contemplating your management measures. Again, this will bear out I think in the assessment that we're working on right now, but it's something to keep in mind.

MR. CURRIN: Thank you for bringing us to reality. We're in a parliamentary mess I think right here and we need to straighten it out. Dr. Crabtree, if I might ask you to withdraw your motion and then I would suggest we reconsider Brian's motion. Let's try to pass a motion that enters this suite of alternatives in Amendment 9 and then we can entertain the motion that you just made.

DR. CRABTREE: Okay, I withdraw my motion.

MR. CURRIN: Is that okay with you, George

MR. GEIGER: Yes.

MR. CURRIN: All right, any objection to withdrawing that motion? I see none; that motion is withdrawn. Now let's go back to Brian's and perhaps we can reconsider and go ahead and get this suite of alternatives into Amendment 9 and then we can consider selecting one. I need a motion to reconsider. Tom Swatzel.

MR. SWATZEL: I'll move to reconsider.

MR. CURRIN: Motion by Tom Swatzel; second by Robert Boyles to reconsider Brian's motion of selecting a seven-fish bag limit. Discussion on the motion? Tom Burgess.

MR. BURGESS: So basically we're putting this into Regulatory Amendment 9 and then voting on it then; is that correct?

MR. CURRIN: That's what is what I'm trying to get to, yes. Robert.

MR. BOYLES: Mr. Chairman, I think what you're looking for, if I understand it, is you want a motion to include the Draft Alternative 13 in Regulatory Amendment and I would make that –

MR. CURRIN: Well, let's handle this one first and then I would welcome exactly what you said. All right, we have a motion to reconsider before us. &&Is there any objection to that motion? I see none. Robert, why don't you rescind this one and then offer another one.

MR. BOYLES: Mr. Chairman, I make a motion to rescind the earlier motion to reduce the black sea bass recreational bag limit to seven fish.

MR. CURRIN: Motion by Robert to rescind the previous motion under discussion; is there a second? Second by George. Any discussion? Any objection to that motion? I see none. Now we need a motion, Robert, to move all the suite of alternatives under Alternative 13 into Regulation Amendment 9.

MR. BOYLES: Mr. Chairman, I so move to move all the suite of alternatives, Subalternative 13A through 13E into Regulation Amendment 9.

MR. CURRIN: Motion by Robert; second by Mark. Discussion on that motion. Any objection to that motion? I see none and that motion is approved. Now, Dr. Crabtree, we're finally straight and to the point where if you would like to offer a motion to select as a preferred from those subalternatives under Alternative 13, I think we can do it. Doug.

MR. HAYMANS: Will we not get into Regulatory 9 and look at those fishing years and seasonal closures before we actually look at bags.

MR. CURRIN: We can do it there; and if you want to hold off, that's probably the best way to proceed with it. We'll just look at the whole suite then and that might be more informative. Good advice. All right, so we got Alternative 13 in there, which is a good thing. When we go through Regulatory 9, we will have this as an alternative as well to consider along with fishing year changes and the other actions that are in there or alternatives. Tom Burgess.

MR. BURGESS: Just a quick question; I know that there is an analysis done on the change in the fishing year associated with the commercial fishery and the numbers associated with each of those different ACLs, different start dates and all; was that done for the recreational fishery also?

MR. CURRIN: Ask that question again.

MR. BURGESS: Well, say, for instance, in the June through November and the December through May fishing year alternatives under Regulatory Amendment 9 there is a poundage associated with each different season and ACL, and I was wondering if that was also for the recreational fishery.

MR. CURRIN: I don't recall. I think you're right, Tom, I think most of those fishing year changes were – well, they had to have applied to the whole fishery, I believe, or were they strictly for the commercial fishery? I don't recall. Jack.

DR. McGOVERN: There are alternatives in there to change the fishing year for commercial and recreational, but the alternatives only split the ACL for the commercial. They don't split it for the recreational. We have looked at splitting it for recreational this morning.

MR. WAUGH: To Doug's point, as people think about this and how you interact the bag limit reduction with a change in the fishing year, remember the justification for changing the fishing year from January to June 1 was to allow any closure to take place during the spawning season closure. So as you consider starting a season at the start of the spawning season closure, you might think of how we would build the justification to do that on a stock that's overfished and in Year 5 of a ten-year rebuilding time period where we have exceeded the TAC in all but one year so far. Just give some thought to how we address those biological impacts and come up with a rationale to split the season if that's your intent.

MR. CURRIN: All right, and again we'll consider all this under Regulatory Amendment 9. We've got to wait on some input for that so that will occur tomorrow. All right, anything else, Gregg or John or Jack, on the bag limit analysis for black sea bass? Thank you again very much for what I'm sure was a yeoman's effort to get all this done in a very short timeframe. All right, let's move on, then, to get a report on the status of Amendment 18A. Do you want to take five minutes?

MR. CURRIN: All right, if we can get everybody back to the table, we'll start. Okay, we're going to let Kate take care of all the updates that she is going to provide for us today, and we'll start with 18A and move into 20, 21 and 22.

MS. QUIGLEY: In order for staff to be able to focus on the amendments with statutory requirements, as well we Amendment 9, what we had talked about was putting some amendments off until June. We focused on the Comprehensive ACL, Amendment 9, and various other amendments, and then there are these other amendments that we're working on that we're not going to go into detail on today or the rest of this week.

Those include Amendment 18A, which is the golden tilefish and black sea bass endorsement program; Amendment 20, which is revision of the Wreckfish IFQ; Amendment 21, which is comprehensive snapper grouper management, including catch shares and trip limits as well as some other management measures; and Amendment 22, which is long-term red snapper.

Amendment 18A, which is the golden tilefish and black sea bass endorsement program, we're continuing to work on changes that were made to the document in December, including the addition to an appeals process. We've got some legal conversations going on about what needs to go into the document and what can actually take place just administratively. We're continuing to work on that and we'll get back to the council in June with a complete analysis.

And then Amendment 20, revision of the Wreckfish IFQ, that hasn't been worked on for some time now. I think we're going a year now, so that's just waiting there. Then we've got Amendment 21, which is again the comprehensive snapper grouper catch shares, trip limits and other management measures being considered. That was scoped in January/February. You have got the scoping comments, but we will not be going over the scoping comments at this time. We'll get back to that in June.

The same is true for Amendment 22, long-term red snapper. That options paper and draft amendment was scoped in January/February and we'll be getting back and doing a summary of the scoping comments as well as going over the document in June in order to space out the workload. Are there any questions about any of those? That's really all I've got to say with regards to an update on those amendments.

MR. CURRIN: Any questions for Kate on the status and where we are on those various amendments? All right, I see none, thank you. All right, we're going to try to make as much progress as we can in the Comprehensive ACL this afternoon. We're going to plan to end at five o'clock or very close thereto. We'll just go as far as we can.

If you remember during the conference call, it was suggested by the staff that perhaps the best way to proceed in the Comprehensive ACL Amendment was to start with the dolphin and wahoo actions there, step through those and that might perhaps help us when we go back through the snapper grouper species earlier in that amendment. Myra is going to give us a summary of the public hearing comments on the Comprehensive ACL, and there were many.

MS. BROUWER: Right, so very quickly, I didn't read all 1,900 comments that came in, but I did spot-check them so let me tell you a little bit about what I heard during the public hearings and the written comments that were submitted. We received, like I said, approximately 1,900 comments, and they were strong opposition to the proposed management measures for dolphin

and wahoo. That was the majority of the comments that we received on this amendment were pertaining to dolphin and wahoo.

There was opposition to the species groupings approach; opposition to the harvest of sargassum. There were comments regarding that the council should be clear and consistent on whether ACLs are based on landed catch or on total mortality. There was a request that the council provide an update on bycatch monitoring tools, including cost and percentage of use throughout fishery sectors; a request that the council provide an update on the status of implementing ACCSP; a request that the council consider the lack of a management buffer for the commercial sector either by a buffer between ABC and ACL or the use of an ACT.

There was opposition to removal of species from the FMU versus designation as ecosystem component species. There was support for retaining the aggregate commercial and recreational ACLs for gag, black and red. There was support for retaining dolphin allocations and concern that management uncertainty is not accounted for in the ACLs. That's pretty much a snapshot of the kinds of comments that we received for this amendment.

MR. CURRIN: Any comments or questions for Myra on the public comments or public hearing?

MR. GEIGER: They weren't quite stated with the same passion, I might add.

MR. CURRIN: Yes, I think anybody who attended or listened to those would agree. All right, let's move into our amendment, and, Myra, I'll ask you to give us some page numbers here and document numbers to make sure everybody is on track.

MS. BROUWER: We are going to be looking at the updated document and not the public hearing version, so the document that you received in your second briefing book. It's Attachment 6C, I believe. As Mac mentioned, we're going to start with dolphin, so the first action we'll cover is Action 16, which is on PDF Page 363.

MS. SMIT-BRUNELLO: Myra, are you also able to give what page that is of the hard copy, which will just at the bottom of your PDF page?

MR. CURRIN: Yes, 363 is the PDF page number; 333 in the hard copy.

MR. WAUGH: Okay, the first item begins right under Section 4.4 – and, Myra, if you'll scroll up to PDF Page 361, when we are talking about the fishery management unit – we say pompano dolphin is considered as part of a multispecies group herein. What the IPT is recommending is we add the following: "Pompano dolphin are included" – and this is highlighted in yellow here – "Pompano dolphin are included in the landings of common dolphin and it is the council's intent that the MSY, OY, OFL, ABC, ACL and AM parameters set for common dolphin also include pompano dolphin; thus it is not necessary nor possible to specify these parameters separately for pompano dolphin."

The issue is that pompano are in the management unit. They are rarely landed and they are included in the landings' data for common dolphin. They're not split out, so we want to make sure that is your intent.

MR. CURRIN: Everybody fine with that? I'm seeing heads nod to the affirmative, thumbs up all indications.

MR. HARTIG: It's not going to make any difference.

MR. CURRIN: If you've got something to say, say it.

MR. HARTIG: Well, pompano dolphin probably never reach the minimum size of the regular dolphin species. They're so rarely found. I know there is an identification problem. I don't know; that's all I wanted to say.

MR. WAUGH: Okay, the next item is on PDF Page 363, and this deals with Table 4-33. We've got landings' data that were used by the SSC to develop the OFL value, and they pulled landings out of the Dolphin and Wahoo FMP that was completed in 2003. The data that are included in that, the council hired Phil Goodyear. He had recently retired from the National Marine Fisheries Service and he compiled the data and did a number of analyses.

Those of you that are around that were there when we were completing that, remember that we included lots of his analyses in the appendices. That was the recreational and the commercial data that was included in the FMP, and that's what the council used to develop their soft quota and allocation.

The IPT is recommending the council consider recommending the SSC use the following data from the Southeast Fisheries Science Center that corrects and updates the data contained in the Dolphin and Wahoo FMP to specify OFL. You can see through revisions to the estimation criteria the recreational catches from 1994-1997 have been corrected. In 1994 they go from 9.5 million to 11 million; 1995 is roughly an 800,000 pound increase; 1996 you've got about a 2.5 million increase; 1997, just under a 3 million pound increase.

Commercial does not change that much but there are some changes. The resulting allocations at that time changed. The SSC developed their OFL recommendations, the mean of the landings from 1994-1997, which was 11.883 million pounds. If you use that same methodology with the new data, the OFL increases to 13,709,523. We need your guidance on what to do here.

MR. CURRIN: I presume there is no one that's interested in using less accurate data or uncorrected data. Everybody okay with using the corrected data, as Gregg suggested? Any objection to that? I see none. Yes, Doug.

MR. HAYMANS: Maybe I missed it but where is the new data? I understand the updated table, but where is the 2000-2010 data? Why are we not using that?

MR. CURRIN: Well, it's being used. These are just some values I presume, Gregg, from specific years that were in error and those have been corrected; is that correct, Gregg?

MR. WAUGH: Yes, we'll get to the other years of data in Table 4-36, but these are used because the SSC based their OFL recommendation on the mean of the earlier years when the landings were higher. Okay, looking at Action 16, the ABC Control Rule, Myra, if you'd open that spreadsheet that's D/W landings, these should have been – we can e-mail these around, but what this does is present an overview of the steps we're going through.

We have now decided to use the corrected landings, so the OFL – and I'll have to check that number; it's off a little bit – okay, so we've got the new OFL that is being used, and your ABC is to use 85 percent of the OFL for your ABC determination, and then we are setting the ACL equal to OY equal to the ABC. We are allocating 8 percent and 92 percent.

When we get to the allocation – I'm giving you just an overview of this as we go in, but once we go through the specifics, when you look at the newer catch data it changes some of the numbers under the allocation alternatives. I don't think it changes the preferred. It does not change the preferred so we still stay at 8 and 92 percent.

And you use a formula to step down for your recreational ACT, so you can see the recreational ACL is 10.72 million pounds; the recreational ACT is 9.97 million pounds, so roughly a million pound step-down. The issue that was raised during the public hearings a lot is, well, why are you proposing such reductions for a stock that there is no biological problem with?

We explained this, but there was a lot of interest in having the council look at ways to not have to reduce the bag limits for dolphin and wahoo, particularly wahoo that we'll get to in a few minutes. What this table shows is that at the public hearings we went with the need for about an 11 percent reduction, and so we had some bag limit alternatives looking at that.

The issue comes as to what should we use as the percent reduction – the time period to use because the way you figure out what management is necessary is you compare your recreational ACT – that's your target harvest level that you want to aim for with your management to ensure that as the recreational catch goes up and down, it doesn't exceed the recreational ACL, and so the question becomes what years – what set of years do we use?

The IPT is recommending that we use 2005-2009. There are other alternatives here just to show you the different numbers, 2006-2009, 2004-2009. So if we look at using the updated data and the SSC goes along with the new OFL, which I don't see why they would have problem with doing that, then comparing the recreational ACT to the average 2005-2009 there is no reduction needed. Catches could increase 1 percent so that will keep you below your ACT and the existing management measures will keep you below your ACT.

Under that scenario you would not need to change your management measures. If you compare it to other time series, you'd see the different reductions. A little more of an increase, in fact, could be realized. We wanted to walk you through that so that you see this before we actually

start through the actual decisions. You had asked us to add alternatives looking at implications from using the Gulf Control Rule, and we've got that built into this table as well.

Before I get to that, let me just point out that our current alternatives have you stepping down from the recreational ACL to the ACT. If you chose not to do that and just set the recreational ACL, then you're even farther below the level where you'd need any reduction. The problem there is then as that recreational catch goes up and down, you may in fact exceed your ACL and trigger an overfishing determination.

The bottom line is with these new numbers it's not requiring you, based on the average 2005-2009, to change your management. If you look at implications from using the Gulf Control Rule, as you all asked us to at the last meeting – again this using their Tier 3A, and this is the same thing we walked through with spiny lobster and with mackerel – the OFL is the mean plus two standard deviations, so that's about 16.7.

Their ABC is the mean plus 1.5 standard deviations. So if we use setting the ACT equal to the ABC, do the allocations, then you can see that the recreational ACT is higher and lots less need to modify the regulations. If you were to set your ABC at mean plus one standard deviation, it reduces the ACT; mean plus 0.5 gets down to about 10.9; and if you use the mean, you're below what would be our current recreational ACT. I'd entertain any questions here.

MR. ROBSON: Gregg, going back to the estimation of OFL, again in this case the SSC just looked at a series of years and used mean landings as an OFL value?

MR. WAUGH: That's correct, they used the mean of 1994-1997, which was in a time period of higher landings.

MR. ROBSON: But, again, it was just based on those years of landings; they had no other way of determining of OFL?

MR. WAUGH: That's correct; remember on their behalf we had requested calculations of the overfishing level and the recommendation that we received back from the Center was to use average landings.

MR. ROBSON: Okay, and then just for my curiosity you said the IPT recommended using the 2005-2009 as your base to compare where you're at with the ACT; what was the reasoning for that set of years over any other set of years?

MS. BROUWER: What happened was – well, let me address the OFL question first. The reason why the SSC went back to those early years is because that's the time prior to any regulatory changes in the fishery. They did not want to use years post 2003 because that's when the fishery management plan went into place, so that was the reasoning behind that.

As far as calculating the percent reduction, the IPT suggested using the years post-regulatory change, so years after 2003 once the regulations had been put into place and use those landings in order to compare them to your preferred ACL to calculate the percent reductions. The IPT

also chose to use those years for the economic analyses, so we just wanted to be consistent. All we wanted to do was make sure that years post 2003 were being used, and that's why 2005-2009 was chosen.

MR. ROBSON: Thank you, Myra, that helps me a little bit, and I'd like to take a little time to understand this because it's important I think because the SSC is setting the pace for everything we do through this OFL determination. What I think I heard you say is they're looking at a pre-management level of the dolphin population and saying that's your overfishing limit.

Wouldn't it make sense to look at the years where we have management structure in place that basically helps to govern what your overfishing levels would be? It just seems to make more sense to me that you'd actually look at an overfishing level based on our current management structure; why wouldn't you do that? Maybe it's just my ignorance.

MR. WAUGH: Part of that – and John can follow up – is that they want – remember, your overfishing level, you want to have some measure before regulations because we put in precautionary management regulations that lowered the landings; and so if they were use a time period for your starting point your overfishing level of once you had regulations in place, all of our numbers would be lower.

And so you want to go back – and this is a proxy for an overfishing level and they wanted to see what the landings were unrestrained, unrestricted, to get a better estimate of what the population was producing. And, again, that period, there were no apparent downward trends in the catches and so they felt confident using that. John I think had something to add as well.

MR. CARMICHAEL: Yes, they wanted to get an idea of what they thought was the highest sustainable level of harvest they had observed, and that's why they picked the highest years to set that as the OFL. When you're talking about the OFL, you're talking about what is you think the level of harvest that beyond which you'd be taking too much, so you really wouldn't want to look at a period when you had regulations in place that are limiting what the fishery can take because those landings would not be reflecting what the stock's overall productivity is.

They're reflecting what the fishery can take given a set of regulations. If you're going to use landings to infer productivity, you have to look at a period when the fishery is essentially unrestricted and you think they were taking as many fish as the population could pump out. A species like dolphin with a short lifespan you may be able to get some really good inference from four or five years of landings because you should start to see some impact of removing the population if you were removing too much.

It's very different than a long-lived fish where if you've had 30 years to build up biomass, it might take you years and years before you see a response because you're mining them, but dolphin with a short-lived fish you would think if you had taken too much you should see kind of a response.

MR. ROBSON: Just one more followup and then I'll end it. So the level they're determining, they can't really say it's an overfishing level; it's just a fishing level recommendation that's

based on what appeared to be a high level of harvest in an unregulated state. I'm still trying to reconcile – we're supposed to get a fishing level recommendation from the SSC. That's the way the Magnuson Act reads.

I think where people get hung up a little bit is when we're saying it's an overfishing level recommendation, which implies some biological governance of the population that you're taking more fish out than you can possibly sustain. There is no way of telling that from using these values that the SSC is using. It's really just a fishing level recommendation based on some maximum in an unregulated state, but it's not a biological overfishing level.

MR. CARMICHAEL: The language in the Act, the fishing level recommendation refers to all of the things that the SSC gives you. Fmsy, MSST, MSY, all of those things, MFMT, OFL, ABC, all of that is generically – those themselves represent the fishing level recommendations that the SSC gives you under the Act. OFL is just one of the possible fishing level recommendations that the SSC should give you.

And, yes, it's really hard to say biologically – with all of these species that do not have an assessment, the scientists are going to tell you they can't tell you biologically where these things stand in terms of overfishing occurring. They have been trying to take advantage of the various advice that they have been giving. In the case of this, yes, you could argue that the dolphin population could have perhaps withstood twice that level of landings.

We don't know; we've never seen it. We don't know what would happen in that situation; so the SSC considered in the case dolphin, considering its life history and looking at the time series, considering the regulations, this is one of the stocks where they have done so far all of the things that we talk about we'd like them to do for unassessed stocks and they reached the conclusion at that level at least seems to be sustainable.

At least that it didn't lead to a huge population crash, I guess is what I mean, so that level seems to be at least a minimal estimate of what the overfishing level could be. It could be higher. It might be that we were indeed overfishing at that time as well, which is something we always have to remember. It might be that we were overfishing and one of the reasons landings dropped off some after that is because you were seeing a population impact. We simply don't know; the scientists don't know; that part is correct.

MR. HAYMANS: So sort of moving us back toward Action 16, I guess it is, we're basically going to be picking an ABC, right, so it's sort of fortuitous that we have both dolphin and wahoo on here. My question is –

MR. CARMICHAEL: You don't pick an ABC; the SSC recommends an ABC. The council with the SSC gets to set an ABC control rule, so you could pick an alternative control rule which would direct the SSC toward a different ABC.

MR. HAYMANS: Okay, got you. Is there any weight for kind of looking at the wahoo here as well at sort of the same time; i.e., looking at the Gulf 1.5 standard deviations and using the same

definition for both rather than talking about dolphin by itself and then doing something different for wahoo?

MR. CURRIN: I'd really rather that we deal with dolphin and then move into wahoo, but you do have them both up there at same time and you can see what the implications are of one approach versus another.

MR. HAYMANS: Right.

MR. PHILLIPS: I'm right with Mark. I mean, just because that they caught those fish at certain levels, in no way, shape or form is there any biology that I see or even a CPU change that tells me that is an overfishing level. The landings by themselves to me are not science. We've got to have something else with them to pick a number.

MR. CARMICHAEL: Yes, and I think that same argument applies to this regardless of the level you're talking about. We can look at the Gulf's rule, and there is nothing that says setting the level at the mean plus one, plus a half, plus two standard deviations prevents overfishing. It's a matter of how the council wants to set it and what risk they're taking.

You could come in and tell the SSC that for an unassessed stock you think the ABC control rule should be to set ABC at two times the maximum observed landings. That's no more defensible than this than anything else. You're right, there is no way to say with regard to overfishing until you have the analysis of where it happens. It's a matter of comfort level.

The average the SSC chose, they felt that was defensible looking at the trends within the fishery. You could perhaps just set something and say you know what, we think the ABC should be the highest that has ever been seen in the time series. You could put that forth as your rule; and if the SSC gives it a stamp of endorsement and the agency says this is the best science, then that would be the rule. But none of them tell us anything about overfishing occurring.

MR. WAUGH: I think we have to keep in mind what the OFL is and why the SSC is using landings. The reauthorized act charged the SSC with coming up with the overfishing level. The idea was that's an agreement ahead of time that as long as total mortality doesn't exceed this poundage level we all agree overfishing is not occurring.

We required analyses from the Center to give to the SSC to give them some idea of what those OFLs were. The recommendation we got back was we can't do that given the time and the recourses now. Those calculations will be provided as we do SEDAR assessments. The recommendation from the Center to the SSC was to use average landings.

The SSC is charged under Act to use their best judgment to specify a poundage level that if you stay below that you will not be overfishing; if you go above that you will be overfishing. I think we need to be careful to not fault the SSC because they're using just landings. That's the recommendation from the Center. That's all the information they have, and under the Act they're putting their professional reputations on the line to give you this overfishing recommendation.

MR. PHILLIPS: And I'm not trying to beat you all up; you all are doing the best job you can with what they give you. What I'm saying is they're not giving you enough so that we can do our job. That's what I'm saying. They end up putting you in a box and then they put us in a box. I don't know when these assessments are coming. I know this is on the train track and it's due, but I am so ready to say I'm not doing it until you give me some – until they give you some numbers and some data that you can work with and that we can work with. That's just the way I'm beginning to feel.

MR. CURRIN: Well, personally I'm very pleased with the approach they chose to go through this, and I think it makes a whole lot of sense biologically. Even though it may not involve calculations and quantifications of things, I think they've used very reasonable logic to look at what was going on before the fishery was constrained as an indicator of what the fishery can tolerate.

You look at those landing levels between 1994-1997 and they didn't plummet, and there is a possibility that level of landings forced some things down at the end, but it's mighty hard to be able to tease away from the effects of the regulations that were put in place to limit the fishery. I'm very pleased personally.

MR. ROBSON: And I wasn't getting at criticizing the SSC because I understand exactly what they're doing. Now I may look to Monica because I just want to make sure that as a council we completely understand the steps that we have to take under the law. My understanding of the Magnuson Act is that the SSC sets a fishing level recommendation that we cannot exceed, and that's the basis of the OFL, and so that really is driving everything we do.

Now, admittedly, the SSC is forced in this situation to set a fishing level recommendation that's based on landings, and it makes some sense and it probably is helpful in this case for us as managers, but it's not a biological overfishing level that I think was contemplated when it was written into the Act. I think we all just need to understand that when we're trying to comply with the provisions of federal law.

But second part of this is the ABC control rule, which we receive a recommendation as I understand it. We're not required to follow – I mean we have an ABC control rule and we get ABC recommendations from the SSC, but in this case and in other cases we're looking at different options of determining that ABC. We do have that option as a council and we should weigh that.

In this case the ABC establishment is also going to be based on some form of landings-based information, so we're kind of – level on level we're still using landings' information because of the lack of real biological information about what an actual overfishing level for this stock is. In my mind that gives us a good amount of flexibility as managers to pick levels that are not unreasonable in terms of the fishery. I don't know if I've got it right, but, Monica, that's what I want to make sure that we all understand on the record of what we're doing.

MS. SMIT-BRUNELLO: Where should I start?

MR. ROBSON: I don't know.

MS. SMIT-BRUNELLO: Well, the guidelines define the overfishing limit, OFL. It's a sublevel but it's really a limit. Maybe that's easier to think about. That should be specified in an estimate of the catch level above which overfishing is occurring. I think we're all clear on that one. When you look at the guidelines on the ABC, the council does establish the ABC control rule, but it does that with the advice of the SSC, so I think that with contemplating is you tell the SSC really how much risk you're willing to take and that helps them develop the ABC control rule.

The ABC can't exceed the OFL, so there are ways I guess you could deviate sometime from the ABC control rule if you specify why. The guidelines say that your ABC could differ from the result of the ABC control rule calculation based on factors such as data uncertainty, recruitment variability, declining trends in population variables and other facts, but it must explain why. I'm not sure if that gets quite to your question, Mark, or not.

MR. ROBSON: No, it helps I think to clarify what we're dealing with, but now you mentioned guidelines, and that's the other part I want to make sure I understand. I go back and I read the Act and the Act doesn't talk – it says the SSC shall provide a fishing level recommendation and we cannot exceed that, but the guidelines are talking about overfishing levels or overfishing limits. I'd like to know more about where those come from and do those have the force of law? How did we get to those from the Act itself?

MS. SMIT-BRUNELLO: Well, I think John hit on that a little bit earlier when the fishing level recommendations from your SSC are a number of things. The SSC is supposed to recommend to you a number of these levels and thresholds, we call them, that you should be using. Ask me your question again. I mean, the SSC is supposed to advise you. Yes, you eventually will – in their "provide advice" there are some things that the council should not set an ABC above what the SSC is telling you will be overfishing if you set it above that level. I don't think that's what we're contemplating. Perhaps you want to rephrase another question.

MR. ROBSON: No, I think I've learned enough. But, because John mentioned that there is a series of things that are fishing level recommendations that come from the SSC, and those include ABC and OFLs and all the other benchmarks that we use, but I don't think that's what the Magnuson Act was referring to when it said fishing level recommendation; was it?

MS. SMIT-BRUNELLO: Well, congress said what they said in the Magnuson Act and the Fisheries Service put out guidelines at least for the kinds of things that we're talking about right now in terms of the National Standard 1 Guidelines, and that sets out the Service's interpretation of what congress said, so I'm not quite sure what you want me to say. If you want to ask me again, ask me again, but really we go back to the guidelines, and that's the best place to look for information. This is complicated and difficult stuff; I absolutely agree with you.

MR. ROBSON: Okay, thank you.

MR. CURRIN: All right, any other comments or questions? Does everybody understand what we just went through and where it leaves us? You have the values for dolphin and a number of options and various approaches and control rules before you. Currently our preferred alternative under Action 16 is Subalternative 3C, which sets an ABC equal to 85 percent of the OFL, and with the corrected data that's 11,653-some odd thousand pounds. Earlier on cobia keep in mind – I don't have to remind you – that the committee chose to utilize the Gulf control rule that was advised from their SSC. Gregg.

MR. WAUGH: And just to give a little advice on this issue of the Gulf control rule, you all asked us to add it here and it is here for you to look at the implications. But in terms of justifying using the Gulf control rule – and this is in no way saying it's not as good as our SSC's or it's better; but I think when we're dealing with joint fishery management plans like spiny lobster and mackerel, there is probably more justification to perhaps look at the Gulf's control rule and how we might use it; because, again, we're dealing with single stocks, different migratory groups; so I think in terms of building a justification as to why you might use the Gulf ABC Control Rule, we have a better chance there.

When it comes to snapper grouper, dolphin and wahoo I think we're probably facing a more uphill battle to justify using the Gulf control rule unless, of course, our SSC was to review this and agree with that.

MR. CURRIN: All right, so let's kind of get back on focus here with this action and see if we can make some headway and move on beyond this action as long as everybody is satisfied with where we are currently. Doug.

MR. HAYMANS: So, we're choosing a second preferred alternative, allow the SSC to go back and look at and tell us whether or not the Gulf rule is adequate to use?

MR. CURRIN: No, that's not an alternative in the document before us right now. I think that will occur. We have asked previously to have the SSC look at the Gulf control rule I believe, John, did we not?

MR. CARMICHAEL: Yes, sir, you did in December. You directed that the SSC will look at that and in December we informed you the SSC will look at that in April. The SSC will do this. The SSC will be asked to review Gulf control rule. They may decide to make that Gulf control rule part of their control rule.

They may tell you that would be a perfectly acceptable and fine control rule for you to use. We don't know, but there needs to be an interchange between you and your SSC. Gregg pointed out there is an issue when we have joint plans, and you could be on fine ground when you use the recommendations of the Gulf's SSC in a joint plan.

I don't know what happens if you start using the Gulf SSC's recommendations for your plans when the Act says you're supposed to listen – each council should listen to its SSC. I don't know what the word "its" means in that case, but the SSC will look at this and they may adopt it and they may say this is fine, and they could say that's another alternative you could choose, and

in which case you could ahead and do that; and I think you'd be on fine ground. At this point we just don't know. We just know in April they're going to talk about that control rule in detail.

MR. CURRIN: A word of caution. Mark.

MR. ROBSON: That helps a lot. So if we wanted to make the Gulf control rule our preferred, what you're saying is that we wouldn't be able to do that until June based on getting SSC guidance from the April meeting?

MR. WAUGH: Just to remind everybody of where we are, we're giving final approval – you're supposed to see the final document in June. Here you're supposed to weigh the public hearing comments and make your final decisions so that the IPT can go back and redo this document. All the analyses are going to have to change based on using this new data; and when we get to the unassessed stocks, that's going to have to be done as well. With that in mind, right now your preferred is to use the South Atlantic Council's ABC. The alternative to use the Gulf's is in here.

If in your collective opinion you want to switch to the Gulf's, now would be the time to do that. It would be reviewed by the SSC; the whole document would be restructured with that as the preferred; and when we get to June, if the SSC has disagreed with it, then perhaps – well, I know the analysis would all have to be done. Whether it would have to come back to you all at the September meeting, I don't know; that's a determination for you all and NMFS and NOAA GC to make.

MR. HAYMANS: At the risk of raising more dander, why is Alternative 4 there if you've already got to consider it in April? I guess I'm going back to my question initially. The preferred alternative is fine here with regards to dolphin and there wouldn't be any bag limit changes based on this table; but when we get to wahoo, if we keep the corrected, then we've got to make some change on wahoo, and that's where the most public comment came with regard to wahoo. That's why I'm looking at the Gulf SSC, sir.

MR. WAUGH: And in answer to your question why it's here is because we were directed by you all to add it.

MR. CURRIN: I think we need to listen very carefully to the statement or warning or admonishment that Gregg made very early on. Monica.

MS. SMIT-BRUNELLO: But these alternatives should be – all these alternatives are analyzed in the document. I'm not advising you to do this; but if you wanted to switch preferred alternatives at this meeting, it's your prerogative to do that. If you want to switch to have a different preferred at the June meeting, it's your prerogative to do that. I mean, you're the council; you decide which alternatives you want. Yes, it will require restructuring and all that, but it is your prerogative to decide which preferred alternative you want to use.

MR. PHILLIPS: Okay, I'm trying to follow this as best I can. If we went to the Gulf ABC Control Rule and it may give us – and we did it thinking that it's going to give us some more

wiggle room and the reason we believe we want more wiggle room or need it is because we know that this stock is one of the fastest-growing fish there are.

They're extremely prolific and they're prolific at a very, very young age and we have no reason to think that they're overfished or overfishing is going on, which would lead me to say we would have that leeway to maybe go to the Gulf control rule. I understand Doug; if we're going to do one of them, then we probably need to be there for both of them. I'd like to see what it looked like, anyway.

MR. CARMICHAEL: Well, Gregg and I were just talking and I wanted to point out the council chose – you know, the SSC at one point had told you a 75 percent step-down for OFL on dolphin, that was from the control rule that they had originally done and that you all rejected. The council chose an 85 percent ABC from OFL. That's a council choice. If you are accepting a higher level of risk on dolphin, then it would be well within your right I think for you to choose a value that's even closer to the OFL that they have recommended.

That would be within your right, and I think that's a much cleaner way to doing it than going through and keep referring back to the Gulf rule simply because it gets you to a better place versus taking a logic that can be applied to a broader set of circumstances based on what you think is appropriate and not what – and when we get to the Gulf rule one thing to remember is that rule changed from the December meeting to this meeting, so the application of that all changed. That's one of the risks of referencing that.

If you reference the logic of it such as saying we think ABC should be a standard deviation above the average, that's going to be a much more broadly applicable approach and you're not going to be tied to their changes. Hopefully, that will be the type of outcome we get from our SSC.

MR. WAUGH: So, if the objective, recognizing that we've already got precautionary management in place for wahoo – let's talk about wahoo a second – and we're trying to meet these new requirements in the absence of any assessment information, and so you feel confident that your current management is sufficient to prevent overfishing and you want to meet these new requirements without changing your management, if the cells that are highlighted there – what that is doing is the 15 percent step-down – because currently your preferred is to set ABC equal to 85 percent of the OFL, if you were to change that for wahoo and say you were going to set the ABC equal to 99 percent of the OFL – and the guidelines say it should be rare that you set it equal to the OFL – and then just follow that along and if you were to continue to set the recreational ACT, you would need a 9 percent reduction.

However, if you were to not set a recreational ACT, then your recreational ACL would be 1.13 million pounds and you would be 6 percent below the average 2005-2009. So, again, if you feel that your wahoo measures are sufficiently conservative to prevent overfishing and you want to comply with the new requirements without changing those, you can stay within our ABC control rule and just change your step-down for ABC to set ABC equal to 99 percent of the OFL, and then not set a recreational ACT, and you wouldn't need to change any of the regulations.

MR. CURRIN: All right, Charlie, did you have something else or did you get through; I couldn't remember. Okay, Mark and then Duane.

MR. ROBSON: Well, I'm back on dolphin and I was going to make a motion that we change the preferred alternative to Alternative 4, but now I've heard this discussion so I'm not exactly sure how to word that or whether that alternative needs to be reworded to cover what we need to do. **I'll go ahead and make the motion that we make Alternative 4 of Action 16 our preferred alternative for dolphin.**

MR. CURRIN: Motion by Mark – I think it's going to need some clarification at some point because there are a number of suboptions under – choices I guess within the Gulf control rule – is there a second to Mark's motion?

MR. CURRIN: Second by Ben. Discussion on the motion? Doug.

MR. HAYMANS: Well, that was going to be my motion all along, but then Gregg convinced me otherwise that perhaps changing the percentage step-down is a better way to go, so I agree.

MR. CUPKA: I don't feel very comfortable having a preferred based on something our SSC hasn't even reviewed yet. They may come back and say there is a problem with it. I don't know; I just feel very uncomfortable with doing that.

MR. CURRIN: And I share your discomfort. Other discussion on the motion? Everybody clear? I mean, I would think that at least we would need some clarification for consideration here. There are a number of different options, Mark, that the Gulf has chosen to use under various circumstances.

Whether they use the mean landings and then step it up by either two standard deviations or one or a half, I don't know how they go about deciding which one of those they use, but there are quite large implications in choosing one or the other. I think for clarity to the public or anyone else, that if this is our preferred alternative it should contain a more refined definition so that it was clear. Charlie.

MR. PHILLIPS: Just so I kind of stay on the right track; if this motion doesn't pass, we could still go back and have a Subalternative 3D and make ABC 99 percent of the OFL; could we add that as a subalternative?

MR. CURRIN: Yes, I presume you could do that. Other discussion on the motion? Gregg.

MR. WAUGH: Just to clarify what Charlie just said is that if you stay with our control rule – and the example I gave was for wahoo, but the numbers would change equally for dolphin, and so you probably – and if you change that step-down for dolphin, you're looking at an ABC of 13.5 which gets you much higher than we are now without jumping over and using the Gulf control rule.

MR. ROBSON: Well, we can either vote the motion up or down or I'm willing to withdraw the motion.

MR. CURRIN: Well, that's up to you if you want to withdraw it.

MR. ROBSON: **I'm willing to withdraw my motion.**

MR. CURRIN: Is that second with the seconder, Ben? Okay, the motion has been withdrawn with the consent of the committee. All right, what is your pleasure here? We currently have a preferred – a desire to change it? Roy.

DR. CRABTREE: Well, you already have an alternative in here to set the – Alternative 2, which would set the OFL equal to ABC. I don't really know what 99 percent gains you, really. I think what you're getting at, if you're going to do this, is you're going to make the argument that because of the biology of this fish and the productivity of it, the history of the fishery, there has never been a problem and all that, that you think in this case setting them there is equal, and I think that's your better case. To me setting it at 99 percent just seems like playing games, and I don't think that's going to be much of an alternative.

DR. CHEUVRONT: Thank you, Roy, because that's sort of along the lines that I was thinking here that this is that rare exception where the biology of the fish allows us to be able to set ABC equal to OFL. It's a fast-growing fish. It's at reproductive age at, what, four or five months; some people say three months, whatever, but what I'm saying is that this is that very rare exception. **So with that in mind, I'd like to go ahead and make a motion that we make I believe its Alternative 2 under Action 16 the preferred alternative, which is to set ABC equal to OFL.**

MR. CURRIN: Motion by Brian; second by Duane to select Alternative 2 as our preferred – change our preferred to Alternative 2. Discussion on the motion; further discussion? Gregg.

MR. WAUGH: If you plug that into the spreadsheet that was up there and compare it to 2005-2009, landings could increase by 19 percent over that 2005-2009 average, so there is no need to change your regulations.

MR. CURRIN: Further discussion on the motion? **Is there objection to the motion? I see none; the motion is approved.** Action 17 is on PDF 368, dealing with allocations.

MR. WAUGH: And here what the IPT is recommending was to use the new landings, and you all approved that, and I have to correct myself. I said it didn't change the allocations; in the preferred it changes them very slightly. The Alternative 3 percentages, the commercial allocation would change from 8 percent to 7.3 percent and the recreational would change from 92 percent to 92.7 percent. Alternative 4, the percentages would be 7.3 percent commercial – and this is highlighted in yellow there – so Alternative 4 the allocations would be 7.7 commercial; 0.3 percent for-hire – I'm sorry, Alternative 4, 7.3 percent commercial; 38.4 percent for-hire; and 54.4 percent private.

DR. CHEUVRONT: I'm not seeing the need to change the preferred from what we already currently have in Alternative 3 with the 8 percent and the 92 percent. We just got a lot more fish available, and the issue is that this 8 percent and going to 7.3 percent; that's splitting hairs as far as I'm concerned on this. I think that there is not going to be an issue here. The commercial sector has already been reduced down from what they had been historically in terms of the soft cap that we used to have. I don't see a biological need at this point to change this allocation, so I'd just as soon we leave our preferred where it is, Alternative 3, as it stands.

MR. CURRIN: And that's where it will be unless somebody moves to change it. Ben.

MR. HARTIG: My questioning goes to why we addressed the allocation change in the first place. I mean what was the driving force that made us change the allocation?

MR. CURRIN: Well, Ben, if you remember from the first plan it wasn't really a strict allocation. It was 13 percent of whatever the recreational catch was or 1.5 million pounds, so there was kind of a cap but it depended on whether it was 13 percent or more of the recreational catch. It never really was an allocation that was set. That's my interpretation, anyway. Somebody can correct me if I'm wrong. Roy.

DR. CRABTREE: I don't think you can accept the new landings' data and not correct these numbers. I think you have accepted the new landings' data; you have to correct these numbers in your alternative. Now, you can change your preferred if you want to, but I don't think you could say leave it calculated based on the old landings' data. That's internally just not consistent, I don't think.

MR. BURGESS: I'm not comfortable with changing the allocation. Well, I went back through the fishery's management plan and read through the allocation part of it. In there it never described the allocation as a, quote, soft allocation. What I got out of that was, as I read it, that the only reference to changing the allocation was if the commercial sector went over 13 percent or exceeded 1.5 million pounds that it would be looked at again. They haven't done that so I don't see the justification from reading the fishery's management plan to change it, and I'm opposed to it.

MR. CURRIN: Roy makes a good point about we've specified a formula for calculating allocations. We have gotten some new numbers that would change that from our current preferred. What is the desire of the committee; to request to update the numbers within Alternative 3 because they refer to the formula? I guess that would actually automatically change those percentages; would it not, Gregg?

MR. WAUGH: Yes, and by accepting the new data, then those numbers change because you've got the allocations in Alternative 3 and 4 result from a formula. If you wanted to leave your preferred at 8 and 92, you have to come up with a different way of deriving that allocation.

MR. CURRIN: Well, that or add a preferred that states that and then justify why that would differ from the formula; it wouldn't be using the formula. If you used the formula to calculate the allocation, it's going to change the numbers within Alternative 3; is that correct?

MR. WAUGH: Yes.

MR. CURRIN: Okay, so actually Alternative 3, our current preferred, should read that the allocation is 7.3 commercial and 92.7 recreational, and that's our current preferred. Unless there is a desire to change that, that's where we're going to be. Duane.

MR. HARRIS: Mr. Chairman, I would hate to make a change in that right now simply because we've been real consistent with how we've calculated these allocations in everything that we've done, and this is consistent with what we've done in the past. I hate to see us make a change at this point in time with respect to the way we calculated allocations.

MR. CURRIN: Well, unless we get a motion to change the preferred on that, that's where we are. Any desire by the committee? Tom.

MR. BURGESS: I would like to make a motion that we go for no action and not change the allocation and maintain the current 13 and 87 percent.

MR. CURRIN: I know where you're trying to get and somebody correct me if I'm wrong, but I don't think that's going to give you a 13 and 87 percent allocation. Gregg, help me out.

MR. WAUGH: Well, if you apply the new data, it shows you what those allocations would have been, and in one year. 1995, the highest catches by the commercial sector, it was 13 percent. Even the new data would support the figures that are included in the Dolphin and Wahoo FMP and shown in Alternative 1 of 13 percent commercial, 87 percent recreational.

MR. CURRIN: All right, is there a second to Tom's motion? Second by Brian. Discussion on the motion? No discussion; ready to vote? **All in favor of the motion to change the preferred to no action raise your hand, 6 in favor; opposed – and I would vote in the negative as well, so it's six to six, is that correct, and the motion fails.** David.

MR. CUPKA: Just a question for Gregg and it may not be that critical, but Alternative 1 says continue to use the allocations in the Dolphin and Wahoo FMP. Those really weren't allocations. It was a soft cap. It was never a formal allocation, but we refer to it as an allocation. It was kind of a de factor allocation, but it never was set up as an allocation, and we certainly never calculated it like we've been calculating these other ones now that we've got ACLs and whatnot. Is that part of the problem, that we're referring to it as an allocation and it's really not?

MR. WAUGH: Well, I think this can be argued both ways. What the FMP did was recognize the catches that occurred leading up to the implementation and the council's desire to preserve that level of landings and preserve the harvest by the respective sectors. What you put in place was – there was concern that there could be effort shifting in the commercial sector that would negatively impact the recreational sector, and you put in two triggers.

One was 1.5 million pounds or 13 percent of whatever landings occurred in each year. The intent was that would be monitored; and if the commercial sector exceeded the 1.5 million or 13

percent of the landings in any year, then the council would look at it and determine if you needed to change management.

One could look at that and say, yes, you had an allocation where as long as the commercial sector didn't exceed 13 percent, everything was okay; and you could look at it – well, that 13 percent and the 87 percent weren't applied to a set harvest level and each sector had a poundage allocation; so where along that continuum is it an allocation and it isn't an allocation?

MR. BOYLES: Mr. Chairman, I have to admit some surprise at the split nature of that vote. Allocation is something that we have wrestled with for a very, very long time. I thought the formula that we have been using for the last several years has been something that we had arrived at by consensus, so it surprises me.

MS. SMIT-BRUNELLO: I guess Gregg said what I was going to raise, which is I'm not sure what the difference is when we say something is a soft allocation or a hard allocation. That didn't make much sense to me in this case. I think what you did was you recognized the amount of fishing that each sector was doing in the original Dolphin and Wahoo FMP. I agree with Gregg; you can argue it both ways; it was an allocation or it wasn't an allocation. But regardless of that, well, the rest follows so that's fine. I mean you can change it, you can not change it, it's up to you.

MR. CURRIN: Well, I don't want to beat this horse, but I'm in agreement with David. When you look at it, 13 percent or 1.5 million pounds does not always equal and may not ever equal the same allocation. It depends upon the recreational catch, which we don't ever have figures on until eight months after the season is over, and then you can look and see whether you've caught either 13 percent or 1.5 million pounds. It's a variable number; it's not always 13 percent for the commercial and 13 percent for the recreational, I don't think. Maybe I'm wrong.

MR. HARTIG: Just one more thing, Mac; the only reason that I entered into this debate was because this council put off limits some other allocations that we have historically had. Frankly, if you go back and look at those allocations based on the catches in the recent years and historically, you'll find that those allocations no longer pertain to those fisheries.

The commercial catch in Spanish mackerel is significantly higher than that in the recreational fishery. The reason I brought this up in dolphin and wahoo is because this council put those allocations off limits. They said we won't look at those allocations again according to Boyles' Law. I don't know why we did that. I wasn't here when you all went in that direction.

It would have been my intent to look at – if we're going to use Boyles' Law as a means to allocate these fisheries, which I totally agree with and agree it should be consistent, then we should do it consistently across the line for all the species we manage. That's the reason I had the hiccup with dolphin and that's the reason I continue to have the problem I do with both king and Spanish mackerel where the recreational catches have been significantly below their allocation for a long time. Those allocations will change if you use Boyles' Law.

MR. CURRIN: All right, are we ready to move on to the next action; are we done here? Roy.

DR. CRABTREE: I know it was a very contentious vote, but just for the record let me point out that I abstained on that vote.

MR. HAYMANS: What is the final on that; we're staying with the preferred?

MR. CURRIN: Unless there is another motion to change it to something different, that motion failed.

MR. HAYMANS: Just making sure.

MS. BROUWER: The next action is on PDF Page 374.

MR. WAUGH: And again your preferred here is to set the ACL equal to OY equal to the ABC, and that would – the number for that based on the new landings would be 13,709,523 pounds.

MR. CURRIN: Everybody okay with the current preferred? All right, let's move on.

MR. WAUGH: Next is accountability measures, Action 19, and again these numbers in the tables will be updated based on your action. One thing that we're going to need to do I think at the end of the Comprehensive ACL Amendment is give us editorial license to double-check all of our calculations. We're describing the methods accurately but a little bit of work on the fly.

Your commercial ACL is to not specify a commercial ACT; and the Table 4-38, we show the new data but based on your new preferred the commercial ACL would now be 1,096,762 pounds, and so the other numbers for those other alternatives will change also and we will update those.

MR. CURRIN: Everybody okay with the current preferreds? Bonnie.

DR. PONWITH: Just a question and that is I understand the rationale that was originally in there for not setting an ACT, and that's that there is no hard quota for dolphin. But if you choose as your preferred to set the OFL equal to ABC and then use that for setting your ACL for both the commercial and for the recreational, you have zero margin of error there. I guess it raises a question of whether there is some utility in setting an ACT for the management uncertainty.

MR. CURRIN: I believe the current preferred is to set an ACT for the recreational side, but we've operated under the assumption that the quota monitoring system could adequately track the commercial quota and anticipate fairly accurately when that quota might have been met and shut that fishery down, which is the accountability measure.

That's why we haven't set the commercial ACTs. Now we did receive a lot of public comments questioning the wisdom of that, and we have seen just in a few cases here recently, this past year that we sometimes don't do quite as a good a job of tracking those quotas and getting the fisheries closed as we maybe should. Roy.

DR. CRABTREE: Well, let's back up. We have the preferred that sets ACL equal to OY equal to ABC. Is that a single ACL for the fishery, both sectors? I know we have an allocation, but I don't see where we split the ACL up or am I just missing it?

MR. CURRIN: We have been allocating it. We just went through the allocation actions of the previous one.

MR. WAUGH: And this is shown in Table 4-38 because you have an ACL –

DR. CRABTREE: Where is that, Gregg?

MR. CURRIN: PDF 378, Roy.

MR. WAUGH: Because you have a total ACL and then you apply your allocations and that gives you a commercial ACL, and remember the new number is 1,096,762 pounds. You look at that for your commercial, and Table 4-40 shows your recreational sector ACL, and that new number is 12,612,761 pounds.

DR. CRABTREE: All right, so the OFL/ACL, the ACL then gets split up into a preferred – or into a commercial and a recreational. Now if at some point the combined landings from both sectors exceed the OFL, you're going to get a notice that you're undergoing overfishing. So the problem is with the quota monitoring system, the way it is right now, you're as likely to go over the quota on the commercial side as you are to go under it.

I mean, we're not going to hit it right on the nose every time, so it's going to be over sometime and under sometime. The recreational catch is going to do what it does, but it is setting it up without setting the ACT at some level of risk. I think given where you've set things I tend to agree with Bonnie that you're probably wise to go ahead and use an ACT in both sectors to give you a little bit of wiggle room. Otherwise, if the recreational catches go up, you're cutting this pretty close.

And then if you get a notification that you're undergoing overfishing, you're going to have to come in and do all these things to solve the problem. You really ought to think about that. I think part of your rationale for setting it up the way you have, I understand the biology of the fish and everything but I think the argument that you set ACTs would bolster your argument for setting ACL equal to ABC equal to OFL. I think you ought to really think about that.

MR. WAUGH: And we do step down the recreational sector using the PSE from the MRFSS survey, so we are using an ACT on the recreational side. When you come back to the commercial side, sure, one option is to penalize the fishermen and lower their quota. Of course, another one would be to fully implement electronic dealer reporting so that we could track this on a real-time basis as has been done from North Carolina north through the ACCSP Quota Monitoring System.

DR. CRABTREE: And we can do that but you will still go over that quota roughly half the time. I don't care how good of a quota monitoring program you put in place, it will never be exact and

you will be over some times and under some times. That's the whole point of setting the quota slightly below the ACL is to deal with that. No amount of improvement in the quota monitoring program is ever going to get this exact, and you're going to run over it some times.

DR. PONWITH: Well, the points that Roy made were close to what I was going to say, but I would just add to it that we're transitioning right now to the electronic dealer reporting. The other catch is that not only the timing but the accuracy – both the timing and the accuracy of that information. Having no commercial ACT presumes a hundred percent compliance with the timeliness and the accuracy, and that's a strong assumption.

MR. BURGESS: I was just going to speak about the recreational downturn in the economy or something, but I think Gregg said they worked in the PSEs. I was just going to speak about the economy and the downturn in the economy. I don't think – you know, the recreational sector is struggling and I don't know if we'll even meet the quota recreationally, but just bringing something to light.

DR. CHEUVRONT: What Roy was just saying was assuming that each year we would be able to catch the quota; and if you look at the landings' history we haven't been catching that many fish in the quota. So, to say that we would be equally likely to go over as to go under is not a true statement unless you're actually targeting to get to that quota, but we haven't been getting to that amount.

I think we are – now, I'm not saying that it necessarily means we don't need to set an ACT. I just think that there was a misstatement in what they were saying; and the fact that we're not even hitting that quota, we might want to fill in some kind of a buffer to keep from hitting that in the future should the history expand, but I just don't think that we're doing it right now.

MR. PHILLIPS: If we hit the quota and if we didn't get it monitored close enough and they were 10,000 pounds over, we're still going to have to put an AM in and we're going to probably put a payback in, so would that be the corrective action if we went over?

MR. CURRIN: Yes, that's what you'd have to do, I think. Roy.

DR. CRABTREE: Right now there is no payback in dolphin. I remember we went through that discussion at the last meeting and decided not to have a payback in dolphin, and I don't think we ought to have a payback in dolphin. I think the preferable way to treat this would be to set an ACT at 90 percent of the commercial ACL and then change the – and when that ACT is hit, that's treated as the quota and that fishery closes down. That gives you a 10 percent buffer.

That way if we go over by 5 or 6 percent we don't have to worry about it. You may be right, Brian, that they're not going to catch it anyway, I don't know, but I think if you look at our quotas that are caught overall, we're over as often as we're under. **I'll make motion that we change our preferred alternative to Subalternative 2B.**

MR. CURRIN: Motion by Roy to change the preferred to Subalternative 2B, which would set a commercial sector ACT equal to 90 percent of their ACL. Is there a second? Second by Robert. Discussion on the motion? Ben.

MR. HARTIG: Gregg, when ABC equals OFL, what was the percentage increase we could increase harvest?

MR. WAUGH: If you look at the spreadsheet and look at the average of 2005-2009, you could increase it by 19 percent.

MR. HARTIG: Which is how many pounds, approximately?

MR. WAUGH: 200,000. However, if you look at Table 4-36 – this is on hard copy Page 341 – the commercial landings in 2009 were 1.136 million pounds, so in 2009 the commercial landings were slightly above this commercial ACL.

DR. CHEUVRONT: Yes, but I think 2009 was a pretty unusual year. That was significantly higher than all the other years, and I think that was largely due to some isolated activity.

MR. PHILLIPS: Well, I see what this is boiling down to; we either take a 10 percent buffer all the time or we use an accountability measure and add a payback in it. I think the chances of us going over it are probably going to be pretty low, and we might be okay using an accountability measure with a payback. It seems like it's going to be one or the other and we just need to decide which way we want to go.

DR. CRABTREE: Well, the other concern I have is we've got so many closures on things that I think we're shifting effort around, and my guess is we may have shifted some effort on to dolphin because grouper is closed, vermilion is closing and a whole lot of other things are closing.

DR. PONWITH: As a reminder, this is really different than any of the other ones that we have talked about because before we've talked about what do we do if we exceed ACL; but for this where you set the ACL equal to ABC equal to OFL, the consequences of exceeding your ACL are pronounced. You've basically crossed line and stepped into the realm of overfishing.

The Act has provisions on what happens if you do that. It's more than just a payback. You have to go back and revisit this whole process again if it happens more than once in every four years. This is different than crossing a line on an ACL when the ACL is some distance below your ABC and your OFL.

MR. CURRIN: I've been an opponent of setting buffers upon buffers upon buffers, which we have done in a number of instances particularly with respect to fisheries that are experiencing overfishing, but this is a case where we don't have any buffer at all. It would seem reasonable to me that some level of buffer even with the lack of concern we have about the possibilities of reaching the harvest would be a smart move. Further discussion on this? Charlie, last word and then we're going to vote on the motion.

MR. PHILLIPS: I think I could probably go along with 95 percent, but I don't think I want to do 90, and I'm just going to vote against it.

MR. CURRIN: **All right, all in favor of the motion raise your hand, 8; opposed, 3 opposed. Eight to three, the motion carries.** Roy.

DR. CRABTREE: I also think we need to go into Alternative 3 and rather than having it say "After the commercial ACL is projected to be met, all purchase and sale of dolphin is prohibited" and that to say "after the commercial ACT is projected to be met, all purchase and sale of dolphin is prohibited." **I would move that we modify Alternative 3 to change the word "ACL" to "ACT".**

MR. CURRIN: Motion by Roy to modify; a second by Doug. Everybody clear on what he's doing? In view of the fact that we just selected an ACT for the commercial fishery, this would change this alternative to refer to that ACT rather than ACL. Gregg.

MR. WAUGH: And can we also insert "met" before "projected"; "when the ACT is met or projected to be met"? We did that in mackerel.

MR. CURRIN: Is that okay with you, Roy?

DR. CRABTREE: We're going to say "is met or projected to be met"? Yes.

MR. CURRIN: Yes, that's kind of a standard thing we have been cleaning up, almost a technical change as we went through, and probably should be done everywhere. David.

MR. CUPKA: As long as we're doing it, I wonder if we shouldn't make that same change in Alternative 4 although it's not a preferred, but just to be consistent.

MR. CURRIN: I think that's good advice. To me that's almost a technical change as well in view of the other preferred. Further discussion? **Any objection to that motion? I see none and that motion is approved.** Do you want another motion, Gregg, to change it in Alternative 4 based on the vote in three? Everybody okay with changing the ACL to ACT in Alternative 4 as well as "when met or projected to be met"; everybody okay? **All right, by consensus, then.**

MR. WAUGH: Okay, then we continue on hard copy Page 349; the next page on recreational; our preferred is to set an ACT for recreational based on the formula using the PSE, and that ACT value would be 11,729,868 pounds.

DR. CRABTREE: I'm sorry to back up, but the language change to Alternative 4, I understand changing ACL to ACT. I don't understand the "met or projected" language there. That's about if the ACL or ACT is exceeded.

MR. CURRIN: I think you're right. Thank you for pointing that out. All right, on to the recreational AM. All right, we have a current preferred, Subalternative 5C; everybody okay with that, setting an ACT for the recreational folks? Roy.

DR. CRABTREE: So here for the recreational fishery you're setting a buffer of 7 percent, it looks to me like, here which is less than we just set in the commercial fishery, which I think we would need to explain. The vast majority of the landings are on the recreational side, so my guess would be we'd end up going over this ACL/OFL at least every few years and get a determination that we're overfishing.

Maybe the running averages help a little bit, but I'm not sure given where we've set things are that the buffer is quite sufficient. I think you're going to need to explain why you would set a smaller buffer here than you did in the commercial fishery even though the difficulty of controlling the catches is greater here.

I guess the problem is we're trying to cut all this stuff; and if you cut it and push it to the limit on one end, then you have to come in, like Charlie was saying, and put more in on the other end. I don't know how to get around that, and I'm not sure where it's better to put these things. I think that's a problem that you need to talk about.

MR. CURRIN: Other thoughts on Roy's comment? Well, from my perspective, Roy, we use this formula utilizing the PSE because it just made a lot of intuitive sense to me that when you had stocks where you had good estimates of the landings in MRFSS the PSEs were low, so therefore the estimates tended to be more precise or more accurate, one or the other, maybe not both.

But then as they increased and you had more slop, then your ACT was proportionally lower than your ACL. Maybe less 10 is too little, I don't know, but utilizing the three-year average, when you've got good estimates on these things, typically species like dolphin, then you're not going to see the wild swings that you see in the rare-occurring species. Roy.

DR. CRABTREE: Well, the PSE you're using I guess here is just 7 percent, so you're setting a 7 percent buffer, and that's not going to change; that's set, period. It's not going to be a rolling thing that changes from year to year. It's just a set percentage, right?

MR. CURRIN: That's correct. No, what rolls is the average of the estimates or the landings to determine whether you are over your ACL or not.

DR. CRABTREE: So it still seems difficult to me to explain why we're using a lower buffer here than we used on the commercial side.

DR. CHEUVRONT: Yes, I agree, Roy. I think it's hard to justify when at least theoretically every commercial trip is counting the fish versus an estimate of recreational landings based on a subset of the data that you can justify having a smaller buffer for the recreational fishery. I'm hearing what you're saying, Mac, that we've got a lot of landings in dolphin and have relatively

low PSEs, which is helpful, but we're still going to be likely to go over some. **I'm going to ahead and make the motion that we set Alternative 5A as the preferred.**

MR. CURRIN: Motion by Brian to change our preferred to Subalternative 5A, which sets the recreational sector ACT equal to 85 percent of the ACL. Second by Charlie. Discussion?

MR. PHILLIPS: Just for information, could Gregg tell us what the recreational number would be at 85 percent so we'll know where we are?

MR. WAUGH: It would 10,720,847.

MR. CURRIN: Other discussion on the motion? Ready to vote? **Any objection to this motion? I see three in opposition. Any abstentions? The motion is approved with three in opposition.**

DR. CRABTREE: And I think we need to talk about the three-year average. That was in Alternative 5C, but it's not in Alternative 5A or 5B, so I think you need to decide whether that's intentional or you want to use the three-year average. Then I think you need to talk about what exactly the three-year average means and is used for.

I'm assuming what it means is when we look to determine if an overage occurs, we're going to try to use that average. That has benefits and bad. If you use the running average, if you have one really high year it means that high year is going to persist for three years and you're likely to end up shorting on it. I think the main thing is do you want to use the three-year average with 5A, B and C or not?

MR. WAUGH: If we're finished with Alternative 5, this is laid out in Alternative 6. We've got a couple of issues here that need to be addressed. The first is the wording that is listed as the alternative goes along with each of the subalternatives. As Roy just pointed out – and we're going to be discussing this I guess when we get into other species. Black sea bass is one where this has surfaced.

But what we lay out here is that you're going to compare your overage to the first year this is in place to the landings in 2011, and then the second year you're going to calculate the average of what is caught over 2011 and 2012, and 2013 on you use the three-year average. It raises two issues. One is how you calculate that average and how it's applied.

The way we understood it applied is the referring to 2011 would apply to a calendar year for those fisheries that have a fishing year as being the calendar year. It would apply to the fishing year if it was different. For black sea bass, for instance, when we say 2011, we're referring to the 2011/2012 fishing year.

But if you look at an example of this and compare – for instance, for black sea bass, looking at the fishing year, or for any species – let's talk dolphin. Just to use easy numbers, if in 2011 your quota was 500,000 pounds and your landings were 600,000 pounds, total, your overage is a

hundred thousand, and then you would deduct that from your quota for the following year to determine what your quota is.

When you come to the second year, if you went over by only 50,000 pounds, then you average your catches from those two years, compare that average to your quota to determine the overage, and then you deduct that overage, and it really penalizes the recreational sector because they have to pay back the full overage the first year; and then the second year they're paying back the overage for the average of the two years.

So, really, the intent of this, as it was originally developed, was to help smooth out that variable recreational catch, but it ends up penalizing the recreational sector. I think you just want to in each case just compare – and since dolphin is on a calendar year, that's the fishing year, you want to compare the overage to that prior year. The first year this would be going into place would be 2012; so at the end of 2012 you would compare 2012's catches to their allocation; and if they're over, you deduct that amount from the 2013 quota. We've got an example of this that we can project if you want to see it.

MR. CURRIN: Well, I think we need to look at it. It certainly wasn't the intent by utilizing or by trying to utilize three-year running averages that we were going to penalize anybody. The intent, as you stated, was to try to smooth out highly variable estimates from the MRIP program. I think is a very much unforeseen consequence of our attempt to try to adjust those landings. So, yes, it seems to me that we certainly need to do something. We don't need to be penalizing and then recurringly doubly penalizing people and then the third year penalizing them again for a single indiscretion. Ben.

MR. HARTIG: Well, you all know how I feel about using this for quota monitoring, anyway, this data set that was never designed to do it. But using fourth grade mathematics to try and smooth a recreational data stream doesn't seem to be in the best interest of our management plans. Some sophisticated mathematics needs to go into this at some point where we can smooth that recreational data to make it much better for our trends' analysis.

This is ridiculous what we're doing; I just hate it; it's horrible to be able to use this basic mathematical formula and basic math to try and get at a catch limit that we have to manage at. I talked to John about this and in the assessments they have sophisticated programs that smooth the data, that look at all the different points and have a way to smooth the recreational data. I said why can't we use that for our management? We need to do something more than just what we're doing is what I'm getting at, and somehow that has got to be done.

MR. CURRIN: Yes, I think that has become very obvious. Other discussion on this point at this point? It's close to five o'clock and maybe we ought to jump back into this tomorrow and try to make some headway and deal with these three-year running averages. This is a problem we have created in several places, and it has just kind of popped up.

Ben, you make some good points, and I would like to think there that there is some way that we can utilize or try to smooth the variability in those data in our attempt – and I pushed it hard, believe me, was to use a simple three-year running average to try to pull that off, but it hasn't

worked or apparently will not work very well, so we need to think about how we can do that. All right, do you want to recess until 8:30 tomorrow morning? Roy.

DR. CRABTREE: Just something to think about; as we've gone through all this, I've become persuaded that where we made the mistake was setting all these things equal early on, OFL equal to ABC equal to ACL, and now we're seeing all the difficulties we've had. My suggestion is going to be when we get to full council that we put the buffer in at the beginning rather than having to do it the way we're doing it now because I think it's overly complicating all of it; so something for you to think about.

MR. CURRIN: Then we're going to be back to buffers upon buffers upon buffers again.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Sea Palms Resort and Conference Center, St. Simons Island, Georgia, Wednesday morning, March 9, 2011, and was called to order at 8:30 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: As you recall yesterday we were kind of in the middle of the Comprehensive ACL, but we got there because we had delayed a handful of presentations and issues. I think probably the best thing to do is to go back to the beginning of our agenda, and I think Carolyn Belcher is ready to provide the SSC Report. I believe it was e-mailed to you overnight or this morning. We will begin with Carolyn and go into Regulatory Amendment 9 and then into Regulatory Amendment 11 and then jump back into the Comprehensive ACL.

DR. BELCHER: The SSC met via conference call last week, on the 3rd to discuss a couple of items that you have been discussing this week, including Regulatory Amendment 9. We were able to get a report from our first convened Socio-Economic Subpanel that was reviewing a few documents relative to Amendment 9 as well as a few other points that they were asked to look at.

One of the first things that they did look at is they reviewed a document looking at the Gulf of Mexico Red Snapper Economic Evaluation. While they felt it was a very comprehensive approach, they also felt that it was a very limited approach in the fact that it was targeted more at the species level and did not account for species where you would have shifts away from that particular species when management happened.

What they recommended is you consider a more comprehensive analysis. There were a few specifically by Agar. Carter and Waters that they recommended up front. Relative to Amendment 9, this continued on with discussions that we had had back at our November meeting. The SEP did not support the use of trip limits.

The concern is that fishermen will increase the number of trips to maintain their revenues. There is a potential for an adverse impact to larger boats as they're more affected by trip limits than smaller boats are. It leads to a marginal increase in the length of the season; however, you might also see an increase in physical risk and economic cost. They felt that the tradeoffs really weren't equitable there.

Amendment 21, there were three recommendations with the development of – the Snapper Grouper Catch Shares Amendment, the three recommendations were to develop these fishery participant portfolios to get a better idea of who the participants are, what fisheries they participate in, as well as looking productions for these folks. This way they would be able to evaluate potential distributed impacts as well as support.

The second thing that they recommended was identify and prioritize program goals and objectives for determining and developing the appropriate designs. They specifically gave examples of maximizing economic value given biological constraint such as ACLs, sustained historical geographic distribution of landings, maintain current regulations and fishermen lifestyle to the extent possible.

Thirdly, if a catch share program was to be established, require data collection; specifically things like share prices, quantities, trading partners' costs, which would allow for a better assessment of whether the program has improved the management for that potential resource. And then golden crab, they recommended supporting Alternative 2 as far as Action 1, implementing the catch share program for the golden crab fishery with the understanding that the current permit holders favor the formation of this particular program.

They had discussed a little bit about the advisory panel annual reports and felt that this would be a definite improvement for information. They recommended the variables that be included in the reports are things like weather, relative price changes, any non-fishing income alternatives, fuel prices, information about the market and so on.

Predicting future catches for amendment analyses; this was I guess dealing with the council's ability to forecast effort, catch, landings, discards to a better extent. They actually recommended that the council consider at the time looking into what they called time series models – they're a little bit easier to get up and running in a short time – and then build more towards some structural and more complex models as the time allows.

Relative to what the SSC did; we received the report – Scott Crosson presented it to us – and basically continued on with the dialogue that we had started back in November. We had already pretty much expressed concerns at our November meeting about the potential for an increase number of trips in response to that particular management item.

We ended up, as a group, deciding to let the Socio-Economic Subpanel Report stand as part of our written record and our consensus. The Socio-Economic Group also requested that if possible – through the SSC to the council if we could get some additional appointments to the subpanel in form of social scientists such as anthropologists. In that particular portion of it where we're looking at more of the social aspects and the demographics of the fishery, that would help them. Right now it's predominantly economists.

Snapper Grouper Regulatory Amendment 9, we did continue on the discussions that the SEP put forward again about the potential impacts for the trip limits. One of the discussions that we had that went on for a little while was about the marginal cost analysis. Some concern was expressed as the analysis had not been written up for our review. The SSC recommended that the

information provided in the report again be added to our advice from the November committee meeting relative to Regulatory Amendment 9.

We were given the documents relative to the black sea bass bag limit. Unfortunately, the document did not get to us until about 25 minutes before the meeting, so the group as a whole did not feel we could provide any recommendations or any comments on that document as we had not had time to review it.

However, individuals on the group, understanding the importance of this particular item for your agenda this week, went ahead and took up the document over the course of the week and then provided individual comments to the group. So, again, there isn't an SSC analysis or discussion on this, but you do have the input from a few group members as to concerns that they see with the particular analysis.

Some of the comments for the council to consider – I'll just read a few of them; they're in your list – one from the Socio-Econ Group was the concern over point estimates. The fact that there is no uncertainty associated with that, when you get a \$31.00 per fish value, you don't know what that bracketed amount is, what that cost is relative to a high and a low; so something like looking at your bag limit of five versus seven versus three, you really don't know how much separation you get between using those bag limits in the economic arena.

It was also indicated that the spawning period for black sea bass is apparently out of alignment with one of the current documents that's out there. Sedberry et al in 2006 indicated peak spawning for black sea bass was February through April and not March through May. The question was what was the source of the spawning season data?

You may want to consider the effect of the disparity relative to – I guess there is a Table 5; how that would affect – it may not have a large effect but you did need to be aware that there was this disparity in the spawning season. One of the other points was does the spawning season closure analysis take into account shifting of effort and increased trips prior to the closure, because obviously fishermen can't predict closures based on achieving ACLs.

There was a concern about the biological neutrality that was assessed to this; that the bag limit would be biologically neutral. An example that an individual gave was what happens if the ACL is reached long before the end of the season? The impacts of bycatch discards would be greater than what would occur had the bag limit been lower through the season, especially given that the 15-fish limit was not restrictive on the vast majority of trips. Her reference was Table 9 indicates that over 75 percent of all trips took five or fewer black sea bass. That was another concern.

There is an additional list. A lot of it does relate back to the socio-economics of this analysis. Another piece of business that we were asked to consider last week was clarification of guidance provided in the Comprehensive ACL Amendment for unassessed species. After looking at the previous guidance that we had provided at the November meeting, the SSC came up with the following restatement of our intent:

The SSC recommends withdrawing recommendations for the 23 species that have not been addressed specifically under the current ABC Control. For these 22 species, which include almaco jack, Atlantic spadefish, banded rudderfish, blue runner, blueline tile, cobia, cubera snapper, gray snapper, gray triggerfish, hogfish, jolthead porgy, knobbed porgy, lane snapper, lesser amberjack, red hind, rock hind, scamp, silk snapper, tomtate, white grunt, whitebone porgy and yellowedge grouper, we would have an OFL to be considered as unknown with an ABC set at the median landings of the time series from 1999-2008. We would consider this an interim approach until the SSC can revisit these species and discuss any additional data that exists.

And with that, we ended up adjourning the meeting. I will take any specific questions you might have.

MR. CURRIN: Thank you, Carolyn, very much. Questions for Carolyn? Brian.

DR. CHEUVRONT: Thanks, Carolyn. I read the information from George Sedberry about the spawning season for black sea bass. There has been some discussion, though, that the spawning season begins earlier down south than it does up north, and so I'm just wondering if he put any kind of a spatial limit on what he was saying or was he saying black sea bass spawn in the entire South Atlantic between February and April, I think he said.

DR. BELCHER: I think his statement was more to the point that in work that they had done, they found that specifically. He didn't see a reference as to where the other time period had come from. I think that was more of why is there disparity and what was the source on which the original dates in the document were based. I think it was just more of a point of clarification.

MR. HARRIS: Mr. Chairman, just a comment. I kind of feel like the SSC did when they got the bag limit analysis 25 minutes before the meeting. Getting this e-mailed to us today – I mean, we're kind of in a situation with respect to the law where we're being forced to make decisions based on not a whole lot of careful study, and it bothers me tremendously that we're in this situation. It's just a comment. Thank you.

MR. CURRIN: Other comments or questions for Carolyn? All right, I see none; thank you very much. I appreciate you being here. All right, let's move into Regulatory Amendment 9, and, Myra, are you going to walk us through this?

MS. BROUWER: First of all, I'd like to tell you a little bit about the public comment that we received on this amendment. This is another amendment we took out along with the Comprehensive ACL during our public hearings and public scoping meetings in January and February. The comment period for submission of written comments was January 12 through the 14th of February.

We received approximately 1,800 comments. The majority were from recreational fishermen that were supporting alternatives for the lowest poundage limits or no action. Many comments were against an increase in the amberjack trip limit. Fishermen claim that amberjack may be targeted more heavily due to restrictions on other species and early closures would ensue and that the Florida Keys would likely be affected more than other regions.

On the commercial side, the Southeast Fisheries Association had some comments in support of all the preferred alternatives for black sea bass. They suggested a trip limit of 1,000 pounds, which is Subalternative 2A. They suggested retaining the May/June fishing year; specifying commercial ACLs based on 2006-2009 landings; and support of an April/May spawning season closure.

There were also recommendations for bycatch allowances during spawning season closures for black sea bass or when 75 percent of the quota is met; and also recommendations to remove commercial size limits to diminish regulatory discards. That's just a quick snapshot of the kinds of comments we received on this amendment.

What I'd like to do is just walk you through it. I'll remind you that you have not picked preferred alternatives for many of the actions under black sea bass. You do have preferred alternatives for the other actions. Action 1 is on PDF Page 98 of Regulatory Amendment 9. The IPT is suggesting a change to the language of the no action alternative.

Currently it only talks about trip limits and there are many other actions that are included under this Action 1, and so the suggested language would read, "Do not implement harvest management measures to reduce the rate at which the quota for black sea bass is being met." So with your guidance, if it's okay with you, we'd like to alter that language for Alternative 1.

MR. CURRIN: Everyone okay with that language change suggested by the IPT? I don't see any opposition.

MS. BROUWER: Okay, another change that you'll see highlighted in yellow, this came from the regulation writers in Florida. They would like to see the word "quota" replace "ACLs". They say that this is the way it needs to be written for the regulation, so they requested that change be made to the language of the alternatives as you see highlighted in yellow.

MR. CURRIN: Okay, another suggestion to change the use of the term "ACL" to "quotas"; replace those in the document; everybody okay with that? Gregg.

MR. WAUGH: We've been trying to educate the public switching to ACLs. I'm a bit puzzled as to why now we're changing it. I mean, who has a problem with it?

MS. BROUWER: This was suggested by the folks who write the regulations. They wanted the language in the document to be similar to what will end up in the regulations. It came from their office.

MR. WAUGH: And I think we've been down this road in the past, and we're trying to make our documents understandable to the public. Certainly, we don't want inconsistencies and confusion between the regulations; but just because the regulations say "quota" I don't know that we need to say "quota" in the amendment.

MS. SMIT-BRUNELLO: So what would happen if we put one of them in parentheses and you kept both, so you had quota paren ACL or ACL paren quota. Then it references both and maybe it's clear to the public, too, and everyone else that we're talking about one thing. The quota is the ACL and vice versa.

MR. GEIGER: Well, I feel good. I was going to make the same suggestion Monica just made. I don't see we just can't put one in parentheses.

MR. PHILLIPS: But wouldn't the quota sometime be the ABC instead of the ACL?

MR. CURRIN: Well, they may be equal, Charlie, but they're going to be referred as ACLs. That's kind of the bar and the reference point, I think. They may not always be or maybe they will. Everybody okay, then, with using the parentheses? Gregg, does that help you out some as well? I would suggest that perhaps we use "ACL" and then put "quota" in parentheses. Everybody okay with that?

MS. BROUWER: Okay, so I guess what I would suggest that you do is since there are so many different management measures under this action, just go one by one and decide if you want to pick a preferred. Alternative 2 covers trip limits for the black sea bass fishery and then we move on to fishing year changes and so on.

MR. CURRIN: Okay, push has come to shove. Trip limits; any level suits you? We've gotten comments all over the map from people; many people in favor, some not. Tom Burgess.

MR. BURGESS: Mr. Chairman, I spoke to some fishermen concerning trip limits before this meeting and to the fishermen that have been involved in for a long time. As this fisherman explained to me, at this time we have a very low ACL and we have kind of a short season, if you will, and he explained to me that I'm only going to catch so many fish throughout the season; and basically if we go to a trip limit, which the only one that would extend the season would be Alternative 2D, which is 1,250 pounds gutted weight, is that basically what would happen is if I would catch my fish normally in ten trips, basically I would just have to take 15 trips and so would just basically decrease my profits.

He said that would be hard to take with the low ACL at this time. I have heard that from other fishermen. Also, Subalternative 2D, when I look at the analysis, only extends the season by about two weeks. I'm not in favor of putting a trip limit on the black sea bass pot fishery at this time due to those comments and some other ones, too.

MR. GEIGER: My question would go to Tom. Tom, did you discuss the split season like in Alternative 6 with your fishermen in the pot fishery?

MR. BURGESS: Yes, I have so that would be the start in January 1st; is that correct?

MR. GEIGER: Yes, the split season, January to June and then the second half would be available July through December.

MR. BURGESS: Yes, I have spoke about the change in the season; but as I had said earlier, I think fishermen are very concerned about fishing during the spawning season. They have discussed the split season, but it would basically be with the June 1st starting date and possibly June through November, which seems a little more appropriate because when we open the second part of the season in December it should be finished up by February to protect the spawning season.

Also, in the future, as we gain more fish due to our stock assessment – I don't want to bring any type of alternative into this document but in the future to put the added fish on the beginning of the fishing year ACL, the June through November, so that we could continue to protect the spawning season. As I had said before, fishermen are very concerned about fishing from June through February and fill up those months before we fish in, say, March or April, which is peak spawning and be closed, say, October or November. That was kind of the reasoning behind that.

MR. HARTIG: Myra, does the AP have a position on black sea bass trip limits?

MS. BROUWER: They did discuss this at their meeting in the fall. I can't recall their position on black sea bass trip limits. Kenny Fex is in the audience; I don't know if Kenny does recall.

MR. CURRIN: I don't recall it either and I was at the meeting. I want to say, yes, they did recommend a level, but I don't recall exactly what the level was at this point. Ben, if I took a stab, it would probably be wrong.

MR. HARRIS: Mr. Chairman, speaking on behalf of some of the fishing guides in coastal Georgia, I would prefer that we change the black sea bass fishing year to a start date of January 1. I don't know how Charlie feels about that, but everything else is closed except for black sea bass and now black sea bass is closed this year; so the guides that don't fish inshore during that time of year basically don't have anything to fish for right now. If it was opened in January and February they would have something to fish for. That's my preference as we change the fishing year.

MR. CURRIN: All right, I think perhaps it would be best to go through this from Alternative 1 on down, so let's try to deal with issue of the trip limits if we can. We've got a no action alternative and a suite of subalternatives on trip limits. If we can dispense with that, that would be good.

MR. HARRIS: Mr. Chairman, with respect to trip limits, I would move that the no action alternative be our preferred.

MR. CURRIN: Motion by Duane to select Alternative 1, no action, as the preferred for black sea bass trip limits; second by Charlie. Discussion? Go ahead.

MR. HARRIS: Mr. Chairman, given what we heard from the SSC as well as from Tom Burgess, I just think it makes sense that we don't establish trip limits for black sea bass at this point in time.

MR. CURRIN: Other comments on the motion; any further discussion? Is there objection to the motion? Roy, are you also objecting?

DR. CRABTREE: Well, this means we're not going to choose any alternative; not change the fishing year and not do anything?

MR. HARRIS: That was not my motion, Roy. It was strictly with respect to trip limits, so it doesn't follow the layout of the alternatives here as well I would like, but that was still the motion.

DR. CRABTREE: Well, I think if you don't want a trip limit just don't select a preferred alternative for a trip limit; and then if you choose to select a different fishing year, choose one of those as a preferred. To me if you choose Alternative 1, no action, you're saying you're not going to take any action at all.

MR. HARRIS: I understand.

MR. CURRIN: I read that differently, but if that's the advice then, Duane, you would like to –

MR. HARRIS: **I'll withdraw the motion.**

MR. CURRIN: – withdraw the motion.

MR. CURRIN: Okay with you, Charlie? All right, then no desire to select an alternative or a subalternative from Alternative 2 is kind of what I'm hearing? Keep in mind there are a number of people that – a lot of fishermen brought this issue to us concerned about extending the season. Perhaps some of these other actions will be able to accomplish that. Mark.

MR. ROBSON: But if we decide ultimately not to establish a trip limit, how we be able to do that?

MR. CURRIN: Maybe I misunderstood; there is no trip limit now and so there just won't be one unless we establish it. Monica.

MS. SMIT-BRUNELLO: That's what I was going to say; you just don't name a preferred alternative.

MR. CURRIN: Okay, a number of alternatives, three through six, dealing with changing fishing years; what is your pleasure as far as the fishing years, changing them, for black sea bass. Tom.

MR. BURGESS: Mr. Chairman, as I hear being discussed around the table, I was unaware that these alternatives were recreational and commercial; is that correct? I mean, I kind of thought that maybe this was just a commercial season due to the language here; you know, just separate the commercial ACLs. I was wondering where we stand there.

MR. CURRIN: I think that changing the season would change it for everyone, I believe, the way they're written. Now, Alternative 3 says specify separate commercial ACL for various divisions within the fishing year, so that just divides the current fishing year up into two periods. The others I believe will change the fishing year for both sectors. Somebody correct me if I'm wrong. Roy.

DR. CRABTREE: No, I think that's right; there is one fishing year now for everybody and this would change that. Then some of them specify a split season for the commercial fishery only, but it changes the fishing year for everybody.

MR. CURRIN: Kenny, did you dig out that information from the AP?

MR. FEX: Yes, they did support trip limits but they did not have any poundage written down.

MR. CURRIN: Thank you very much. All right, what is your desire on this fishing year change, if any? Keep in mind that the council went through this not too awful long ago and changed it to June. Doug.

MR. HAYMANS: Did I understand, Roy, you to say that the fishing year is for everyone but then we can subdivide for commercial within that; so if Duane was suggesting that January to December fishing year, you could still break it out commercial within that; is that you were –

DR. CRABTREE: Yes, for example, Alternative 6 would change the fishing year to January and that would set up a separate January/June season commercially and then a second July/December season.

MR. HAYMANS: So could we then have a 6A, which is January to December, but follows Tom's recommendation of a June start or incorporate Tom's suggestion into that?

DR. CRABTREE: For a June start on the commercial fishery?

MR. HAYMANS: Tom, what was your commercial date that you wanted?

MR. BURGESS: It was Alternative 3; the commercial sector would have a June through May ACL – I'm sorry, excuse me – June through November ACL and a December through May ACL.

MR. GEIGER: Yes, in regard to Doug's comments, and I just caution again opening the season in January has an impact on the spawning season.

MR. HAYMANS: That's sort of what I was getting yesterday with the way we take this piecemeal, because really we should be looking at a spawning season closure and incorporate it into this, but yet it's six or eight alternatives down. I would like to look at a spawning season closure within that.

MR. CURRIN: We can go through it any way you guys want to. I was trying to click them off; but if there is something that is going to affect your decision on a different issue and you want to get that out of the way first, that's fine with me. Robert.

MR. BOYLES: Mr. Chairman, I'd make a motion that we select Alternative 3 as our preferred.

MR. CURRIN: Motion by Robert to select Alternative 3 as our preferred; is there a second? Second by George. Discussion on that motion? Mark.

MR. ROBSON: Well, I will speak against the motion. I was going to try to make a motion for Alternative 6. I share the concern about closing this black sea bass fishery in Florida at a time when everything else is closed. We've got huge impacts in Florida from the other closures from basically November through May. I think a January fishing year start would be much better.

We can take a look at a spawning season closure, but I feel that this is just one more piling on that is going to create a big impact in Florida. It would be a lot better from our perspective to start it in January and hopefully not have too rapid of a closure especially if we can look at the recreational bag limit.

MR. HAYMANS: And I agree; and if we are looking at a spawning season closure, perhaps that – well, I missed it, the May closure, but I agree that at least on the southern end we're looking at a January start date. We would prefer that.

MR. SWATZEL: Well, this raises that issue about the possibility of a geographically split season, and this kind of ties in with the black sea bass bag limit issue that we've been talking about. It's unlikely we're going to come up with a bag limit reduction that's going to keep the season open year round, so how do we deal with the issues of recreational closures and trying to fair with the Carolinas and Georgia and Florida, which might have differing interests as far as when they close.

I would like to raise the issue of geographically splitting the seasons particularly from a recreational standpoint because I think that's the only way you're going to get any fairness concerning when closures occur.

MR. CURRIN: Yes, although we don't have any alternatives currently in the document to deal with this, we've got a suggestion from somebody's e-mail regarding rolling closures and having those closures different in the southern part of the range or of our jurisdiction and as opposed to the northern part. Duane.

MR. HARRIS: Mr. Chairman, I'll speak against the motion on the table for the reasons that have already been suggested. I agree with Tom Swatzel that the way to deal with this – and I understand there are no alternatives in this document – is with a split season, but we can't do that right now. I'll vote against the motion.

MR. CURRIN: Other discussion on the motion? **All in favor of the motion raise your hand, please – and I would vote in favor as well – 6 in favor; all opposed. That motion fails.** Robert.

MR. BOYLES: Mr. Chairman, I make a motion that we select Alternative 6 as our preferred.

MR. CURRIN: Motion by Robert; second by Duane. Discussion on that motion? Everybody clear? That changes the fishing year to January through December and separates the commercial ACLs to two periods, January to June and July to December. Red.

MR. MUNDEN: Mr. Chairman, just a point of information. The black sea bass fishing year north of Cape Hatteras is from January 1 through December 31st. That could have some impact on the market for black sea bass.

MR. GEIGER: Well, I would just ask how we incorporate the suggested spawning closures that Tom alluded to that the fishermen are so concerned about into this? If we select Alternative 6 as the preferred, we've basically ignored the potential for a spawning season closure.

MR. CURRIN: I don't think so; I think you could impose that upon the fishing year that's here just by selecting a closed month or two or three or whatever out of the year. It wouldn't change the fishing year. It would begin in January. There may be a season closure of some months, but I don't think it precludes it. Charlie.

MR. PHILLIPS: Well, if we did the January through June and they didn't catch it before the spawning closure came in, then I would presume that whatever share of that quota wasn't caught would go to the second half of the year so they could still catch it.

MR. CURRIN: That would have to be specified, but I don't think we run that risk too much based on what has happened in the fishery lately, but that would have to be specified, yes. Further discussion on the motion? **All right, all in favor of the motion raise your hand, please; all opposed, 4 opposed. That motion is approved.** That moves it back to the way it was five or six years ago, I guess. Maybe in five or six years we'll move it back to June or somebody will; we'll see. Roy.

DR. CRABTREE: One question was what if they didn't catch the quota up; we do have I think an Alternative 7 which would carry over, so you'd need to talk about that. I don't have a problem with carrying uncaught quota over from the first subseason to the second. Something else you need to think about, so the fishery is going to open June 1 this summer; and then presumably if this goes in place prior to June 1, I don't think you mean that you don't want the fishery to open this year June 1 because then we wouldn't have any fishery this year, so I assume you want the fishery for this year to go ahead and open June 1.

That means you're going to have a short fishing year this year because the new fishing year will start January 1. What happens if they haven't caught their quota because the fishing year was

only seven months this year? I think there are some details in how this works that need to be clarified in the document.

MR. CUPKA: Roy, if we had a split season and we had a spawning season closure during the middle of that first season and it wasn't all caught – say we had January through June and we closed March and April as a spawning season, if they didn't catch the entire quota in January and February, why could they not start and resume fishing in May and June and then you wouldn't have to carry it over.

DR. CRABTREE: Well, they would, but the issue would be if you got to the end of June and they hadn't caught all of it the first half, would the left over carry over into the next year? Then the other issue I'd address is what if they go over quota in the first half? I assume that would be deducted out of what is available in the second half, but that's just not addressed so far. I think you need to figure that out.

MR. CUPKA: Okay, the discussion, if I may, Mr. Chairman, it sounded like if they didn't catch it during the first season and when we got to the spawning season, then it would automatically carry over to the second, but I don't see – like I say, what would preclude it when it opened back up later in that first season from fishing on any uncaught quota the rest of that season. Then if it wasn't all caught, you could carry it over to the second quarter, but you would still get another opportunity that first half of the year after you get past the spawning season closure.

MR. CURRIN: Other comments or suggestions here? There are a lot of things that we need to clean up if we're going to go this route. Doug.

MR. HAYMANS: I guess I have a question for Roy. So starting June 1, if it weren't changed, we would have a 409,000 pound for recreational; so now that we're going to change, would it evenly split that 204,500 pounds from June to December; and the overage that we're going to take in January, does that lop off that so are we going to wind up with a June to July season and it's going to close again for recreational?

DR. CRABTREE: Well, you're not splitting the recreational quota; you're only splitting the commercial quota here.

MR. HAYMANS: But by starting the new fishing year January 1, we're basically starting in 2012 with 409,000 pounds, so for 2011 we've only got six months of the current fishing year if it doesn't take effect until January.

DR. CRABTREE: Yes, I think you need to decide how you want to handle that so if we get to December 31 and they haven't caught up their quota because we lowered the bag limit and they had a short season; do you want to just for that one – there are two ways you could go. You could say the new fishing year doesn't take effect until they've caught up the rest of their quota so that we would just project out when they're going to catch their 2011 quota; and effective the date we project to that, they start fishing on next year's quota; and then subsequent to that it always starts on January 1. I guess you could say to this one time only because it's an

abbreviated fishing year, that any left over on December 31st gets dumped into next year's and they get to fish on that.

MR. CURRIN: That seems to be the cleanest to me as well, Roy. Robert.

MR. BOYLES: Mr. Chairman, I make a motion that we make Alternative 7 our preferred.

MR. CURRIN: Motion by Robert to select Alternative 7 as the preferred; second by Duane.

DR. CRABTREE: So that's going to take any unused quota – if they go over the quota for the first half, do you want us to go ahead and deduct that off of the second half? Remember, you do have a payback in the fishery so in the end it's going to be paid back.

MR. CURRIN: What is your pleasure here in view of Roy's comment; to handle it in a separate motion? Okay, further discussion on this motion to select Alternative 7. That's just to carry over the quota from the first part to the second part. Tom.

MR. BURGESS: Have we voted on Alternative 6 yet?

MR. CURRIN: All right, further discussion on Alternative 7; selecting that as a preferred? **Is there objection to that motion? I see none and that motion is approved.** All right, we've still got the issue of what to do because we're changing fishing years. Do you want to, as Roy suggested, handle that for this year by rolling over any unused quota in December into the beginning of the next fishing year or the first half of that fishing year, I guess. Robert.

MR. BOYLES: Mr. Chairman, I'd make that in the form of a motion.

MR. CURRIN: It's everything I presume unless it's specified; what do you want? Is that for both sectors, Robert?

MR. BOYLES: Both sectors, yes, sir.

MR. CURRIN: Okay, second by George. Roy.

DR. CRABTREE: And we're clear this a one-time deal to make the transition to the new fishing year?

MR. CURRIN: That's certainly what I understand; anybody thinking along different lines? It's a one-time deal. That's just for this year for a transition from changing the fishing year. If, for example, we get to the end of December this year; the new fishing year starts January 1, normally you would not roll quota over from one year to the next because you'd affect the ACL, but by our actions we have shortened the year by six months, so we might be allowed to roll over any unused quota into the first part of the following fishing year. Everybody clear on that?

MS. SMIT-BRUNELLO: Just for any regulation writers that might be listening to the discussion, it's committee's intent that the new fishing year in Alternative 6 begin in 2012,

correct, and what is in place right now for 2011 remains in place so that the fishing year will begin on June 1 of 2011.

MR. WAUGH: Mr. Chairman, as you all go through this, I'm sure people have straight in their mind the rationale of why we're choosing these alternatives; but to the extent that you all can state that it will help the IPT put this together. Remember, this is going to the secretary so it has to happen very quickly.

The second is for this motion you might add some discussion as to why you're rolling that over versus letting that pay back for some of the previous TAC overages because this is an overfished stock and we've gone over the TAC for several years. This would be a way to pay back some of that so any rationale as to why we're not doing that would be helpful.

MR. CURRIN: That's a very good point that didn't occur to me in our discussion. All right, you heard Gregg's recommendation that we need some rationale for why we're suggesting doing what we're doing. Have we got any? Doug.

MR. HAYMANS: I guess I wanted to sort of clarify that if there is a very real possibility that unless we severely restrict the bag limit below seven, that when you take off the overage from last year, we're still likely not to get to January 1 with the recreational fishery; is that right, Roy?

DR. CRABTREE: Well, this year I think most of the data indicated the quota was caught by the end of December and next year it's hard to predict. The bag limit reduction should help some, so I'd say it's a close call whether they'd catch it up by the end of December. They might or might not. It depends on how many people go fishing.

MR. CURRIN: Well, Gregg had a good point I think that we should consider in view of the fact that the stock is overfished and that we've got paybacks. We do have an opportunity here at least by just defeating this motion I guess and not carrying any over if in fact there is any. I doubt there will be, but we may want to consider that. Mark.

MR. ROBSON: Paying that back – and this may be a question for you, Gregg – paying that back, that wouldn't be anything that would factor into the next stock assessment, would it? I mean, you wouldn't be able to really account for any that or measure it in any way?

MR. WAUGH: No, because the terminal year for the stock assessment is calendar year 2010.

MR. CURRIN: You know, when you think about it, Gregg, that's going to come off the front end, the payback, at least for the recreational guys and I presume for the commercial, too. The ACL will be set at some lower level, which would account for that needed payback, would it not, and then the fishery would just close earlier so there may not be an issue of carryovers.

MR. WAUGH: For 2011, yes, the recreational ACL/quota will be reduced by the amount of the overage and that figure is yet to be determined, but that's just for that one fishing year, and you've got a cumulative overage. As Bonnie pointed out yesterday, in a rebuilding scenario overages early in the year of a rebuilding program cost you more.

DR. CRABTREE: Gregg, I'm looking at the spreadsheet that was sent out that goes back to the 2006/2007 season, which I guess that was the first season in the rebuilding plan? All right, I'm showing that we had an overage of 3 percent the first year, but then we had an underage of 20 percent the next year and then a 4 percent overage in 2008/2009 and a 9 percent overage in 2009/2010.

When I look at the amounts, I have the cumulative TAC as being less than the cumulative catch because the 20 percent underage that one year is larger than the sum of all the overages. Am I missing something? We went under by a 193,000; and if you sum up those other overages, they come out to it looks to me like around 130,000, so I think that 60,703 pounds is underage, in fact, in the cumulative catches. Can you check that and see if I'm correct?

MR. WAUGH: Yes, I'm pulling it up now to check.

DR. CRABTREE: And back to what Bonnie states that it's important early on, well, we definitely had a huge underage early on; and if that was reflected in lower fishing mortality, that should have jump started this thing, if anything.

DR. PONWITH: And the same thing is true for an underage as is true for an overage. Just as an overage early on in the rebuilding costs you more, an underage early on in the rebuilding gains at a higher rate because of the impacts in the spawning biomass.

MR. CURRIN: All right, we still have a motion here. It doesn't concern me much because it's really a contingency and I don't that it will come into play; but if in fact there is an underage, it would allow that to be carried over to the first half of the following fishing year. That may be one clarification. Did you get him straightened out, Gregg?

MR. WAUGH: I think so; give me one more second. Yes, Roy is correct, over the first four fishing years there is an underage of 60,703 pounds; not an overage.

MR. CURRIN: For both sectors?

MR. WAUGH: Yes, that's looking at the total.

MR. CURRIN: All right, everybody know where we are; we've got a motion a before us, Alternative 7, that would carry over an underage, if there is any, into the first half of the following new fishing year. Is everybody clear? **Okay, the motion is for both sectors any unused quota at the end of the 2011 fishing year would be added to the first half of the following fishing year beginning January 2012. Is there objection to that motion? I see none; that motion is approved.** Okay, everybody okay with where we are so far? Robert.

MR. BOYLES: Maybe we can't deal with it now, but I do want to go back to the point Tom made about the regional splits. Have we lost that; can we deal with that in Regulatory Amendment 9 or is that something we're going to have to deal post haste post stock assessment? Do you need some guidance?

MR. CURRIN: Say that again; I'm sorry, I missed the first part of it.

MR. BOYLES: Tom Swatzel recommended that we look at I guess it was the rolling closures or the split seasons for black sea bass. Have we lost the – is there an opportunity to deal with that in this amendment?

MR. CURRIN: I would have to defer to staff on that. My initial reaction would be no or it would at least slow this down tremendously and may impact our ability to get changes in the fishing year in place and all that. I don't know; Gregg or Myra, you guys –

MR. WAUGH: Well, I think Monica needs to weigh in on this because there is no alternative in the document that would do that. We are taking additional public comment today and during the council session tomorrow, so you're listening to public comment and looking at another alternative. The question is if that's outside the range of impacts of the alternatives for the recreational sector that we took out to public hearing, then we'd need more public input, which we're getting, recognizing that it's at one meeting where you're taking final action. I think it's more of a legal determination.

MS. SMIT-BRUNELLO: Since I stepped out of the room, very quickly will you just sum that question up so I can answer it.

MR. CURRIN: I'll try. Robert asked whether in Regulatory Amendment 9 we could consider an alternative that has not yet been in the document; one concerning rolling closures to account for difference in the fishery north and south. Gregg said he wasn't real sure and it was a legal question as to whether at this late stage we could insert a new alternative in view of the fact that we are going to have some public comment later in the week here.

MS. SMIT-BRUNELLO: Well, you do have public comment later in the week so I think conceptually you could do it and you could insert that in here and you could get public comment on it at this meeting before you took final action. What bothers me more, though, is that you don't have all the analysis for whatever is going to be proposed. If that can be done and brought to you by full council, then, okay, but I really think that to make an informed decision you need as much information as you can get. It could be problematic in including something that is not within the range of alternatives at all. To bring it in at this time would be difficult.

MR. CURRIN: And I think that answers the question; it would be difficult to impossible to have that analysis in two days although it has been done before. Yes, Robert, I think it's a great idea and I'm sorry somebody didn't think of it or suggest it to us earlier on, but keep in mind that we are going to get a new assessment this year and that we will be fiddling with the black sea bass management measures, I'm sure, within the next 12 months. That's certainly something that everybody needs to keep in the back of their mind.

All right, there are a couple of alternatives dealing with closing the black sea bass fishery commercially. One option has when a hundred thousand pounds is left to be harvested and

another one is percentage and another one is 50,000 pounds. What is your desire on that suite of alternatives as a way to manage the fishery? Roy.

DR. CRABTREE: Well, I suspect that Alternative 11 looking just at a practical standpoint is not doable. I suspect by the time we get to 90 percent of the quota is caught, we're going to be shutting the fishery down.

I think if you take the 90 percent – the quota is 309,000 so 10 percent is only 30,000 pounds; and presumably by the time 90 percent is caught, I'm just not sure it's workable particularly based on what we saw with golden tile and how quickly quotas are being caught. I think that's parsing just too fine with the low quotas we have now. If we get to a point a year from now where we have electronic report and things are more real time, it might be more doable, but I think right now it would be difficult.

MR. HARTIG: Well, Roy is right, but that's still no excuse. Golden tilefish closes today without a 300-pound season, so 25 percent of the quota was over – at least 25 percent has gone over by the longline fishery, so people in the hook-and-line industry don't get to the extended season when you get in under a 300-pound step-down.

I don't know, folks, somehow these quotas are getting smaller, we're splitting the seasons, and we're going to have to find a way that works to be able to monitor these quotas accurately. Just to say we can't do it, that doesn't compute with me. I'm willing to report daily, to come in after a trip and report of my computer right to the Science Center what I've caught each trip, and I don't see why that isn't possible for every fisherman after each trip to do that.

It just makes perfect sense to me to be able to do this on a real-time basis on this quota monitoring especially since we're going to be having these very, very low quotas. Now, I'd like to hear from Science Center how we could do that. Do we need more people to do that? My gosh, you'll have those on the computer. Maybe it's not possible for some of the bigger fisheries, but for some of these smaller fisheries I think that is exactly the way we have to go.

DR. CRABTREE: Well, I think the fact that we split the commercial season makes this all the more difficult. We're projecting closure dates on sea bass when 60 percent of the quota is caught now because it's coming in so fast. I don't know how we would do it except to go ahead and just project that the trip fishery will close on this date and some days later the hook-and-line fishery will close and just announce it all at once based on projections.

Ben, I think if we required fishermen to report daily we would have big non-compliance. I just think that's what would happen and then we'd have to expand – and a lot of the problems we have these quotas now are because we don't get good compliance from the dealers. We have dealers that hold back and then dump all the landings on us, and we have talked to them and talked to them about it.

We've had similar issues in the Gulf before. I think we're going to make progress, but right now where this is going is towards electronic weekly dealer reporting and not towards individual fishermen coming and reporting. We can change all of that. The other part of it is no matter

how good your reporting is, when the fish are coming in at a high speed and very quickly, it takes us a week or more just to get a closure notice cleared through the process into the Federal Register.

Then fishermen want to have some number of days' notice that they're going to be closed down. All of that entails close to two weeks projecting under the best of circumstances. That's the problem with it, when 10 percent of the quota is caught in less than two weeks, it's hard to get around it. I understand what you're saying but there is not an immediate solution. Every time we come in and divvy these quotas up into regional quotas or sub-quotas, it just makes the problem more difficult to deal with.

MR. O'SHEA: Mr. Chairman, to Ben's point, it seems to me there are two issues. One is the requirement to report and then the infrastructure to take those reports. The ACCSP has pumped in, I'm afraid to say, \$34 million in developing catch reporting systems, SAFIS, this whole nine yards, and I'm not exactly sure – talking to those folks, there is a system that was designed to do this and it's available to the states and it's available to all the partners. Thank you.

MR. CURRIN: Thank you and we've been trying to get there for a long time. All right, what is your pleasure on these other alternatives regarding closing the fishery at either a percentage or after some poundage is caught; no interest in those? All right, I think the next series are dealing spawning season closures; Alternative 12, a number of subalternatives there. We've had some discussion on desires to establish spawning season closures and now is your time. Duane.

MR. HARRIS: Mr. Chairman, based on what we've heard from the fishing public at the public hearings, most fishermen understand the need and have recommended spawning season closures not only for black sea bass but for all the species that we manage. **I would recommend Subalternative 12A as our preferred, which would implement a March 1st – April 30th spawning season closure for black sea bass to apply to both the commercial and the recreational sectors.**

MR. CURRIN: Motion by Duane; second by George. Discussion on that motion to select Subalternative 12A; implement a March 1 to April 30 spawning season closure for black sea bass for both sectors. Duane.

MR. HARRIS: Yes, Doug is yelling in my ear here and he said, "Well, what about those months there would nothing to catch," and he's right. I'm trying to get to the point where we make sure that if there is a spawning season closure, it's closed during the correct timeframe. Doug is looking it up right now. Sedberry did some research on this, and I know spawning off the coast of Georgia probably does start in February and goes on I think through March is what he said. This gets two of those months as a spawning season closure, but it still allows some fishing during January and February for the fishing guides off the coast of Georgia. It's my motion and I'm not going to change it at this point in time; but if Doug can fix it, that's fine.

MR. HARTIG: Just eventually to Tom's point about regionalization – and we can't do it now, but we need to deal with it. We need to deal with regional spawning issues in a future

amendment and deal with the regional aspect of how these fish are caught, where they're caught and the importance of when they're caught. Down the line we need to do that.

MR. CURRIN: Ben, I'd just note that from North Carolina's perspective when the fishery closed this year recreationally, there was a hue and cry from not only the private boat guys but from the headboat sector as well because that March and April period is very important to them. That points out the same thing you just brought up as well. Charlie.

MR. PHILLIPS: Well, when we get the new assessment and we talked about maybe changing into some rolling closures; could we also work this spawning season in with maybe a rolling spawning season, too, and do all this at one time; would that be the time to do that?

MR. CURRIN: Yes, most probably so, Charlie, and that should be considered, I think. Duane.

MR. HARRIS: Mr. Chairman, it's not in here and I don't know whether we could say that it's implied or not, but we do know that the spawning season occurs at different times off different areas, and it occurs earlier the farther south you are and later the farther north you are. My motion with a March to April 30th spawning season closure really basically protects spawning fish down here, but it doesn't protect spawning fish up north to the same extent.

I'm not sure whether we could do a split spawning season closure for Georgia and Florida based on the alternatives that are in this document and then a different spawning season closure for South Carolina and North Carolina. If we could, that's what I would prefer. I guess the question is, Monica, does this document give us the latitude to do that?

MS. SMIT-BRUNELLO: Well do you have any of that analysis before you as to what the impacts of that would be? I don't know that you do.

MR. HARRIS: Well, we have the analysis of spawning season closures and it has got that entire suite of time periods. The only thing it doesn't do is perhaps analyze it based on North Carolina – the impact on North Carolina and South Carolina and the separate impact on Georgia and Florida.

MS. SMIT-BRUNELLO: So you would probably want a five-minute break so that at least Jack and Gregg and I could get together and see if there is enough in the document that would give you enough information that would allow you to make that decision.

MR. CURRIN: Let me get Brian and then we'll take a break for five or ten minutes.

DR. CHEUVRONT: Yes, to this point, I think that this splitting a spawning season closure regionally would be ineffective without splitting the quota regionally because that's going to unfairly – there is not much fishing going on recreationally in North Carolina during January and February for black sea bass. What you would effectively be doing is shutting off one of the productive fishing months recreationally for black sea bass if you shut down May but you're not giving them any other time period to make it up. I think what you're doing is getting half of what you want, but it is disadvantaging the Carolinas in doing so. I think until you can get to a

point where you can split that quota regionally, splitting the spawning season closure is a big mistake.

MR. SWATZEL: Well, I want to urge you if we're going to take this five-minute break to discuss that to again revisit the issue of the geographical split concerning the fishing year because that seems to, in my view, resolve a lot of these issues.

DR. CRABTREE: Yes, I have the same worry as Brian brought up. If you don't split the quotas, then you're going to have one area open while the other area is closed and you can bet everybody is going to be awful sensitive to one area is going to catch up the quota while we're closed. I think that's part and parcel of why you need a careful analysis of this because you may have a lot of problems like that if you don't split the quota.

MR. CURRIN: All right, let's take a break.

MR. CURRIN: Let's get everybody back to the table so we can resume, please. All right, we're back at Alternative 12 and I believe we still have a motion on the floor to select Subalternative 12A, which is a spawning season closure from March 1 through April 30. Further discussion on that motion? I think the result of the conversation during our break here to look at trying to at this stage implement rolling closures, Tom – and you may have been in on that conversation – I think it's just going to be too complicated. I think we don't have the analysis before us to make a rational decision on that, but we need to keep that in mind for measures that will come as a result of the assessment. Mark.

MR. ROBSON: I'm very sensitive to issue of a spawning season closure and the possibility if you didn't have that what that would mean in terms of fishing out the quota and how that could affect the North Carolina and South Carolina fishermen later in the year since we move to the – and we may be moving to a January fishing year.

However, as I've said before, with everything else that has been happening with the fisheries off of Florida and the spawning season and other closures that are in effect right now, I'm going to have to vote against the motion. I guess I was holding out some hope that we could at least consider this when we get a chance to look at the new assessment, because I don't in principle have any problem with a spawning season closure. I want to be clear about that, but I just feel that it's something that I cannot support at this time. However, I do recognize the concern that would raise for North and South Carolina.

MR. CURRIN: Any further comments or discussion on the motion? **All in favor of the motion raise your hand, please, 8; all opposed, 3 opposed. The motion carries.** All right, we've got one more alternative, if you recall from yesterday, Alternative 13 that we inserted into this document regarding black sea bass bag limits. I believe we selected a – did we select a preferred there; I can't recall? Okay, we'll give Myra a minute to pull that up so you'll have it before it, and I believe that's the last action in Regulatory Amendment 9. Then if it's the desire of the committee, we'll need a motion to approve this and move it on.

MS. BROUWER: It looks like you made a motion to move Alternative 13 and its subalternatives into the amendment, and that's where it got left off.

MR. CURRIN: Recall there is a bag limit alternatives and we had quite a bit of discussion on bag limits and how they impacted folks and what they did to the fishery. At one time we considered seven, but it doesn't get you much savings. George.

MR. GEIGER: I make a motion that we select a five-fish bag limit as our preferred.

MR. CURRIN: Myra is asking the question of whether we actually approved moving that Alternative 13 into the document. I thought we did. I know we talked about it, but on the safe side, Robert.

MR. BOYLES: Mr. Chairman, I would again make the motion that we move Alternative 13 and all of its subalternatives into Regulatory Amendment 9.

MR. CURRIN: Motion by Robert; second by Duane. Is there any objection to that motion?

DR. CHEUVRONT: Didn't you already have a motion?

MR. CURRIN: I thought we did.

DR. CHEUVRONT: But you had George's motion on the table that hadn't been dealt with about setting a five-fish bag limit.

MR. GEIGER: I'll withdraw that motion.

MR. CURRIN: George's motion is withdrawn; is that okay with the seconder?

MR. GEIGER: There wasn't a second.

MR. CURRIN: There wasn't a second? Okay, without objection and consent of the committee, we'll withdraw George's motion. Now Robert has made a motion to move Alternative 13 and all its subalternatives into Regulatory Amendment 9. Discussion on the motion? &&Any objection to that motion? I see none and that motion is approved again. All right, George, we have suite of bag limits.

MR. GEIGER: Yes, sir, Mr. Chairman, I make a motion that we select Alternative 13B, a five-fish bag limit, as our preferred alternative.

MR. CURRIN: Motion by George; second by Charlie; five-fish bag limit recreationally for black sea bass. Discussion on the motion? George.

MR. GEIGER: Yes, and certainly for all the reasons that were mentioned yesterday with regard to not going far enough and being surprised if we don't meet the reductions necessary that were discussed by Dr. Crabtree yesterday; and in addition to that, the information that 75 percent or

less or greater of the recreational trips result in the landing of five sea bass, I think it's appropriate that we select that as our preferred.

MR. HARRIS: Mr. Chairman, is it understood that is five fish per person or do we need to clarify that?

MR. CURRIN: It's clear to me that it's five fish per person. It's a bag limit, yes.

MR. GEIGER: Yes, Mr. Chairman, it's a bag limit of five per person.

MR. PHILLIPS: And I'm also assuming that after we get our new assessment all this can be tweaked again, so this is kind of an interim to me.

MR. CURRIN: Not only can it be; it will be, I'm sure. We may go back to the June fishing year; who knows. Any further discussion on this motion? Gregg.

MR. WAUGH: If I'm reading Table 5 correctly, it's showing the impacts of the spawning season closure on these subalternatives; so if you looked at that, the March/April spawning closure shows that based on 2010/2011 catches you need an additional 21 percent reduction in order to not have a closure, and you're getting a 12 percent reduction with your five-fish bag limit. It looks like you're going to stretch it farther into the fishing season.

MR. CURRIN: So that's good information, good news. Further discussion on this motion? **Is there any objection to this motion? I see two in opposition; any abstentions. The motion is approved with two in opposition.** Okay, everybody okay with Regulatory Amendment 9 now that we just went through? Roy.

DR. CRABTREE: Back to the Alternative 11 preferred to close the pot fishery when 90 percent is caught, there didn't seem to be any interest in changing that. We'll look at that carefully; but if what I get from the Science Center and everyone is that the data delivery system can't support that, we may not be able to move forward with that one provision. I just wanted to let you know I'll look at it as hard as I can.

MR. CURRIN: Okay, we do have a few more actions in here. That's all the black sea bass actions. On Page 124 we've got consideration of a trip limit for vermilion snapper. We currently have a preferred there, Alternative 3, 1,500 pounds. Everyone okay with that? There is, again, some changes regarding the use of the term "quota" and "ACL". I think we have handled that. Charlie.

MR. PHILLIPS: I would make the motion that we change the alternative to Alternative 1, no trip limit. If I can get a second; then I will discuss why.

MR. CURRIN: Motion by Charlie; second by Duane. Discussion? Charlie.

MR. PHILLIPS: Well, I've got a long list. First of all, the SSC came out against the trip limits. You get very little bang for your buck. The season is not going to be extended very much.

Basically if you do this kind of trip limit, which will affect the bigger boats, they're going to be getting by, but they don't have a chance to make a decent trip and make a boat payment or put some money up for when they're not going to work, and they're not going to work.

Tom made comments about why the black sea bass fishery didn't want trip limits. All of those apply to vermilion. Some other things that weren't mentioned is if you go to a trip limit and those big boats can't afford to make those longer trips anymore, where they're going to go is they're going to go further inshore and they're going to be competing where the headboats work, where the recreational boats work and where the other short-trip boats work.

You're going to end up pounding fisheries closer inshore that they're not expecting to get that added pressure. The crews are the ones that are going to pay the bulk and they're the people that can least afford to pay this extra fuel money and extra expenses to make these longer trips, if they try to do it. You're penalizing the people that can least afford it. The crews pay the fuel or most of it.

We're not going to get the bang for the buck. There is no biological reason, really, to do this. A lot of these vermilion boats, especially the ones down south, we don't interact with a lot of other stuff. We catch our vermilion and then we're going to tie up. We've already got four months of the year for grouper spawning and pinkies and an amberjack closure in April.

There is nothing to do but vermilion. We need to catch the vermilion. It's Lent; they're worth some money. Then we can stop. The SSC has analyzed it. It would be nice if we could stretch out a season, but you're not going to get the bang for the buck to do it. Further along, I would like to have some discussion on some of the other stuff in the SSC, but I won't do it right now. For right now, we need to leave our don't have a commercial trip limit and let the guys try to work.

MR. GEIGER: Charlie painted a pretty complete picture. I just wanted to ask Myra if we have a recommendation from the AP with regard to trip limits and what that recommendation might have been.

MS. BROUWER: Yes, I believe the AP recommended a trip limit of 1,500 pounds for vermilion snapper. There are a couple members of the AP in the audience if perhaps you'd like for them to come and expand on that.

MR. CURRIN: That was my recollection as well, George.

MR. GEIGER: And I think that's probably why we had selected that as the preferred at a previous meeting. I just wanted to get that AP recommendation on the record.

MR. PHILLIPS: Myra, I don't think there is any of those vermilion fishermen from Georgia or North Florida on that AP.

MR. HARRIS: Mr. Chairman, I support Charlie's motion. Georgia would be the most disadvantaged with a trip limit for vermilion snapper. Our boats have to go farther than

anybody, and we've got so few of them, anyway. A trip limit is going to really hurt Charlie and the Georgia fishermen. Given what the SSC has said about trip limits, I support Charlie's motion.

DR. CHEUVRONT: One of the issues, though, with catching these quotas more and more quickly as the CPUE is going up, that has the effect of reducing the X-vessel value. What we're doing by catching these quotas so quickly is we're flooding the market and getting the fishermen a lower price for the same product. We haven't really talked about that aspect of not somehow constraining the landings.

MR. CUPKA: I got a call from Mark Marhefka expressing some of those same concerns about the impact on the price the vessel would get if they continue to flood the market or dump all those fish on the market at one time. He was in favor – and he's a member of the AP, but he was in favor of the trip limit.

MR. PHILLIPS: And to that point, I obviously pack and sell fish. I was surprised that the prices really didn't change when they were, quote-unquote, hammering fish. It hadn't changed. I've heard that you have better quality fish if you make a three-day trip versus a six- or seven-day trip. If you slush your fish and take care of them like a professional fisherman can and should do, I don't remember the last time I had a quality problem with my fish.

You're basically going to be trading fuel money and expenses for hopefully getting a little bit more money for your fish, and I say hopefully. I think it's a bad trade. I don't think you're going to get it and the SSC obviously didn't think you would get it either.

DR. CRABTREE: Charlie, would some of your concerns be alleviated if we didn't have the provision in there to go to 500 pounds when 75 percent of the quota is caught? That does seem to me to basically kick any larger vessels or anyone who has to go very far out of the fishery after 75 percent is caught.

The other part is I have concerns about how workable it is at the rate fish are being caught. It seems to me if we do want to go with a trip limit, I might be okay with 1,500 pounds but I don't like cutting it down to 500 because then it just seems to me it's not equitable and how you're affecting people. It's forcing at that point inefficiency on the fishery. They're going to have to make more trips to bring in the same amount of fish and more money on fuel. As fuel prices go up, it just seems we're cutting into fishermen's profitability when you get down to levels as low as 500 pounds.

MR. CURRIN: One of the reasons I think, Roy, is that the folks wanted to drop the trip limit was to reduce discards after the season closed when they were fishing for other things. That's some of the rationale for that. The other is that there were a number of small boats in other sections along the coast that participated in that fishery as well.

DR. CRABTREE: If I could, though, to that point, at the rate this fishery is going right now you're not talking very many days because we'll be projecting the closure date before 75 percent

of the quota is even caught, and I'm just not sure that realistically is going to make that much difference in the discards.

MR. BURGESS: Mac, you touched on it a little bit about discards. In North Carolina we have had a lot of people speak in favor of trip limits. One of the reasons was, of course, to lengthen the season to some degree, but this is a multispecies fishery, and they don't want to go out and just hammer one species like, say, vermilion, because they interact with all of the other species. The idea here was to not only prolong the season but to get away from the discards, as you had mentioned. It's a multispecies fishery and they're trying to just keep some of everything and work in that direction. They have really stepped up to the plate and made comments to that effect, and they have a lot of ideas about how to do things better.

MR. HARTIG: Charlie, do your boats tie to the dock when vermilion is closed?

MR. PHILLIPS: Yes, a lot of them do. It's not a multispecies – after vermilion; it's pretty much vermilion; they may catch a handful of triggers or a couple of boxes of jacks, but it's pretty much vermilion. They're not mixing a whole lot of stuff up like they do further north. While I've got the mike, if you reduce it to 500 pounds you might as well have closed the season for them.

You're not going to make much money when you've got a 1,500 pound trip limit; and then when it drops, you just shut down. You're going to have to go try to – I don't know what you'd do. You're going to go fish on somebody else's fishery if you can, and you're probably going to move, either go south and you all with king mackerel or go back up in the Carolinas and fish up there. It's just not economically feasible.

The council has supported having professional fishermen. We are moving away from professional fishermen when we – and these folks have been fishing for 30 years. They've been doing pretty much the same thing for 30 years. A lot of the crews are the same. You're reallocating between professional fishermen and fishermen that do a more multispecies thing.

I was reading somewhere in one of the documents about environmental justice. This is not environmental justice; not even close. The SSC recognized it. I was very pleased to see their report. I understand wanting to stretch out the season. We're not going to stretch it out that much. What will stretch out the season is the use of circle hooks.

You can't produce B-liners as fast with circle hooks as you can J-hooks. You will stretch out the season some doing that. It's just not a good idea. I know it's well intentioned; it's just not a good idea. We're going to get a new assessment in 2012 if everything works as it should, and we need to look at it again then and in the meantime we need to look at where we want our fisheries to go.

Do we want professional fisheries that can go and work like tilefish; and then when they catch their quota, then they're through basically; or do we want a bunch of part-time fisheries? That's what we need to do, but we'll do the professional fishermen later, but right now that's what we're doing.

MR. SWATZEL: I've heard a lot of support for trip limits in South Carolina. We have obviously the AP recommendation for a 1,500 pound trip limit for vermilion snapper. **I'd like to offer a substitute motion and that would be to adopt Alternative 3, and that's establish a 1,500 pound gutted weight commercial trip limit for vermilion snapper.**

MR. CURRIN: Motion by Tom Swatzel; second by David. It's a substitute motion, I believe it was. The essence of Tom's motion is that it unselects or deselects, whatever, Subalternative 3A. It does away with dropping the trip limit when 75 percent is caught. Discussion on the substitute?

MR. GEIGER: We've had a lot of discussion; I'm going to call the question, please.

MR. CURRIN: **All right, all in favor of the motion raise your hand, please – this is the substitute motion – I see 9 in favor; all opposed, 3 opposed. That motion is approved and is now the main motion to select Alternative 3 as the preferred. Discussion on that? All in favor of that motion raise your hand, please, 8 in favor; all opposed, 4 opposed. That motion is approved.** Okay, so we've got a preferred now of Alternative 3 as our preferred. What else on vermilion here? Brian.

DR. CHEUVRONT: Yes, I don't normally do this but, Charlie, I have to take exception to something that you were saying in referring to the fishermen in the Carolinas as being non-professional because they participate in a multispecies fishery. I'm sorry, but they're just as professional as any fisherman in Georgia is.

MR. PHILLIPS: Well, I'm speaking as strictly vermilion. My guys, a lot of them down here are – they live and die on vermilion. I don't mean to dismiss what you all do. I know you're professional fishermen, but we live and die on vermilion down here. We don't have the other options to be professional on, so I guess that's what I was trying to say.

MR. CURRIN: All right, Myra, where are we now?

MS. BROUWER: The next action deals with trip limits for gag, and it's on PDF Page 135. Here we need a clarification from the committee. You selected Alternative 2 as the preferred. I need a clarification whether it was the council's intent to add Subalternative 2A to be analyzed or adopted as a preferred. The analyses in the current document assumed that only Alternative 2 was selected as a preferred, but the codified text, which you have in your briefing book, assumes that it was the combination of Alternative 2 and Subalternative 2A.

MR. CURRIN: Okay, what is the committee's intent here? Everybody understand what Myra is asking? It's similar to the options or subalternatives we had with vermilion. It was to step down the trip limits when 75 percent of the quota had been met. We did not select that for vermilion. What is your desire here, folks? Are you comfortable with just Alternative 2? No desire to consider Alternative 2A? Ben.

MR. HARTIG: Mac, I'm not going to make a motion. As we were going down this path and we kind of got sidetracked with vermilion, we were going down an ecosystem management type

situation and we abruptly halted that. Basically in the long term we need to see a grouping of fisheries at a certain level and at certain times where you can catch X-amount so you can make a trip. The bycatch consideration in vermillion was paramount to me although we got rid of it with the 500 pound step-down. Some way we need to take these bycatch limits into effect to get to a trip that makes economic sense and we don't have all these bycatch, but I'm not going to change anything now.

MR. CURRIN: And I agree with you, Ben. Brian.

DR. CHEUVRONT: I share those concerns, Ben, but I think one of the issues is that we haven't gone over our quota on gag for at least the last several years. I think it's less of an issue here in gag than it is with the B-liners, but, yes, I share your concerns. I would have preferred to have the step-down to the 500 pounds, but in deference to the understanding of the problems with NOAA with managing that and to the folks down south here in Georgia, et cetera, the difficulties that would cause for them, I was willing to give that up in favor of trying to keep a trip limit. I think you're on the right track and I support you in that, but I think we're okay right now sticking with our preferred as Alternative 2.

MR. HARTIG: Just to that point briefly, I think differently about it. The thousand pounds doesn't make any difference now and that's when you put it in. As your fishery rebuilds, it's going to have an impact long term and be able to stretch the season out, so you put it in now when it doesn't have –

MR. CURRIN: I would also note in case you have not, but there was a new Alternative 4 in there, and law enforcement has indicated that it's easier to count fish than it is to weigh fish on a boat offshore. Most of the enforcement does occur onshore or I'm under that impression, anyway, but it's there for consideration.

There were some fishermen who indicated they would rather count fish than guesstimate weights. It apparently causes some trouble – so just for your consideration. Everybody is still comfortable with a thousand pounds for gag as a trip limit? I see no desire to change that. They certainly don't want to select that, no. That's my reading from the committee. Okay, that's all of Regulatory Amendment 9.

MS. BROUWER: The last action deals with trip limits for greater amberjack and it's on PDF Page 142. Currently your preferred is to increase the greater amberjack commercial trip limit to 1,500 pounds.

MR. HARTIG: I would move that our preferred be Alternative 1, no action, retain the commercial current regulations for greater amberjack in the South Atlantic.

MR. CURRIN: Motion by Ben; second by Mark. Discussion? Ben.

MR. HARTIG: And the reason for this is we had a lot of comments during the public hearing process, and most of those comments were to keep that trip limit the same because of effort shifts

and other reasons. The fishermen believe that thousand pounds was working for the ones who are currently in that fishery and that's why they wanted to retain the thousand pounds.

MR. PHILLIPS: I would speak against the motion because if we're going to a 1,500 pound trip limit on vermillion, if those are still going to try to make trips we are nowhere coming close to our TAC on amberjack. Those guys try to have a few fish of something, and there is no biological reason not to increase the TAC. I just speak against the motion and go back to the preferred.

MR. HARRIS: Mr. Chairman, I agree with Charlie. I think I was the one that made the motion to go to a 1,500 pound trip limit at the request of some fishermen that recognize that the TAC has not been caught and didn't see the reason to stay with the 1,000 pound trip limit. I appreciate what Ben is saying, but I promised those guys that I would try to get them up to 1,500 pounds.

MR. HARTIG: Just to one of those – and you've heard me say it before – in the science in greater amberjack – and this brings this council to a dilemma. We can only go one direction when we have an assessment that we don't agree with; and the fishermen who have been in this fishery for a long time don't agree that the assessment is accurate.

We think that the biomass levels in the assessment, as arrived at, are too high. Based on the fact that the fishery crashed while the assessment said the fishery was still in a viable situation, those are things that I have taken into consideration through the whole period of this fishery. I've fished in this fishery since the beginning.

It is at a level better than it was when it crashed, but frankly it's not at the level of harvest that the current assessment says we can take. Trying to be precautionary in this frame of management that we're in where we're crushing everything else is problematic, but I still think you have to be conservative in your management of greater amberjack in the long term.

The guys that I talked to, these are long-term guys that have been in the fishery as long as I have, since '86 when it started. I respect their judgments. I asked them not a loaded question; I go what do you think about amberjacks? I said are you ready for an increase in quota knowing what my answer was. They came to the same conclusion I did. They think this fishery can support a thousand pounds.

They think it continues to rebuild under the thousand pound trip limit and the one-month spawning season closure we have. They think those regulations and plus the size limit thing are enough to bring this fishery back to a level that is sustainable in the future. It's never going to be the way it was because we moved all that excess biomass back from '86 to '96. I would caution this council on amberjacks to be a little bit conservative in your management. I know it's difficult when we have to crush down on everything else, but that's the way I believe that amberjack should go.

MR. CURRIN: Further discussion on the motion? **All in favor of the motion please raise your hand – everybody understand what we're doing here, what we're voting on, Ben's motion to change the preferred from a 1,500 pound trip limit to 1,000, which is where it is**

currently. All in favor please raise your hand – and I would vote in favor as well – all opposed. That’s seven opposed. Yes, the motion fails so we remain with the preferred at 1,500 pounds for greater amberjack. All right, we’re done now officially with Regulatory Amendment 9. We will need a motion to forward Regulatory Amendment 9 to the secretary for approval. George.

MR. GEIGER: And I so move, Mr. Chairman, that we –

MR. CURRIN: Motion by George; second by Robert. Discussion on the motion? Is there any objection to the motion? I see none and that motion is approved. Monica.

MS. SMIT-BRUNELLO: As far as deeming the regulations, I know that the council will have to do that but probably the committee shouldn’t address it right now because I believe that there have been enough changes that we will see if we can get you the changed draft codified text that reflects all the preferreds and all that that you have changed at this meeting. Fortunately, the regulation writers aren’t in the room so they can’t throw anything at me, but I don’t know whether they can get that done or not. We deal with that I think at the council level.

MR. CURRIN: Thank you. All right, the next agenda item, and I think the last one before we get back into the Comprehensive ACL is Regulatory Amendment 11, which has also been put together on a very, very short timeline, since our last meeting. Rick, I think you and Nick are going to kind of tag-team this. Do you want to take five minutes?

MR. CURRIN: Okay, let’s get everybody back and we’ll get rolling. If you remember at our last meeting, Brian and others asked the Regional Office and the Science Center to look at the implications of considering reopening parts or sections of the deepwater closure in 17B. To their credit, they have worked very hard on this and have prepared some information for consideration here. Nick Farmer, thank you for being here and thank for putting this all together in a very, very short timeframe. I will turn it over to Rick, I guess, for an overview.

MR. DeVICTOR: Mr. Chairman, you said most of what I was going to say on just how Regulatory Amendment 11 came about. One thing I will point out is a possible way that you should proceed at this point. First of all, we’re dealing with Attachment 5 in the Snapper Grouper Committee, and that’s a paper that the IPT put together.

That paper has regulations of deepwater species, ABC recommendations, ACLs put in place, landings that were used in Amendment 17B. I think most importantly on Page 9 there is a Purpose and Need Statement, so I think you may want to go through that statement. I think how you craft the purpose and needs is going to be important because that’s going to define your reasonable range of alternatives.

You may want to go through that Purpose and Need Statement on Page 9 first or first see Dr. Farmer’s presentation and then go through that; approve that or change it and then approve; and then work on a reasonable range of alternatives after you look at that Purpose and Need Statement.

MR. CURRIN: What is your pleasure here, folks, do you want to let Nick go through his presentation and then go back into the document? All right, we'll proceed that way, then.

DR. FARMER: The purpose of this presentation is to give you some preliminary data analyses that we did to support Regulatory Amendment 11. As a refresher, Amendment 17B established an ACL of zero for speckled hind and Warsaw grouper; also prohibited harvest beyond 240 feet for six other species which included snowy grouper, blueline tilefish and a few others.

Regulatory Amendment 11 is looking at adjusting regulations from 17B to alleviate some of the social and economic impacts of the deepwater closure and harvest prohibition while still reducing the bycatch of speckled hind and Warsaw grouper. I'm going to abbreviate those as "SH" and "WG" throughout the presentation; so you don't get confused that's what those are going to be.

It seems basically there are two questions that these data analyses would seek to address, and that's what is the spatial distribution of Warsaw grouper and speckled hind and to what extent are they caught together with other deepwater stocks. We've got a few data sources. None of them are perfect for this analysis. Their imperfection is due mostly to the fact that management regulations are such that since 1992 the sale has basically been prohibited on Warsaw grouper and speckled hind; and so because of that, you're basically relying upon data sources prior to that time period or data sources that include information about discards.

Data sources prior to 1992 in general have very poor spatial resolution, poor reporting of the species. Our data has definitely improved through time so the further back in time you go the more shaky it becomes. Discard information for the most part is self-reported, and you can imagine you're on a busy boat, you're a captain, discards might not be something that you are able to get a really excellent handle on.

For example, on a headboat if you're pulling things over the side, you might not get an accurate count of how many get thrown back over if you've got a real busy boat. They might also be filled out well after the trip; it's hard to remember. For the commercial fishery the discard information is only present in 20 percent of the logbooks, and that's only from about 2001 onward, so the discard information is only from the recent years.

Some of the points to take home is the commercial logbooks have a very coarse spatial reporting resolution of about 1 degree latitude by 1 degree longitude; only have discard information in 20 percent of the records; only have depth information since 2005, so it's very difficult to address the 240-foot and beyond component of this.

For the most part we focused on all the available data; because once you start really subsetting it for depth, you just lose almost all the data at that data. The headboat logbook, we've got a very long time series; 1973-2009. The spatial reporting is very variable, okay, so it ranges from not reported at all to very broad areas reported and then occasionally they report down to this very fine resolution where they break those one degree by one degree grids into a six-cell grid, so you get about 0.17 degrees by 0.17 degrees.

You've got discard information in there from 2004 to the present, and there is no depth information. Reef fish observer is a very high resolution data set. It's completed by observers; however in the South Atlantic it is a voluntary program. It's mostly mid-shelf trips and it's only from 2006-2009.

MARMAP, also a very fine resolution, it's a set-level data set, 1997-2009, so it has got a long time series. However, the sampling is very spatially restricted for the most part. It's heavily concentrated off South Carolina. Depths beyond 240 are not often sampled and the gears utilized are not ideal for sampling these species.

Trip ticket data from 1986-1992 we had from Florida. The spatial resolution was extremely coarse in most cases; just to the state level or not recorded at all. Sometimes they got it down to a 1 degree by 1 degree grid. There is no discard or depth information there. ALS, 1992-2009, basically reports to the state or to the state sub-region, and there is no depth or discard information in that either.

You can see we're dealing with some limited data, but we can still look at it in sequence and see if we can come up with some general trends across the data sets. For speckled hind from the commercial logbook – and this a merged logbook approach where what I did is I took all of the commercial logbook catch records and then all of the discard logbook records and blended those together to get them synced up for each trip because they're two different data sources, but they have a unique trip identifier that links them; and then went through and looked at where either landings or discards were reported, because they actually do report sometimes landings of Warsaw or speckled/

I believe that's because they can't sell them but they do have a bag limit harvest where they can take one in so sometimes they write it down in the logbook; other times not. You can see relative to the 240-foot contour you've got some encounters of speckled hind in the commercial logbook data from 2001-2009; only 255 records over that time period and you're basically looking at northeast Florida ranging up to North Carolina with the concentration of the species kind of south of Hatteras to mid South Carolina.

Warsaw grouper even less commonly encountered; only 42 records over that time period, and you're looking at slightly further down in the Florida region and then ranging up again to the Hatteras area in North Carolina, with the concentration off of northeast Florida, kind of in red snapper country that we know so well, and then South Carolina off the coast.

From the headboat survey from 1973-2009 you've got a lot more records; speckled hind almost 30,000 records; pretty broadly distributed in terms of where it's encountered, but the core of encounters reported by the headboat survey is they're kind of along the South Carolina coast and then the North Carolina southern border.

Looking at Warsaw grouper, the concentration is very heavily centered into the northeast Florida area, but it is kind of broadly distributed in terms of encounters. There is another way of looking at the headboat survey because they report sometimes 1 degree by 1 degree statistical grids, but

they also provide a headboat survey unique kind of identification number in terms of area fished, and that's more common.

You see we add almost 10,000 records I think for our speckled hind encounters by going to this somewhat coarser area, and you can see the focus for the speckled hind encounters is they're in area three, which is kind of offshore southern North Carolina. Warsaw grouper, you've got almost 4,000 records, and they're focused mostly in stat area seven and then in six, but you can see there are encounters kind of throughout the zone, but that northeast Florida is kind of the core of the distribution in terms of the headboat.

This is a fine-scale way of looking at the headboat. Periodically they reported to a stat area plus a sub-grid within the stat area, so this is broken out here, so the little x's designate where encounters were seen between 1973-2009, and there were 24,715 encounters with speckled hind that were reported at this resolution.

You can see basically what I've done is I've created a probability volume contour, which basically takes the spatial distribution of all of these encounters and it creates a spatially refined probability distribution to it, so you can imagine kind of like a series of mountains with multiple observations creating higher parts of a mountain, and then you lop the mountain off at various percentages that encompass a certain percent of the probability distribution of the points,.

A long story short, the areas where there are reds and oranges are kind of the core of where the population was encountered, and then the blues encompass about 95 percent of the probability distribution of the population. Basically if you were going to look at this data set as an aggregate and you went in spatially, you would say, well, within these blue points I have about a 95 percent chance of encountering one of our speckled hind records.

You can see from this graphic that the speckled hind population is pretty finally captured there along the South Carolina/North Carolina border, and then they're up in North Carolina. For the Warsaw grouper it's a different story. You have got a sub-center there off North Carolina and then you have an additional sub-center there off of the northeast Florida area. You also have some down in the Keys off Key West from 1974-2009, but only 3,079 records over that whole time period were reported at this resolution.

For interest I also did this approach for blueline tilefish and you can see that the core of blueline tilefish encounters are there off of the South Carolina coast, slightly south of the North Carolina border. Then I created an overlay of the 95 percent probability volume contours for the three stocks. Blueline tilefish is there in blue and you can see those in Areas 3 and 4 with some overlap with speckled hind in red in that Area 5.

You can also see the Warsaw grouper off of North Carolina in Area 10 and then down in Area 8 and 11 and also some off the Key West area in 17. This is from an aggregation of the Reef Fish Observer Program and MARMAP encounters which were reported at the set levels specific lats and longs where encounters occurred. I've showed some sample sites. Those are just MARMAP sample sites.

You can see blueline tilefish for the most part seemed to occur slightly offshore of where the speckled hind and Warsaw grouper were encountered by these particular data sets, and then you have some speckled hind inshore and Warsaw kind of lining along the line. In terms of spatial distribution we also were able to look at Florida trip ticket data from 1986-1992.

You can see for speckled hind there on the table on the top that the majority of records from trip ticket did not report an area where the fish was captured so all you can basically say is it was captured off of Florida, but in general the ones that were reported were off of Jacksonville. I don't know really what conclusion you could draw from that. There might be a spatial bias in terms of where reporting was better versus worse.

Some dealers might just have consistently reported area; others not. Looking at ALS, it is interesting that the post 1992 prohibition of sale, there are ALS records and they're predominantly off the Keys for both species. For the most part I'd say the Florida trip ticket prior to 1992, that data was not extremely fruitful in terms of determining where these species were encountered off Florida.

From the species groupings report that you have used to design ACL species groups, I pulled out the information for the species in Amendment 17B. You can see here is Warsaw grouper and speckled hind, and there are a few deepwater species that were encountered with Warsaw grouper. Those were yellowedge, silk snapper, snowy grouper and speckled hind.

You can also look at blueline tilefish here and you'll note that Warsaw grouper in its top five did not have blueline tilefish; speckled hind in its top five did not have any of the Amendment 17B species; and blueline tilefish, in its top five, did not have speckled hind or Warsaw grouper. In terms of what is caught together, it's challenging again because the sale has been prohibited since 1992. The species groupings report focused on highly resolved bins of data, so we were looking at getting things to the finest resolution possible to really look at what was caught together.

To do that, we had to restrict the analyses to much shorter time series to the most recent years because the data is much better. In order to do these Regulatory 11 analyses, we used longer, less resolved time series of data and clustered only positive trips. One of the weaknesses of the cluster analysis approach, which I think I've presented to you guys enough that you're probably experts at it at this point, but one of the weaknesses of it is it struggles in the placement of rare species.

The idea behind clustering only positive trips is so that within every bin that goes into the cluster analysis, there is at least an encounter of either a speckled hind or a Warsaw grouper. Although they're rare species overall, within the statistical approach used they're actually not rare because we're looking to answer a very specific question, which is what is caught together with Warsaw grouper and speckled hind?

We used two approaches. That was the hierarchical cluster analysis that you've see before and also the dimension reduction analysis that you've also see before. This is the hierarchical cluster analysis on the commercial logbook data on just positive trips, and they're aggregated at the trip

and area level. So on a particular trip that report the area that they encountered the highest percentage of that species in, so speckled hind we caught the majority of them in Area 2880, so that would be kind of the data field that would be there.

And then it uses an average linkage method and a bunch of other details that probably aren't relative to you guys, but in terms of the encounters what is important is you look at speckled hind and Warsaw grouper highlighted here in yellow relative to the other deepwater closure species and you can see that they're very well separated in the commercial logbook cluster, so there is not a lot of overlap between Warsaw grouper and speckled hind relative to those deepwater closure species.

In a different approach called the dimension reduction, you can see Warsaw grouper and speckled hind here in the yellow, and you'll see that Warsaw grouper actually is on a branch here with misty grouper in this cluster. Everything else is relatively well separated. Even though it looks like it's close to snowy grouper, if you follow those lines out that branch broke off a long time ago, so it's a very well-separated cluster; and then speckled hind is not really all that close to any of the other deepwater species.

Looking at the headboat in a similar method, you can see speckled hind and Warsaw grouper in yellow; again, big separation from the other species. Speckled hind and Warsaw grouper actually clustered extremely tightly in the dimension reduction, so that's actually good news because that kind of implies that a management regulation for one will benefit the other and vice versa because they're caught together.

Blueline tilefish and snowy grouper are real tight; yellowedge grouper are close to them but well separated from the speckled hind and the Warsaw grouper. In terms of what co-occurs with each other, this is a less statistically rigorous approach. This is just looking at what is the relative percentage of co-occurrence. If you have a trip that lands a speckled hind, on how many trips that lands speckled hind did you encounter another species and then just sorting it based on frequency of occurrence.

So looking at the first column here, this is commercial encounters with speckled hind. The top co-occurring species are red porgy, scamp, vermilion snapper, greater amberjack, red snapper, gag, and so one down. You can see that number nine there is Warsaw grouper; number eleven, snowy grouper. Blueline tilefish is the twenty-second most commonly encountered species with trips that encountered speckled hind.

With headboat you can see that blueline tilefish is down there at number thirty-two and none of the other deepwater species are in that top sixteen. Commercial with Warsaw grouper you can see that there is none of the deepwater species in there and no blueline tilefish even in there. And then the headboat with Warsaw grouper, you can see blueline tilefish down there at number thirty-nine.

Looking at MARMAP, there is less than 50 observations and there is only observations of speckled hind, so it's not an extremely reliable data source for looking at what is caught together,

but you can see again that there is pretty good separation between speckled hind and the other species.

Looking at Reef Fish Observer Program data – and I looked at these because these are on the set level. The other data sources, even though something might be caught in the same area with something else, that's not necessarily to say that when you drop a line in the water you're likely to catch them at the same time.

You might have made multiple sets in that area and maybe you made a set over a particular habitat and caught one thing and then a set over a very different habitat within that large area and caught something else. These are important to provide an additional level of validation because there is still an argument that even though you caught in the same area it might not be with the same angling technique or the same bait.

The Reef Fish Observer Program, there is less than 200 observations. You can see speckled hind and Warsaw grouper clustered very tightly with each other. Silk snapper is a little bit close but not all that close, and then all the other deepwater species are pretty well separated in terms of co-occurrence there.

Some preliminary conclusions would be that the prohibition of sale, the rarity of the species and the lack of depth-specific spatially resolved data is going to lead to a great deal of uncertainty in these analyses. In general the spatial distribution appears to be for both species from the Keys to south of Hatteras; speckled hind predominantly in South Carolina to the south of Hatteras with Warsaw grouper mostly off North Florida and North Carolina.

There is not a lot of data north of Hatteras. That may be because of the way that the data sets are designed and the jurisdiction in the South Atlantic. We just don't have really have the resolution to address that at this point. There may be some future trip ticket data that could address that more finely. In general to what extent are they caught together with other deepwater stocks, it's pretty low and especially low with blueline tilefish at least from the data that we have thus far. We've got some further analyses in the works. We're going to look at spatial distribution and co-occurrence using trip ticket data. We've got Florida prior to 1986 so we can look at 1986-2010. We can look at Georgia which starts in '89; North Carolina which starts in '94; and then South Carolina which starts in 2004.

And then just in general here is a landings' trends through time plot, and you can see blueline tilefish kind of increasing through time; snowy grouper decreasing through time; and then speckled hind and Warsaw grouper bottoming out obviously after the prohibition on harvest and sale. This is across all sectors so it includes recreational landings as well.

MR. CURRIN: Thank you, Nick, much; very informative. Questions or comments for Nick?

MR. GEIGER: Again, as usual, Nick, a very complete and detailed presentation; thanks to you and Rick to doing all this work. By no means do I mean to cast any aspersions as I move forward here. **Mr. Chairman, what I'd like to do is make a motion that we take this presentation and provide it to the SSC with the intent of getting their recommendations as**

to how we may use this in future considerations of what we might do about this deepwater closure. I would further say that we can use the discussion portion of the motion to answer questions that people may have with regard to this presentation.

MR. CURRIN: Motion by George to provide this information for observation and assessment analysis by the SSC; is there a second? Second by Charlie. Discussion? Gregg.

MR. WAUGH: It might be helpful to send them the Regulatory Amendment 11 Issues Paper as well so they have some context within which to evaluate this.

MR. GEIGER: I accept that as a friendly suggestion to improve the motion.

MR. CURRIN: Well, I would hope they would look at all of it as well. In addition, it it's at all possible, it occurred to me and I'm sure to everyone, all the trip ticket data that has been analyzed so far is only from Florida. I think the addition of the other state trip ticket information would provide more observations and perhaps more information to the analysis that was done. I know you were under time constraints to do that, and you did mention on your last slide that you may well be able to incorporate that as best you can. Further discussion? Brian.

DR. CHEUVRONT: One of the points that I think that needs to be made clear in this whole discussion, at least from what they have seen now, is that the data that are included here are only the observations that were positive for either speckled hind or Warsaw grouper.

In making statements about the fact that there was very little data for north of Hatteras, what we're really saying is that there were very few encounters. It doesn't mean that the data are non-existent. It means that the data that we have showed very few encounters; therefore, there were very few data points that were included in the analysis from north of Hatteras.

MR. ROBSON: Well, a question on the motion itself. Are we talking about having the SSC look at this – when is the upcoming meeting – in April; that would be the intent and we would get a report back and that would be at the June meeting?

MR. CURRIN: I believe that would be the intent of the motion and the way it would come about, yes, assuming that the SSC is not already jammed to the gills with work.

MR. CARMICHAEL: They're always jammed to the gills but they'll do their best.

MR. CURRIN: And that's all we can ask. Further discussion on this motion? Is there objection to the motion? The motion is regarding Regulatory Amendment 11, to provide Regulatory Amendment 11 presentations and issue papers to the SSC for their review at their April meeting. **Is there objection to the motion? I see none; that motion is approved.**

I still think there is some value in us going through the issue paper that has been provided and take a look at the purpose and need. Unless there is strong objection from the committee, that would be my recommendation so that we can provide the SSC with perhaps a more complete overview there. Brian.

DR. CHEUVRONT: I believe that is the case, Mac, and we can probably even help out the IPT by especially coming up with some draft alternatives as well as the purpose and need. There are a couple of alternatives that I can come up with that I would like for the folks to look at. I know the folks off of Florida were interested in having a few things looked at, but I don't know what their alternatives would be that they would want to have examined, but I could help craft the ones for North Carolina.

MR. CURRIN: Other comments? Everybody okay then with kind of walking through that Regulatory Amendment 11? I think it's Attachment 5, Rick, Page 9. Has everybody got Attachment 5, Page 9? Brian.

DR. CHEUVRONT: I actually have no problem with the purpose for the action as it's stated there. I think maybe we can – when we get to the need for the action, that might need to be tweaked a little bit, but that's a little further down the page, but I think the purpose for the action is fine.

MR. GEIGER: Mr. Chairman, I guess I had a little different take. I understand the socio-economic effects of what we're expected to do, but we also have requirements under Magnuson to end overfishing.

Our primary concern based on National Standard 1 is to end overfishing, and I think that should be highlighted as the primary purpose for action. We can certainly address socio-economics as part of the purpose and need, but the way I read it here it becomes the primary impetus of why we're taking this action.

DR. CHEUVRONT: To that point, I don't have a problem with myself, George, because I think you're right, National Standard 1 trumps everything else. I think if you want to switch the order in which those things are put into the purpose, that's fine. I don't have an issue with that at all, but I think nobody is talking about reducing the biological protection for either of these two species, and that's certainly not my intent.

MR. GEIGER: Yes, and I understand that, Brian, and I agree with you, but it just seems to me that reversing them would make better sense.

MR. CURRIN: We can ask staff to take a stab at that. When you get right down to it, George, the reason the action is being taken, though, is primarily to look at the socio-economic, and it does indicate while maintaining and increasing. We can ask staff to take a look at it and I don't object to wording it that way if it makes sense. Other comments on the purpose? How about the need? I know, Brian, you indicated you were fine with the purpose and the need may need a little bit of work.

DR. CHEUVRONT: My concern about the need is it said manage the stock to achieve optimum yield. I think if we could somehow expand on that a bit and be very specific as to which stocks we're referring to here and what we're talking about in terms of optimum yield.

MR. CURRIN: Other comments or suggestions? Are you okay with that, Rick; is that enough direction at this point at least?

MR. DeVICTOR: Yes, that's fine; we'll add more language to that need.

MR. CURRIN: And then how about some alternatives at this point at least to try to provide some guidance to the staff. Brian.

DR. CHEUVRONT: I'm not sure; do we need to do these through the form of a motion because there are actually a couple of alternatives that I would like to suggest, and I'm not sure what would be the best form.

MR. CURRIN: Why not; let's go ahead and make the motions.

DR. CHEUVRONT: For alternatives regarding blueline tilefish, the first is to open blueline tilefish in the South Atlantic in the deep water. That would be one alternative to consider. I'm not talking about preferred yet; I'm just giving a range of alternatives. The second would be open blueline tilefish off of North Carolina in the deep water. Third would be to open blueline tilefish off of North Carolina north of Cape Hatteras in the deep water. I would take friendly amendments from Florida if they have suggestions regarding blueline tilefish.

MR. CURRIN: Well, I think your motion does at least –

DR. CHEUVRONT: Excuse me, Mac, it should be north of Cape Hatteras.

MR. CURRIN: I think it does provide at least three alternatives and we can deal with this and then if there are other alternatives that the committee has to suggest for inclusion we can do it there. Is there a second to Brian's motion? Second by Charlie. Discussion on the motion?

MR. GEIGER: As a friendly amendment could we add the ubiquitous no action?

MR. CURRIN: Yes, that would have to be there I think.

DR. CHEUVRONT: Yes, I have certainly no problem with that.

MR. CURRIN: So there is so far a suite of four that appear to be reasonable at this point. If you'd like, if there are others to be added maybe we ought to just vote these in if these are acceptable and then consider adding additional ones. Is that okay with everyone? Discussion on these alternatives so far? George.

MR. GEIGER: And there is a good point here about defining deep water; should we say seaward of 240 feet, a deepwater area as identified in 17B, just to be specific. Deep water is rather nebulous.

DR. CHEUVRONT: George, you're right, that's my intention, that is what I was talking about all along, deeper than 240 feet.

MR. GEIGER: So seaward of 240 –

DR. CHEUVRONT: Seaward of 240-foot depth contour.

MR. CURRIN: Okay, it could be addressed that way or in the deepwater closure area of 17B would also define it. Everybody okay? Is there further discussion on this motion? **Okay, the motion is to establish alternatives for blueline tilefish, besides no action; one, open blueline tilefish in the South Atlantic in the deep water seaward of 240-foot depth contour; Alternative 2, open blueline tilefish off North Carolina in the deep water seaward of 240-foot depth contour; and 3, to open blueline tilefish off North Carolina north of Cape Hatteras in the deep water seaward of 240-foot depth contour. Is there objection to the motion? I see none; that motion is approved.** Are there other alternatives that you'd like to see included in the regulatory amendment document at this time? Mark.

MR. ROBSON: Well, I have no objection and I voted for that motion for those three alternatives. I was kind of struck looking at Nick's presentation, and unless I was completely misunderstanding it, but it looked like an awful low encounter rate certainly for speckled hind and Warsaw with any of the other deepwater species south of Cape Canaveral relative to – in fact, relative to some of the blocks off of South Carolina and North Carolina. **I'd almost like to add an alternative similar to what Brian has offered as a fourth alternative to open blueline tilefish south of Cape Canaveral in the 240-foot zone as an extra alternative.**

MR. CURRIN: Is that a motion, Mark?

MR. ROBSON: Yes, I'd like to make that motion.

MR. CURRIN: Motion by Mark to add an alternative to exclude blueline tilefish from the deepwater closure south of Cape Canaveral in Florida; second by Duane. Discussion? Charlie.

MR. PHILLIPS: Is there or has there been a fishery down there for those?

MR. CURRIN: I think from Nick's presentation – correct me if I'm wrong – there were some blueline landings from south of there; is that correct? Ben.

MR. HARTIG: Yes, there is, Charlie, there has always been a mixed fishery there, although there is a blueline tile fishery recreationally occurring in state waters now, and that's down around Delray, Boca, the Broward County area.

MR. CURRIN: Nick is bringing up some of the information.

DR. FARMER: You can see in the presentation here you do have one of your probability volume contours your 90 percent PVC occurring down in the southern kind of Keys area, and there are encounters across the Florida Shelf. This presentation wasn't really specifically designed to address the spatial distribution of blueline tilefish, so this is the only map I have of blueline.

MR. CURRIN: Other discussion on the motion? Brian.

DR. CHEUVRONT: Just real quickly and I understand what you're saying, Nick, but I think right now we're just trying to come up with alternatives. I would like to speak in favor of this motion that at least we need to look at the different alternatives. And like any of them, it may or may not be one that is selected as a preferred, but I think that the council would like to look and see what we can come up with in terms of data and analysis for that area.

MR. CURRIN: Okay, any further discussion? **Any objection to that motion? I see none and that motion is approved.** Myra just indicated to me that Don DeMaria sent an e-mail and it has been forwarded to everyone. It may be quicker if I just read to you. I have it up right now, if that's okay with you, for your consideration as we're talking about alternatives. It was regarding Amendment 17B and new information. Everybody is aware Don DeMaria is the chair of our Snapper Grouper AP. Would you rather I read it or do you want to pull it up or what? I don't know how long it is, but I'll start:

"Last night a group of us got together to discuss alternatives to Amendment 17B. Joe has already sent you an e-mail with recommendations, which I think are reasonable. The council can do better than a complete closure beyond 240. This is extreme but it did bring people out of the woodwork to comment, and that has been productive.

"I did learn much last night from listening to others, particularly Ralph Delph. One point, which is an important one, is that Warsaw and speckled hind are not caught in the deeper water, over 500 feet, while fishing for snowy grouper and tilefish here in the Keys. They seem to be more of an intermediate-depth fish. No one present last night can recall ever catching either past about 400 feet.

"It is for this reason that I do not believe prohibiting fishing for snowy grouper and tilefish past about 500 feet will serve any purpose in the protection of grouper and speckled hind. All this will accomplish for us in the Keys is to add more financial drain on an already stressed recreational and commercial fishing industry.

"Another important point that I think the council has overlooked is that we have a large section of prime bottom set aside as a no-take marine reserve in the Tortugas area. Tortugas south extends from the shallow waters of Riley's Hump, approximately 80 feet, out to 1,800 feet. This area is about four miles wide and lies up-current from all other areas of the South Atlantic; an important fact to consider to consider when it comes to larval dispersal.

"The council should review the paper by Dr. Domier regarding larval drift in the Riley's Hump area to see how important this area is. Also, there are areas in the Lower Florida Keys where anecdotal reports strongly suggest that Warsaw grouper spawning aggregations historically existed. These are small high-relief areas in approximately 240 feet to 320 foot depth. If these areas could be protected from all bottom fishing, then spawning aggregations of Warsaw grouper may reform as we have seen with the mutton, cubera and dog snapper on Riley's Hump.

“In closing, I have to say that it seems only when fishermen, recreational, commercial and charter, are faced with the possibility of severe restrictions do they come out and openly offer information much needed by the council to make informed decisions. In that respect Amendment 17B was a good move. Fishermen are talking, offering knowledge and part of the process now.” Don DeMaria.

All right, Myra just told me she sent to me some recommendations from Joe Messer. I don't know him. I'll also read his note or letter: “Don DeMaria forwarded some of your recent e-mails regarding the subject issue and upcoming council meeting. As you know from his correspondence, we had a meeting here in the Florida Keys with some of the most experienced deep-drop individuals from both the scientific and recreational fishing side of this issue.

“The meeting took place this evening at my house and I wanted to summarize our conclusions and recommendations quickly as timing is important due to your meeting schedule. More detailed information can certainly be provided as needed. In attendance: Ralph Delph; Murray Shatt; Don DeMaria; Ed Little; Wade Graft; Joe Messer, meeting host.

“Understand that all our information is coming from some of the most respected and experienced fishermen in the Keys. Ed Little attended the meeting and it is my understanding that he will be supplying a more detailed summary with some of the background of the individuals present. Key information was provided by Ralph Delph, Murray Shatt and Don DeMaria.

“We believe that this is vital information to protecting the Warsaw grouper and speckled hind while still providing critical relief to the recreational fishing industry in the Keys. These individuals are willing to supply information to validate their claims and cooperate in addressing the council's concerns fully as are we all.

“We believe there may have been some significant issues overlooked in the management conclusions regarding the Warsaw grouper and speckled hind. Due to the enormous negative impact 17B and the grouper closure has had on the Florida Keys recreational fishing industry, we request that the council reconsider 17B based on the following:

“Warsaw and speckled hind are simply not caught beyond 500-foot depths; juvenile snowy groupers are rarely ever caught beyond 500-foot depths. Therefore, a very simple, yet extremely important and powerful change could be made to the amendment allowing recreational fishing year round beyond 500-foot depth with reasonable bag limits for all the species of concern covered in 17B.

“No size limit as they will be dead when extracted from that depth. Obviously, still no take for the Warsaw and speckled hind, but they are not in those depths, anyway. Conversely, simply change the closure to be from 240-feet to 500 feet. This simple change has no negative impact on the Warsaw grouper or speckled hind at all. Our experts with fishing history of deep-dropping for over the past 30 years simply confirm those species do not exist at those depths. “This actually improves 17B by allowing reasonable fishing for snowies, blueline tilefish, yellowedge and others as they count against limits. Currently you can still fish for rosefish and

limited golden tile. While fishing for those species, snowy, blueline, yellowedge and the rest would be discarded as illegal until rosefish are caught and the limit on golden tile is reached.

“No one desires this but with all of the other closures, charter captains are being forced into some drastic measures simply to survive. Furthermore, we understand that recreational fishing accounts for less than 5 percent of the fisheries covered by 17B. This requested change to 17B will have no impact on the targeted species to be protected, may actually help other species of concern and provide significant economic relief for many.

“There is no risk and incredible upside. We stand ready to cooperate fully in providing more data and/or assisting in any way possible to move this forward. Time is of the essence as some of these charter guys are hanging on by a thread. Please consider our request with urgency.” As I read that, the one possible additional alternative popped out at me, and that would be to change the closed area from 240 to 500 if that’s an alternative you would like to consider. Charlie.

MR. PHILLIPS: Yes, I would think that would be a good motion and maybe a subalternative of 400 and look at both options.

DR. CHEUVRONT: I think the issue, though, is that they were speaking to just for Florida, and that might be the case for Florida. I don’t think we see any indication of the interaction with the species of concern in North Carolina for the areas that we have in our alternatives. If Florida would like to consider that as a change or a subalternative, that’s fine. I’m just not sure that comment is necessarily applicable to North Carolina. I would entertain whatever the folks from Florida would want to do, but I’m not sure I’d want to change with North Carolina.

MR. CURRIN: Currently we’ve got, what, four alternatives in there. Are there others in view of what we just heard from the folks in the Keys and others that may have occurred to members of the committee? Charlie.

MR. PHILLIPS: And to Brian’s point, you could have double overlapping open areas. You could have an open area from 240 out off of Hatteras north and still have the other overlapping open areas if it’s shown that it’s not a problem from 400 out or 500 out. We could have both, I think.

MR. CURRIN: Is that a motion, Charlie, to include an alternative that changes the closed area from seaward of 240 to 500 feet?

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

MR. CURRIN: Motion by Charlie; second by Ben. Discussion on the motion to set an alternative? Ben.

MR. HARTIG: Yes, I would just like to reaffirm that most of those comments are extremely accurate. I’ve spent probably more time in the deep water in my area than anyone else. We have a number of areas, especially wrecks where we are – I think it’s a little bit different than in the Keys, but we have some wrecks outside of that where we don’t encounter Warsaw groupers or

speckled hind. At least I've never encountered them in my fishing history and that has been since the late seventies. That would work and it would allow some access to those stocks.

MR. PHILLIPS: Do we want a subalternative of 400 foot, too?

MR. CURRIN: Okay, discussion on this motion? Brian.

DR. CHEUVRONT: Yes, I just want to clarify; so you're talking about for the entire South Atlantic by this alternative as a potential? Charlie is shaking his head yes, so he intends for the entire South Atlantic.

MR. CURRIN: Yes, and I think we need to make sure that it's correct. I think the idea that was suggested and the way the motion would read is – yes, that captures it, I believe. I will read it. Any further discussion on the motion? Brian.

DR. CHEUVRONT: Yes, I just heard David say an option to change the closed area; we really want it to open the closed area from 500 foot seaward, and I'm not sure that's entirely clear in the motion the way it's worded right now. We only refer to the closed area, so in essence I think the way it's written now is that we would open it out to 500 feet and close it beyond that. I just want to make sure we get the wording correctly before we vote on this motion, so that folks later on can see or understand what our intention really was.

MR. CURRIN: Yes, the intent is to leave it closed inside of 500 feet; to open it outside of 500 feet. Yes, I think that better describes it, so is everybody okay with that? Duane.

MR. HARRIS: Mr. Chairman, I'm confused. I was thinking that what we were doing was moving the closed area to begin at 500 feet; and when you look at the area off Georgia, based on Dr. Farmer's presentation, there were no encounters with Warsaw grouper or speckled hind, and so it begs the question why have any closed area greater than 240 feet off the coast of Georgia? I would have supported that motion if it would have meant what I thought it meant, but apparently I was thinking incorrectly.

MR. CURRIN: My impression from the information that I read to everyone was they were asking for relief outside of 500 feet because they did not encounter Warsaw and speckled hind there. They were not asking for relief inside of there because they do encounter speckled hind and Warsaw there.

MR. HARRIS: And I understand that, but I'm thinking in terms of what we have off the coast of Georgia, so I'll defer and then make another motion to add another alternative after we dispense with this one.

DR. FARMER: One of the things that we have run into in looking at the headboat data, especially dealing with Amendment 17A and red snapper, is we realized that the headboat reporting in the headboat logbooks off of Georgia historically hasn't been there. They get the headboat landings by going to the actual I guess office of the headboat and pulling their catch records from there, but the headboat captains hadn't been submitting logbooks with records with

the area fished information historically, and so those gaps you see there may not necessarily represent an actual gap where is no encounters.

It is simply that there is not data coming from the Georgia headboat sector during those previous years. My understanding is that has improved through time, but at least historically we weren't getting catch records with area, so you see that gap but it's not an actual gap in terms of the data. It's just there is no data there.

MR. HARRIS: But if you're not seeing any captures of Warsaw or speckled hind off the coast of Georgia, it doesn't matter whether there is depth data or not. I guess I'm not understanding that. I didn't see any checks off the coast of Georgia for Warsaw or speckled hind encounters or catches.

DR. FARMER: And that's because I don't have an area reported to assign it to some sort of spatial place. There may be catches, I don't know; I didn't do a summary of landings by state, but in terms of landings reported by area by a state I don't have any data for Georgia basically historically.

MR. CURRIN: All right, let's deal with this motion. Otha.

MR. EASLEY: One more comment; I'm not on the committee. If the committee or council wants to go forward with an opening outside of 500 feet, then I might suggest that we have some alternatives that include transiting issues and gear issues and possession issues.

MR. WAUGH: My understanding is those are in place now and the only thing you're talking about doing is moving that line or changing what you're allowed to retain deeper than that line. I think this was done in 17B so they should have all those transit provisions and so forth and should already be in place along with when we established that closure would be my understanding.

MR. CURRIN: Yes, I think you're right, but it's a good point and we need to double check to make sure we're covered on that for these alternatives. Mark.

MR. ROBSON: And just to make sure that we're all still clear, what we're talking about is this alternative would mean that the deepwater closure would be from 240 foot out to 500 feet for the South Atlantic. I think if we're okay with this language, it's the way it's worded, but it might be even clearer to say that; that it would be to modify the large area closure in the South Atlantic to be from 240 foot depth contour out to 500 feet contour. But if we're clear with this language, I'm okay with it.

MR. CURRIN: That more clearly captures the intent, but I think the motion is clear enough for staff to develop and perhaps we can approve a wording change if it's more clear at the next meeting or you can do it now; it doesn't matter. I think the intent is clear. Further discussion on the motion? **The motion is to include an option to open the closed area in the South Atlantic seaward of 500 feet. Any objection to that motion? I see none and that motion is approved.** Okay, other alternatives for consideration in Regulatory Amendment 11? Brian.

DR. CHEUVRONT: Mr. Chairman, I'd like to go back to the motion I made three motions ago, which had an alternative – or actually had four alternatives regarding blueline tilefish. I'd like to repeat those for snowy grouper, so I'd like –

MR. CURRIN: Brian, is your intent to just do the same thing for snowy as you did with blueline?

DR. CHEUVRONT: Exactly.

MR. CURRIN: Can we do that perhaps by a single motion to amend those three by inserting “snowy grouper” in with –

DR. CHEUVRONT: No, I don't want to amend the motions because I want the species treated separately. **I want to establish alternatives for snowy grouper, besides no action; one, open snowy grouper in the deep water of the South Atlantic seaward of the 240-foot depth contour; open snowy grouper off of North Carolina in the deep water seaward of the 240-foot depth contour; and open snowy grouper off North Carolina north of Cape Hatteras in the deep water, which is seaward of the 240-foot depth contour.**

MR. CURRIN: Motion by Brian; second by Tom Burgess. Discussion on the motion? George.

MR. GEIGER: And I have a question; Brian, when you say “open snowy grouper”, that would be under the provisions of the current regulations that are currently in place with respect to commercial trip limits and recreational bag limits?

DR. CHEUVRONT: Exactly; I am not asking to change that at this time.

MR. GEIGER: Could we then define “open” as specifically that's in concurrence with current commercial regulations – commercial trip limits and recreational bag limits?

DR. CHEUVRONT: I think we could maybe just add that as a clarification of the motion.

MR. GEIGER: That's fine.

DR. CHEUVRONT: I have no problem with that.

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

MR. WAUGH: Otha pointed out to me that we do need to add those transit provisions because when we implemented this it was from 240 on out; so what you're doing now is creating a sliver so with that we do need to put in all those provisions.

MR. CURRIN: Regarding that single alternative, yes, so is direction to staff sufficient to develop those transit provisions for the single alternative? Rick.

MR. DeVICTOR: Yes, we had a suite of alternatives that we've used for Amendment 14 and for 17A, and we'll just those same – it's actually three alternatives so we'll put those in the document.

MR. CURRIN: Thank you, that will work. Monica, do you have something else?

MS. SMIT-BRUNELLO: No, they just picked up what I was going to point out.

MR. ROBSON: And I would also like to – again, to be consistent and using the same logic that we applied for blueline tilefish and looking at the information from Nick Farmer – add an alternative similar to what was just added for the three options for snowy grouper and have a similar alternative for snowy grouper that we created for blueline; in other words, allow for the harvest of snowy grouper south of Cape Canaveral in the deepwater closed area; under all those same regulations that are in place now for that fishery, both recreationally and commercially.

MR. CURRIN: Is that a motion, Mark?

MR. ROBSON: That is a motion.

MR. CURRIN: Is there a second to Mark's motion; second by Charlie. Discussion? **Okay, the motion is to add an alternative to exclude snowy grouper from the deepwater closure south of Cape Canaveral. Is there objection to that motion? I see none and that motion is approved.** Are there other alternatives to be considered in Regulatory Amendment 11 that you'd like to have the staff begin to develop? Ben.

MR. HARTIG: I'm not to add any other alternatives, but between now and full council I think some of us need to have some discussions about some of these alternatives and maybe we'll clean it up a little better at full council.

MR. CURRIN: All right, that's probably good advice. Gregg.

MR. WAUGH: And we should have some discussion about what your intention is timing wise. You've added quite a number of alternatives to be added here. We're not even into the ACL Amendment yet and all the analyses are going to have to be redone in that. You're sending this Regulatory Amendment 11 and the presentation to the SSC for their indication of how we proceed.

My interpretation of that is then the IPT will modify this document. The presentations, the improvements that were mentioned, the issues that needed to be addressed will be addressed, and that material will be provided to the SSC. Then at the June meeting you will get that; and at the June meeting, based on what the SSC says, refine your list of alternatives to what is reasonable given your purpose and need before the IPT starts analyzing all of these alternatives. There is no sense analyzing an alternative that doesn't meet your purpose and need, and that the SSC perhaps has some alternative suggestions. I just want to make sure that's sort of consistent with what your intent is.

MR. CURRIN: It certainly is consistent with what I believe can reasonably be done between now and June with the volume of additional alternatives that we've added to the document at this stage. Brian.

DR. CHEUVRONT: So given what you just said, Gregg, does this mean then that you're suggesting that the earliest that we could vote to send this to the secretary would be the September meeting; plus we need to do a public hearing on this.

MR. WAUGH: Well, at June you would be refining your alternatives and then were we to go out – and giving us direction, there would be no analysis before you – we could take that out to public hearing and then you see the results of the public hearing and the IPT's analysis of impacts in September.

MR. CURRIN: Everybody clear? It's pretty clear to me the larger and more complicated we make this document, the more time it's going to take for the analysis and to approve it and all of that, and we just made it considerably more complicated, I think. Ben's advice is good, I think, to give some serious consideration as how this might be pared reasonably at full council, if that's the desire. Ben.

MR. HARTIG: I've got a vision of what this fishery should look like in the future. At some time I would like to sit down with this council and discuss a vision of this fishery. It's not going to be a lot of people participate in my opinion in this fishery. We need to do endorsements for the species based on when we did the amendment for snowies because snowy is the main driver at least for the southern part of this fishery. We need to deal with that pretty quickly if we're going to go in this direction.

MR. CURRIN: As far as I know, we're done with Regulatory Amendment 11 unless somebody else has got anything else. Mark.

MR. ROBSON: I just wanted to take an opportunity while I have the chance, but I wanted to introduce my executive director for the Florida Fish and Wildlife Conservation Commission who is here; Mr. Nick Wiley. He is here to observe and hopefully be able to meet everybody and talk to you as well. He is very interested in seeing what is going on here at the council. I just want to make sure everybody knows he is here.

MR. CURRIN: Thank you and welcome. Why don't we take an early break for lunch and come back and start at 1:00 o'clock, and we'll jump I believe right into the Comprehensive ACL and hopefully finish that up this afternoon.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Sea Palms Resort and Conference Center, St. Simons Island, Georgia, Wednesday afternoon, March 9, 2011, and was called to order at 1:00 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: If we can get all the Snapper Grouper Committee to the table, we will resume. We're going to be, I believe, into the Comprehensive ACL Amendment, Attachment 6C, the

latest version, and the amendment is at the bottom of that folder, I believe. It's the 02/27/11 edition. When we left this yesterday, we were kind of moving through dolphin; and just before we broke yesterday, Roy raised some concern about the approach we were taking and where we were actually implementing buffers when they were implemented. Roy, do you want to kind of start of us today; because depending upon the reaction of the committee, it may necessitate us going back through certain actions in dolphin that we've already taken.

DR. CRABTREE: My concern is we started making changes and the first one was to set the ABC equal to the overfishing level and then the ACL equal to the ABC. By doing it that way, we got ourselves into worries about exceeding the overfishing level and getting a notice that overfishing is going on, and then we came in and started applying the buffers to the annual catch target. That resulted in us changing virtually every preferred we had already selected.

I'm not sure that we don't end up with buffers that are pretty close to where we were, but I think we end up in a higher risk that we cross over the overfishing level. I'm not sure that we weren't better off where we started with the original preferred, which I think was to set the ABC at 85 percent of the overfishing level.

I don't think we end up with substantially more fish down the path we were going, but it did seem to be complicating things. I wonder if anyone else kind of shares some of these concerns that maybe we were better off where we started from this thing rather than changing the whole approach like we did, because it seemed to be a can worms that just kept mushrooming into more and more problems.

DR. CHEUVRONT: Roy, it sounded like a really good idea when I first made that motion; but as we started going down that path it started getting more and more uncomfortable. I think it got more and more uncomfortable for a lot of people around the table. My concern here is I'm willing to back up and look at setting OFL as a percentage – ABC as a percentage of OFL or whichever way we do that. I forget which one comes first.

What I would like for us to look at is whether or not that 85 percent is the appropriate level to have or is it really overly conservative. I doubt that it's overly liberal given the nature of the species. We might be able to consider something like a 90 percent.

MR. ROBSON: Well, no, I don't think we need to look at the numbers. I tend to agree with Brian if there is a way to look at it to make sure we're not being more conservative. I know it might be good to set that little bit of a buffer to make sure we don't hit the overfishing level. It would be good to go back or at least to be able to see the actual – the landings' levels, the historical landings' levels in relation to – because the 85 percent OFL is about 11.6 million pounds with the correct data, but it would be nice when we're talking about this to be able to look back at where we're at in terms of the actual harvest levels.

MR. HARRIS: Mr. Chairman, I just want to repeat I'm not inclined to vote for any OFL for dolphin. I don't think that it's something that we should be doing. I've heard all the arguments and I know what the law says, but I'm just not willing to do it so I'll be voting against anything to set an OFL on dolphin.

MR. CURRIN: Okay, Mark, I think they've put up the landings by year so you can compare those.

MR. ROBSON: And those are the corrected landings, the ones right above the table?

MR. WAUGH: Yes.

MR. ROBSON: So as I read this, the commercial and recreational then from '94 to '97 is a range – well, you've got a mean; you've got a mean range of 13.709; is that the right number?

MR. CURRIN: Correct.

MR. ROBSON: So based on the 85 percent, then you're stepping down to a couple million pounds below those average landings right off the bat.

MR. CURRIN: Yes, it's 11,653,095 at 85 percent of OFL. Roy.

DR. CRABTREE: Well, just my quick math, if you went with 85 percent you're at 11.6 million; and then 97 percent of that or 93 percent of that would go to the recreational fishery, approximately, which is about 10.5 million pounds. I think with the way we were going with the path yesterday, when I went down and did the reductions – because remember we ended up allocating it and then we went with 90 percent and then 85 percent.

On the recreational I had us coming out at 10.8, so it's a very small amount of fish relative to the overall ACL. I think on the commercial side the differences were about 50,000 pounds and that's on an 800,000-plus pound quota. It doesn't seem to me it's much in terms of the fish, but it did seem cleaner to me to set the ACL at 85 percent of – and, you know, Duane, whether we call it an OFL or whatever it is, it's a fishing level recommendation that right now we have out of the SSC, and so that's going to be the ceiling of where we are regardless of how we want to characterize that or what we want to call it unless we want go back to the SSC and explore the other control rule from the Gulf side.

I think they're going to look at that, anyway; and if they say that's a viable alternative, then maybe we rethink this. It seemed to me the differences in the pounds of fish – and I'm sure staff can calculate it out to make sure I'm right, but I don't think it's a substantial amount of fish.

MR. HARRIS: To that point, Roy, I understand what you're saying. If we set an OFL and we reach that fishing level, then the fishery is going to be closed, and we're closing a fishery that we have no idea where the OFL should be. It could be twice as much as what we're showing here now, and so I'm just against doing that. I understand all the reasons, but I'm just opposed to it.

DR. CRABTREE: But the way it's set up right now, in fact the fishery would not close. On the recreational fishery I think the preferred accountability mechanism is if we exceed the annual catch limit, which you've got to have regardless of any OFL, we would reduce the bag limits or make some adjustment along those lines. The commercial would have a quota, but that's up to

you as a council to decide how you want to handle that. I don't think it means the fishery closes down; it just means we have to take some steps to deal with it.

MR. HARRIS: To that point, Mr. Chairman, and I understand, Roy, and maybe I misstated that the fishery would close, but irrespective of taking any action to reduce what the fishermen can take in this fishery is something that I just don't believe we should do.

MR. CURRIN: All right, what is your pleasure here, folks, with Dr. Crabtree's suggestion?

MR. ROBSON: Question, Mr. Chairman, maybe for Roy; just so we're clear on exactly what the – because you said that what you would recommend is going back to looking at setting the ABC equal to 85 percent of OFL; and then later you were referencing that the ACL is 85 percent of OFL. Is that because we've set the ABC equal to the ACL?

DR. CRABTREE: I have no preference as to how we do that. To me you could say the ABC is what the SSC gave us and then we're going to set the ACL at 85 percent of that or we can say we're going to set the ABC at 85 percent of that. I just think the buffer needs to be between the annual catch limit and the fishing level recommendation that we got out of the SSC.

It's up to you; then if you want to decide, well, we're not going to have annual catch targets, we're just going to have that ACL and that's what we're going to go with, I think you can do that. But I guess from a procedural standpoint I guess we'd have to do a motion to reconsider to back up, Mac, and I don't want to waste the committee's time. Unless you guys want to go back and undo some of what we did and go back to where we started, there is not much point in it. I'm not sure procedurally how exactly we'd do that, Mac.

MR. CURRIN: I think, Roy, a motion to reconsider because that was a change from the previous preferred, which was Alternative 3, I believe, to select Alternative 2 where ABC is equal to OFL.

DR. CRABTREE: Do you recall if that was a unanimous vote?

MR. CURRIN: I couldn't be sure, Roy.

DR. CRABTREE: Well, would like me, Mac, to make a motion to reconsider just to see if it passes or not?

MR. CURRIN: Yes, that would work.

DR. CRABTREE: All right, I would move that we reconsider the motion that changed the preferred alternative on the ABC Control Rule from Alternative 3C to Alternative 2.

MR. CURRIN: Motion by Roy; second by George. Discussion? I think we've had quite a bit of discussion about this before. Everybody ready to vote? All right, all in favor of the motion please your hand; all opposed. I see four in opposition and that motion passes. All right, what does that do, bring that motion back up on the table? I guess we could vote on that motion again. If it is defeated then we are back to our previous preferred of Alternative 3C.

Is there any further discussion on this motion? Okay, everybody clear where we are? If you vote in the affirmative on this vote, then this will select this reconsidered motion, Alternative 2, as our preferred. If you vote against it and it's defeated, then Alternative 3 will stay as our preferred. Is that clear? No? Doug.

MR. HAYMANS: I just want to make sure Alternative – and I'm looking at a different document – Alternative 2 is ABC is equal to OFL?

MR. CURRIN: That's correct.

MR. HAYMANS: And 3C, which is the preferred, is 85 percent?

MR. CURRIN: That's correct. Where we are is we have our previous motion to select Alternative 2 as our preferred. That has been voted to be reconsidered; it is on the table. We are going to vote on that motion. If that motion passes, it will remain our preferred, Alternative 2. If it is defeated, then we will be back where Alternative 3C is our preferred. I think that's right.

Okay, all in favor of the motion please raise your hand, that's 10 in favor; all opposed to the motion, 1 opposed. We have reconsidered that motion and we reaffirmed that motion and now that remains our preferred as Alternative 2. Roy.

DR. CRABTREE: Point of order. Did people understand that by voting in favor of it you voted to go back to where we just came from, and I'm not sure they did, Mac, even though I thought you explained it very well.

MR. CURRIN: I thought so, too, twice. If you feel duped, we could entertain another motion to reconsider. **Motion by Mr. Geiger to reconsider the previous motion; is there a second? Second by Dr. Crabtree.** Discussion? Mark.

MR. ROBSON: Well, I think we need to have some discussion because what we just did is we have gone back to saying that our ABC is going to be equal to what has been given to us as an OFL. That actually increased the ABC level from what it was in Alternative 3C. That's what we just did. As I understand it, what the next thinking we need to do on that is whether we want to step down from the ABC with an ACL or not. We've actually provided a little more leeway by going to Alternative 2 as our preferred in terms of a higher ABC. That's how I understand what we have done.

MR. BOYLES: Mr. Chairman, I'm sorry, I was just going to admit to a little bit of confusion over that. I did not vote because I was not really sure where we were, so my apologies, but I would certainly benefit from some additional discussion to clarify what we're doing. Again, I know you did a great job of attempting to do that, but I'm still lost.

MR. CURRIN: Well, it has been reconsidered, defeated and now it's going to be reconsidered again. All right, any further discussion on the motion to reconsider? **All in favor of the motion to reconsider raise your hand – and I'll vote in the affirmative as well – 7; all opposed. So**

it was 7/7; the motion is defeated. Okay, all in favor please raise your hands high, 7; okay, all opposed. Seven/seven, the motion is defeated. All right, so Alternative 2 remains our preferred on this action to establish an ABC Control Rule and an ABC. We have the ABC equal to the OFL. Gregg.

MR. WAUGH: Maybe it will help to look at this spreadsheet. Okay, so where we are now using the corrected landings your OFL is 13.709 million pounds. You've set your ABC equal to that and currently our ACL is equal to OY is equal to the ABC, which again is that same number. And then now your allocations are 7.3 percent commercial and 92.7 percent recreational, because those are the numbers that come of the formula with the new data. Your commercial ACL is 1,795,000 pounds; your recreational ACL is 12,708,728 pounds.

If you apply your formula using the PSE from the MRFSS data, then your recreational ACT is 11,819,117 pounds. If you compare this to the average catch from 2005-2009, the recreational side you're below your average catches; 20 percent below them.

MR. CURRIN: Everybody clear? Okay, keep in mind that – somebody correct me if I'm wrong, but I think we changed our preferred regarding the ACT on the recreational yesterday; did we not? We'll find out when we get there, but that may differ a little bit as far as affecting the actual poundage. Everybody good with that?

All right, let's move back through or continue to move through the dolphin actions so that we can see where we are. Right now we have our ABC set equal to the OFL with no buffer. Page 374 is the next action and that's the ACL. I believe where we are there, our preferred is with the ACL equal to OY equal to ABC, so now we're now at ABC with no buffer equal to the OFL. There are options there to select a buffer of some sort if you so desire. Roy.

DR. CRABTREE: I would move that we shift our preferred to Alternative 3.

MR. CURRIN: Motion by Roy to select Alternative 3 as our preferred and that's with an ACL equal to OY is equal to 85 percent of the ABC; second by George Geiger. Discussion? Duane.

MR. HARRIS: Mr. Chairman, for all the reasons stated earlier I would oppose that motion.

MR. CURRIN: Other discussion of the motion? **All in favor of the motion please raise your hand – and I'll vote in the affirmative as well – 8; all opposed, 6.** Okay, **that motion is approved** so now we have a new preferred for ACL with approximately a 15 percent buffer. All right, on to Action 19 and that's Page 378, accountability measures. Roy.

DR. CRABTREE: So now we're back to effectively at the 15 percent buffer. I think yesterday we went to the commercial sector ACT equals 90 percent, Alternative 2B. I know there is concern about multiple buffers; so if you want to go back to where our original preferred was, which was do not specify a commercial ACT and undo some of those changes, I think that's within your discretionary authority to do that; and similarly on the recreational side if you want

to reconsider that and just have the 15 percent buffer that you just put in place, I think you could do that. It's up to you.

MR. CURRIN: Any desire to change the preferreds from yesterday? Brian.

DR. CHEUVRONT: Yes, I'd like to change our preferred to Subalternative 2A for Action 19; do not specify a commercial sector ACT.

MR. CURRIN: Is there a second; second by David. Discussion on that motion? Is there any objection to that motion? I see none and that motion is approved. Gregg.

MR. WAUGH: Just procedurally, since you approved 2B yesterday; do you need to do a motion to reconsider?

MR. CURRIN: We've done it both ways and I'm comfortable with changing a preferred from what it was to what it is now based on the motions as long as you guys are and it's clear to you. So now just for clarify, Subalternative 2A is again our preferred. All right, we've got other actions here. Gregg.

MR. WAUGH: And so if you're in the amendment looking at the actual page of the amendment, 348, where it shows Table 4-38, that shows the new data, what your preferred commercial ACL is, and that number, now that you've lowered your ACL, is 850,676 pounds. That's the new commercial ACL.

MR. ROBSON: What was the amount again?

MR. WAUGH: So, what we did is we set – again here at Row 4, we set ABC equal to OFL; then you set your ACL equal to 85 percent of your ABC; so we apply our 7.3 percent commercial and 92.7 recreational allocation, so your commercial ACL is 850,676 pounds. Your recreational allocation is 10,802,419 pounds. With ACT formula on the recreational side, you're at 10,046,249 pounds; and you're 2 percent below the average 2005-2009.

DR. CRABTREE: Gregg, as I read it, the number where it says "new data" in 438, 932,248 pounds; that was based on our previous set of preferred alternatives, correct?

MR. WAUGH: Yes.

DR. CRABTREE: And our previous set of preferreds have the ABC set at 85 percent of the OFL?

MR. WAUGH: Yes.

DR. CRABTREE: And the ACL equal to the ABC?

MR. WAUGH: Yes.

DR. CRABTREE: And now we're setting the ABC equal to the OFL but the ACL is 85 percent of the ABC; it seems to me that should leave us with the same number. We're still using a 15 percent buffer either way, so I don't understand why the new data number isn't the current commercial ACL.

MR. WAUGH: Well, you've changed your allocation, right. That number, 932,248, was based on an 8 percent commercial; it's now 7.3 percent commercial.

DR. CRABTREE: Okay, now I understand. I think the next step is – as I recall yesterday on Alternative 3 we changed ACL to ACT. I think we now need to go back to where we were and say, "After the commercial ACL is met or projected to be met" and change that back; is that correct, Gregg? I believe it is.

MR. CURRIN: Yes, in those alternatives. We did some switching because we were referring to – it was somewhere. It may not be here but we changed some ACTs to ACLs as far as the AMs because we didn't have one value to work on, I guess.

MR. WAUGH: Correct; it's on the Document Page 348, right below Table 4-38, your preferred, and we changed it to read "After the commercial ACT is met or projected to be met" and "ACT" should be changed back to "ACL"; that's correct.

MR. CURRIN: Everybody clear? Duane.

MR. HARRIS: Mr. Chairman, a question for Gregg; you said that with the numbers that are being projected now we would be 2 percent below the average landings; recreational landings or average total landings?

MR. WAUGH: Recreational.

MR. HARRIS: Recreational landings for 2005-2009; so if, for example, we did exceed that number, Roy said earlier the accountability measures that would kick in would be a reduction in the bag limit; is that correct, Roy?

DR. CRABTREE: But we haven't gotten to that part yet, but I –

MR. HARRIS: But what is in there right now?

DR. CRABTREE: I think our current AM for it is to reduce the bag limit, but I think that's where we're heading to in just a minute.

MR. HARRIS: I understand it is; I just want everybody to be clear that is what would happen.

MR. CURRIN: We've got some other preferreds currently. I'm not skipping anything, am I, Myra? I'm going to Alternative 5 and look – I am skipping something? All right, I'm not skipping any yet. Subalternative 5C is currently a preferred and that sets a recreational ACT. Gregg accounted for that in the figures that he just gave you.

It's an additional roughly, what, 7 point some odd percent buffer – 7 percent buffer on the recreational sector. Myra corrected me or brought me back to reality that yesterday we changed our preferred to 5A, and that's we put our buffer in of 85 percent; so we need to not take, I think, another 15 percent buffer as our current preferred would do and consider whether, (a), we want any buffer at all or whether, b), you would like to move back to our previous preferred, which used the PSE to establish a recreational ACT. What is your pleasure here, folks? Gregg.

MR. WAUGH: Just to relay from public hearings, we're facing great difficulty discussing the MRFSS data. The one thing we've been able to explain to them is this idea that the PSE is a measure of the variability and what we're doing by using that formula is stepping down below your sector ACL and we're basing our management incorporating that variability to keep that catch as it goes up and down below your ACL, your recreational ACL.

People understand that; and I think if we change that from a formula that is using the measure of variability that comes out of the MRFSS survey, if it's possible we're going to even lose more creditability in terms of how we're using that data. I mean, here is one where the PSE is small, meaning the data are more accurate, it's going to be viewed as we're penalizing the recreational sector when the data are better. I just offer that based on our recent experience at public hearings.

MR. CURRIN: Well, I'm clearly not comfortable with where we are right now with an additional 15 percent buffer. We need to correct that, I believe, folks, or am I the only one?

MR. ROBSON: The additional 15 percent buffer you're talking about is because we've already set the ACL at 85 percent of the ABC; so I think if I'm getting what you're saying is whether or not even need to have an ACT?

MR. CURRIN: Yes, I mean, just to be clear, currently what we have selected as our preferred is Subalternative 5A, which steps down the ACL, which we just previously stepped down, an additional 15 percent. It's not 30; they're not additive, but it's pretty close to 30 if we're going to retain this preferred alternative.

I would suggest that we, one, either eliminate the ACT for the recreational fishery; or, two, go back to our previous preferred of 5C, which utilized the formula one minus the PSE to establish an ACT for the recreational community. That would be my suggestion; one of those two options. Roy.

DR. CRABTREE: I move that select Subalternative 5C as the preferred.

MR. CURRIN: Motion by Roy to select 5C; second by George Geiger. Discussion? Duane.

MR. HARRIS: Mr. Chairman, let me make sure I'm clear here. If 5C is selected and we're using the one minus the PSE or 0.5, whichever is greater, does that then additionally reduce the catch by 7 percent? I mean, it reduces the catch an additional amount?

MR. CURRIN: It does; it provides another buffer with an ACT for the recreational community of roughly 7 percent.

MR. HARRIS: That's what I'm opposed to. I think we've already done something we shouldn't have done, and then we're going to do even more.

MR. WAUGH: But I think it's important to understand it doesn't reduce the catch. What you're doing is you're basing your management to try and aim for this ACT. That's your target. Recognizing that with your bag limit and the variability in the recreational catch, it's going to be variable around your target level. It's going to be below it some; above it some; but when it's above it, you don't want it to hit your recreational ACL because then that's your overfishing trigger.

MR. CURRIN: Yes, Gregg is exactly right; so you aren't penalized – if the recreational community exceeds the ACT, they're no accountability measures that kick in. You've got to exceed the ACL for accountability measures to kick in. Charlie.

MR. PHILLIPS: Well, then, am I clear that we're going to try to set bag limits to reach the ACT instead of the higher limit, which would be the ABC or the ACL? We could conceivably have different bag limits?

MR. CURRIN: I guess you could. What Gregg has got up on the screen right here indicates that there no changes in management measures needed to, as best we can estimate, below our ACL, so there will be no management measure implications to these actions, even including the slight step-down to the ACT. Gregg.

MR. WAUGH: This is showing that in actual poundage the difference between your ACL and your ACT is 750,000 pounds; and this is showing that based on the average you're not required to make any changes to the bag limit, but it may be prudent to look at some reduction from that bag limit. I think during public hearings we heard a lot that people could handle some reduction, but perhaps not. All this is showing is that based on your target you're not required to change your bag limit. It doesn't preclude you from changing it.

MR. CURRIN: Okay, any further discussion on the motion to change our preferred back to Subalternative 5C? **All in favor of the motion raise your hand – I've got 12 – any opposition. I see one in opposition. The motion is approved.** Roy.

DR. CRABTREE: One thing I think you all should be aware of – and I don't think it changes any of this stuff – effective Wave 1 of this year MRFSS/MRIP changed the estimation methodology for catch estimates. Those changes were to address some of the biases that were pointed as potential biases by the NRC Review sometime ago.

I have not seen any of the revised catch estimates. I'm told that some are higher and some are lower and there is no real predictable trend in terms of what the catches are estimated to be. The only predicable trend, I am told, is that the PSEs are going to be higher with the estimation methodology.

Now, that doesn't that doesn't change what you just did because you selected a set PSE of 7 percent, so that's what is going to be used. My interpretation of this at least is that we have likely underestimated the variance around the catch estimates in the past; and with the new estimation methodology we're getting a more accurate representation of what the percent standard error should be.

You need to know about it because you're going to see them. I don't know how much higher they are as I haven't seen them. They'll also be going back through time and re-estimating the catches I think back to 2003. That's something we're going to have to keep an eye on. It does complicate things a little bit because we're going to have a different estimation methodology than was used to calculate some of these catch estimates.

I think we're going to have I think keep an eye on that and be ready to adapt and adjust to that as need be, but be prepared that as these come out – and Wave 1 will come out in another month or so, but be prepared that you're going to see higher PSEs than what you're used to seeing in the past.

MR. HARTIG: How many years of MRIP are they going to use to go back and look at recalculating the historical recreational catch?

DR. CRABTREE: I'm told they're only able to re-estimate back to 2003 because there were changes in the survey made at that time and they can't do it any further back. Where I see problems is if for some important species the new methodology does consistently seem to estimate higher or lower catches, if that occurs we're going to need to come in and figure out how to recalibrate the ACLs and things because no one wants to see any fishery closed down just because we changed an estimation methodology, so we'll have to readdress that.

And then presumably the Center will have to figure out how to deal with this in the assessments. There are a lot of complications with it. We have spent an extensive amount of time trying to figure out how to do this and how to deal with it, but the fact is anytime you change a methodology in midstream there are problems with it, but I think we're all agreed that we need to make the change. We want better catch estimates and these should be better catch estimates. We're just going to have to be aware of it and be vigilant and be ready to adapt accordingly if need be.

MR. HARTIG: But the question was specific to how many years of the new MRIP are they going to use to recalibrate those years; are they just going to use one year of new MRIP data to do that?

DR. CRABTREE: It is a change in the mathematics that is used to calculate it, and so they will just recalculate them all. When that is done, we can then look at the old numbers versus the new numbers and take a look at it, but it's just a change in the math that is used. I couldn't explain to you exactly what it is.

MR. CURRIN: I'm also under the impression, Roy, that they're going to continue at least in a sampling mode the old MRFSS data – a dual sampling frame so that they can compare the two values and how they're estimated as well.

DR. CRABTREE: That is my understanding as well, and I think that's something that we're going to want to look at as soon as we can get those numbers and look at them very carefully.

MR. HARRIS: Mr. Chairman, when I read the MRIP Update Report recently and it said they were going back to 2003 I sent Gordon Colvin an e-mail and said, "Why are you ending at 2003?" It is because, as Roy stated, there is a mathematical formula that was used from 2003 on. There is a different formula prior to 2003; and as soon as they get these numbers recalculate, they are going to go back using another formula and try to recalculate numbers prior to 2003.

MR. CURRIN: I was just on a call last week, Duane, and they're going to try that, but there may be more problems than they see at this point, but they're going to attempt to go back before 2003. Gregg.

MR. WAUGH: So if these numbers get dropped on us before June, what you have approved is a methodology. It doesn't sound like they're going to be revising the early years of dolphin data again, so that won't affect your OFL. It could change the allocation, and so I just want to make sure what your intent and direction to us would be as you have a formula that we're using to do the allocation.

If we get revised numbers just like we did here, you said to use those new numbers and that changed the numeric numbers in the allocations based on the formula that is in your preferred, so we would apply that formula to the new data. That would give us our allocations. You have chosen for your ACT to use that formula again, one minus the PSE; and for the PSE you've told us to use the three-year average from 2007-2009. If we get a new number for those PSEs, then we would just apply that formula with the new data. I just want to make sure that's what you would have us do if these new data become available.

DR. CRABTREE: Well, one, I think all that is going to be available before we vote this up is Wave 1, maybe Wave 2. I think what I want to do is let's deal with the numbers we have now and are in this document. When we start getting re-estimated numbers and a re-estimated time series, then we can go through here and decide what we change.

My preference would be I don't want to see anything just automatically recalculated between now and June. We're at a point where we have to say we're going with the information that we have right now. I think if we came in and tried to change all that by the June meeting, it would just throw us hopelessly off, so I think we go with the numbers we have.

I don't think you're going to get any substantially new numbers that would allow you to recalculate because I don't believe we're going to get the re-estimation back to 2003 by the June meeting. Even if it did come out, I just don't see how we would have time to reanalyze everything and do it. I think we've got to go with what we've got now.

Once we get the new numbers, we've modified our framework to allow us to change ACLs and things; and once we have those new numbers we'll update. If we get substantially higher PSEs, you may decide you don't want to base the buffer on PSE anymore, so I wouldn't want to make that decision until I knew what we were looking at.

MS. SMIT-BRUNELLO: I think that's a good approach, and remember this going to go out for comment as a Draft Environmental Impact Statement soon, too, after this meeting once staff changes the preferred alternatives and all that. I don't know that you want to then change it after that as well because you're going to voting on it in June. I think Roy's suggested approach is a good one at this point.

MR. CURRIN: Everybody comfortable with that; in agreement? Okay, let's see if we can move on and make a little more progress.

MR. WAUGH: That brings us to management measures and this is on the Document Page 355.

MR. CURRIN: It's PDF 385.

MR. WAUGH: You didn't have any preferreds when we went out to public hearing. The current bag limit is ten dolphin per person per day in or from the EEZ not to exceed 60 dolphin per boat per day, whichever is less. We've got a minimum size limit and you had a host of alternatives that we looked at starting on the next page; Alternative 2, prohibit bag limit sales of dolphin from for-hire vessels – that's the only sector that is currently allowed to sell dolphin or wahoo other than commercial, obviously.

Alternative 3, minimum size limit of 20-inches fork length off South Carolina; Alternative 4, 20-inch fork length Florida through New England; 5, increase the minimum size limit in Florida and Georgia to 22 inches or 24 inches; Alternative 6, reduce the boat limit; Alternative 7, a series of trip limits for the commercial fishery; Alternative 8, reduce the recreational bag limit to a level that will provide the reduction in harvest necessary to not exceed the ACL.

In December the council approved a motion for a bag limit of nine dolphin per person per day but not as a preferred alternative. The analysis now with the new numbers looking at your actions, there is no percent reduction required.

DR. CHEUVRONT: I would like to make a motion that we select Alternative 2 of Action 20 as a preferred. This is to prohibit bag limit sales of dolphin from for-hire vessels.

MR. CURRIN: Motion by Brian; second by George. Discussion? We've talked about this quite a bit. Is there any opposition to the motion? The motion is approved with one in opposition. That selects Alternative as a preferred. Robert.

MR. BOYLES: Mr. Chairman, I'd like to make a motion that we select Alternative 3 as a preferred.

MR. CURRIN: Motion by Robert; second by Tom Swatzel. Discussion on that motion? That's to establish a minimum size limit of 20-inches fork length off South Carolina. Robert.

MR. BOYLES: Just for the purpose of discussion, the state has been concerned about kind of the direction of a lot of our fisheries. In some of these state water fisheries, over the last several years we've taken what we call preemptive management measures to kind of hold the line with what we've got if not improve things a little bit. Our constituents seem to have bought into that. We've had a lot of discussion about a minimum size of dolphin, and we see a lot of support for something like that. I make that motion for that purpose.

MR. CURRIN: Any further discussion on the motion? **Is there any objection to the motion? I see none and that motion is approved.** Is there another suite of alternatives there or a series of alternatives for limits? We added one at the last meeting, Alternative 8, bag limit of nine. Any desire to consider trip limits for the commercial fishery? They will be under a hard quota. Everybody is comfortable; no desire? Robert.

MR. BOYLES: Mr. Chairman, I make a motion that we select a recreational bag limit of nine dolphin.

MR. CURRIN: Motion by Robert to select as a preferred Alternative 8, which would reduce the recreational bag limit to nine dolphin per person; is there a second? Second by George Geiger. Discussion? Robert.

MR. BOYLES: Mr. Chairman, the same reasoning for the nature of the motion. We've have had again the practice in South Carolina of trying to get ahead of the curve here, and I make the effort here just to perhaps be a little more precautionary as we move forward.

MR. WAUGH: And so what we would be doing is reworking the wording of Alternative 8 to say, "Reduce the recreational bag limit to nine dolphin per person" and getting rid of that extra verbiage that's not operative anymore.

MR. ROBSON: I'm going to vote against the motion for that reason. It is no longer evident that we really need to do this, and I'm not sure that we would gain that much by doing it, and so I'm going to vote against the motion.

MR. HAYMANS: I agree with Mark and would vote against it as well. I thought we had worked hard to try to stay underneath the ACTs as it is, and that's where we are. In addition, if you do that then are you also dropping the per boat limit below 60 if you were to go to nine?

DR. CRABTREE: We wouldn't be changing the per boat limit, right, we'd just be changing – my understanding of the motion is just change the per person bag limit. The boat limit would be unchanged; is that correct?

MR. BOYLES: Yes, that's the intention of the motion. I suppose the other motivation here is – well, I've said enough.

MR. CURRIN: Any further discussion on the motion? **All in favor please raise your hand, 4 in favor; opposed, 8 opposed. The motion is defeated.** All right, based on the conversation is there any desire to establish a trip limit for the commercial industry. There is a suite of alternatives there from 1,000 to 5,000 pounds. I'm seeing no interest from the committee.

MR. WAUGH: Okay, just to clarify that Subalternative 7A was included in the original Dolphin and Wahoo FMP. At that time we thought that was a precautionary trip limit to put in place, but it was not approved.

MR. CURRIN: Yes, I had that same thought but didn't say it; thank you. Okay, I'm seeing no interest from the committee. Doug.

MR. HAYMANS: Mr. Chairman, may I simply ask staff a favor, and that is with the many undulations of our decisions can the committee report just be crystal clear as to what we've done today?

MR. WAUGH: Probably not; I mean, we won't finish snapper grouper until sometime tomorrow. We always do the best we can to make it as clear as possible; but when you've got a committee that runs right up against the council, it's going to be very difficult, but we will do the best we can.

MR. CURRIN: What we have are the motion that have been on – or will have are the motions that have been on the screen. That points out how important it is that each and every one of you read those motions when they go up and make sure you're satisfied and that they indicate your intent. Roy.

DR. CRABTREE: Gregg, can we change the language in Alternative 8? Even though we didn't select it, I'm afraid it may confuse people with that statement in December "approved a motion for a bag limit of nine dolphin". It seems to me that sentence should just come out at this point.

MR. WAUGH: My understanding is even though it was disapproved, Alternation 8 would now read "to reduce the recreational bag limit to nine dolphin per person".

DR. CRABTREE: That's fine with me.

MR. WAUGH: Wahoo starts on Page 369; PDF Page 402.

MR. CURRIN: Now keep in mind the reason we started with dolphin and going through wahoo is so that will smooth everything else out for everybody, so let's try not to mix it all back up and get turned around anymore than we have to.

MR. WAUGH: And if you look over on the next page, we have Table 4-49. This is the information that you looked at in December, and this is the information that the SSC used in April of 2010 to develop their recommendation for the OFL as being the median of the 1994-2008 landings, and that was 1,101,231 pounds.

The IPT is recommending that the council consider recommending the SSC use the following data from the Center that corrects and updates the data contained in the Dolphin and Wahoo FMP. Part of this data came from the Dolphin and Wahoo FMP, 1994-1998; part was from the Southeast Fisheries Science Center. We've got new data just like we did for dolphin.

The net result of using the SSC's methodology – again the median of 1994 – it should be 1994-2003. That's right because what was shown in the Table 4-49 is how it appeared in the public hearing document and what you saw the last time. The new Table 4-49 corrects the footnote that the SSC used the median of 1994-2003, and the new number is 1,202,939 pounds. I assuming just like we did for dolphin, you would want us to use the new data.

MR. CURRIN: I certainly would, yes. Everybody okay with that? Yes.

MR. WAUGH: And so of you that got this table when it was e-mailed, it had the dolphin formula, was you're looked at 0.99 as the step-down for the ABC, so your numbers are going to be different. You can change that number in the formula. Let me just run through these numbers. The OFL is 1,202,939 pounds.

Your current preferred is to set the ABC equal to 85 percent of that, which is 1,022,498 pounds. Your preferred is to set the ACL equal to OY equal to ABC, which is the same, 1,022,498 pounds. We allocate that 5 percent commercial and 95 percent recreational. Alternative 3 would change with the new data; and instead of 5 percent it would now be 4.3 percent commercial. Your commercial ACL will be 43,967 pounds. Your recreational allocation is now 95.7. That number 978,531 pounds. If you apply your formula for the ACT, the ACT would 842,515 pounds. Comparing this to the average 2005-2009 catches, you need a 21 percent reduction.

MR. HARRIS: Gregg, when was the last stock assessment done for wahoo?

MR. WAUGH: There is none.

MR. HARRIS: I just wanted it on the record.

MR. CURRIN: Okay, we've been through all those alternatives. We currently have preferreds I believe for all of them. We did set up, as we went back and changed in wahoo, to reduce the OFL in the beginning by 15 percent. We have recreational ACTs; none in the commercial fishery, but a cap. What is your desire? Are you comfortable with the alternatives that exist here? Brian.

DR. CHEUVRONT: Mr. Chairman, you asked if we were satisfied with the preferreds that we have at this point for wahoo and I, for one, am not. We need to figure out what we can do to maximize the amount of landings that can occur here. I understand that we need to have a 21 percent reduction over the average landings from the past, so we're not in the same situation we were in with dolphin where we actually had the ability to implement all of these management measures and keep based on the new OFL, ACL and all the other stuff that we have.

I think our preferreds right now are overly restrictive for what we need so I think we need to go through and start looking at the management and figure out what we can do to increase the number of fish that can be landed.

MR. CURRIN: Well, would like to start at the beginning of the actions and go through? I think that's the only way we're going to pull it out unless somebody has got some idea of how they want to do it. I'll ask the question regarding the – are you comfortable with the 85 percent step-down from the OFL for the ABC? That's currently our preferred. It's consistent with what we did in dolphin. Gregg.

MR. WAUGH: Just to give you an idea of how these numbers change, I think quite frankly if you accept where we're stuck with OFL is the ceiling; then if you step down by 1 percent so you're setting that equal to 99 percent, the ABC equal to 99 percent of the OFL, you still need an 8 percent reduction.

DR. CHEUVRONT: One thing that we haven't discussed here with wahoo is how we want to deal with the Gulf Council ABC Rule, whether we just want to deal with it like we did with dolphin and go with our own or do we want to consider dealing with it – having the SSC deal with the ABC control rule for dolphin. I believe this is one of the species that we asked our SSC to look at in regards to the Gulf's control rule; is that correct, John? Do you remember?

MR. CURRIN: That is correct; there is an Alternative 4 in there that indicates that, Brian, for wahoo and they will do that in April, I presume. Gregg.

MR. WAUGH: One more possibility for you to consider staying within our ABC control rule is if you step the ABC down by 5 percent so you're ABC is equal to 95 percent of the OFL and you still set the ACL equal to the ABC – I'll just need to change this formula and make sure on the allocations, but it looks like that gets you down closer. Let me just change that formula and see if it gets us below the long-term average or the average from 2005-2009.

MR. HARRIS: Mr. Chairman, going back to what I said earlier, the question I asked with respect to there not being a stock assessment for wahoo, so the wahoo is not designated as overfished or undergoing overfishing, so the only reason we would be reducing the catch levels is because the law requires us to; is that correct?

MR. WAUGH: Yes, and that's building on the fact that your measures you put in place for wahoo in the original Dolphin and Wahoo FMP were precautionary.

DR. CRABTREE: The law doesn't specifically require you to reduce the catches. The problem that you've got is what your SSC has recommended to you. I don't think there is a very clean way out of this unless you go with a different control rule, for example, the Gulf Council's control rule. Now I don't know what your SSC is going to say about that; but if they were okay with that, then that gives you some more wiggle room with fish.

I'm afraid if you start changing the step-down to 95 percent, well, we're going back down to what we just undid with dolphin. It's hard for me to see how we can justify choosing 95 percent

for wahoo but 85 percent for dolphin. It seems to me if I were making the argument, I would go the other way; that if anything, you'd want to have probably more step-down wahoo.

I think you're really got to reach some resolution with the SSC in terms of these catch levels because that's really what is tying your hand right now. The only solution out I see of it is that some alternative can be found that would modify the catch level recommendations. I don't know how to resolve that until after the SSC meets.

MR. CURRIN: I would point out that the PSEs on wahoo are relatively high, 18, so there is another 18 percent step-down using the PSE formula for the recreational fishery there. John.

MR. CARMICHAEL: I think one way to approach this with the SSC is to give them some information about your level of risk that you're comfortable in accepting for these individual stocks. Part of the reason your SSC has given you some of the recommendations it has is because of what you've communicated to them in terms of your risk tolerance is that is your risk tolerance is relatively low.

If we go back to September 2009, perhaps, when we talked about P-star values and the probability of overfishing the council was willing to accept, the council said that it wanted the SSC to give it P-star values on the order of 25 percent chance of overfishing occurring. That's pretty conservative.

If you look at the SSC's report on their ABC control rule, they came up with a range – you told them a range of like 10 to 40 centered at 25. They developed their control rule and came up with a range of 10 to 50, and they acknowledged that they were allowing a higher level of risk at the upper bound than the council had originally established them as the upper limit that you were willing to accept.

There was concern at that time on behalf of some of the SSC that they were telling you to take a higher level of risk than you had told them you were comfortable with. Now we've come a long ways down that path; and when we look at some of these recommendations, I mean, yes, you can pick a higher OFL, a higher ABC, but you're implying more risk.

We don't know what that risk is but if you're willing to take a higher level of risk on some of these stocks, if there is a way to communicate that to the SSC, something that tells them which stocks are you willing to set the – would you as a council be willing to set the ABC at two standard deviations above the average landings? That would give them some information.

If that's something you would do for every stock, are you that comfortable with these stocks where we have only landings that you're willing to set it that high. I think until we get to that point the SSC is going to sort of be just in a quandary because what you have committed to them for risk to be more conservative and they responded to that.

MR. ROBSON: I want to make a motion and I was thinking of something along the lines of guidance to the SSC in looking at the ABC control rule for dolphin and for wahoo, with that guidance being that the council, based on the biology of these two species, their apparent

productivity, the fact that they're undergoing overfishing or overfished, that the council is comfortable at a risk level for an ABC control using the mean landings plus one standard deviation.

MR. CURRIN: Motion by Mark; is there a second. Second by Charlie and Ben. Discussion?

DR. CHEUVRONT: When you get finished with the motion, if we could bring Gregg's spreadsheet back up again, I would like to see what the level of difference is on those species.

MR. CURRIN: I think you'll be happy.

MR. WAUGH: The mean plus one standard deviation gets you an ABC of 1,582,965 pounds; so applying the new allocation of 4.3, your commercial ACL is 68,068 pounds; the recreational is 1,514,898; your ACT is 1,304,326; and you're 22 percent below average landings 2005-2009. Did you want to look at dolphin also or just wahoo now?

MR. CURRIN: No, I think we looked at that earlier enough that everyone should be familiar with it. I think the shifts and increases are pretty similar relatively. Further discussion on the motion? All right, the motion is for dolphin and wahoo to provide guidance to the SSC that based on the biology and productivity and the fact that there is no overfishing/overfished status, the council is comfortable with using mean landings plus or minus one standard deviation to set the ABC. Mark is saying the mean of ten years' landings, the last ten years.

All right, look at it before I read and make sure it's what you want. Everybody clear; everybody good with it? **Okay, the motion is for dolphin and wahoo provide guidance to the SSC that based on the biology and productivity and no overfishing/overfished status, the council is comfortable with using mean landings over the last ten years plus or minus one standard deviation to set the ABC.**

DR. CHEUVRONT: Make sure it's plus one standard deviation and not minus; you said plus or minus.

DR. CRABTREE: Well, this just seems to me to be a subset of the Gulf Control Rule that we're already looking at and which addresses these things and has ABC alternatives that depending on what you choose would set the landings at anywhere from mean landings to 1.5 standard deviations from it. I'm not sure what this gets us. We've already asked them to look at this control rule. I don't mind putting this question to them like that, but it seems to me it's just a subset of what I think is a much better and more completely thought-out control rule.

MR. CURRIN: I think it's an attempt – and, Mark, don't let me put words in your mouth, but I think it's an attempt to address John's question earlier or a statement earlier that the SSC would like to have some guidance from the council and the committee to assess their level of risk. I think this is an attempt to indicate that with dolphin and wahoo the committee at least at this point is willing to accept more risk for some of the factors that Mark pointed out in his motion, Roy. All right, further discussion on the motion? It may be redundant, Roy, but I think it's going to emphasize to the SSC that we're willing to accept a little more risk here.

All in favor of the motion raise your hand, 12; any opposed, one opposed. Okay, the motion is approved with one opposed. All right, we've still got preferreds at least at this point. Is there a desire to change those at this point or are you content to wait until the SSC responds in April to consider their response? Mark.

MR. ROBSON: Well, I guess my question would be given this guidance that we want to give to the SSC regarding our willingness to accept certain levels of risk, whether or not we should even have a preferred alternative now, which is currently Subalternative 3C. It's sending kind of a mixed message, but I don't know whether I want to make that into a motion or not.

MR. CURRIN: Well, I guess one way you could send that signal as well is to remove the ACT from the recreational sector allocation, which would indicate I believe that you're willing to accept more risk associated with harvest by that sector. I'm not encouraging you to do that, but that's perhaps something to consider. Otherwise, we can sit pat with where we are and look at it in June after we get the SSC's response. Brian.

DR. CHEUVRONT: Yes, I would really rather wait to deal with Action 25 after we hear from the SSC – that's the action to set accountability measures – because any change that we make now would probably have to be changed in June, anyway, based on what the SSC says, that they accept this or not.

If we were willing to accept the average PSE as the step-down from the ACL for dolphin, I think we're going to have to come up with an explanation as to why we're not willing to accept it for wahoo. I think what I would just prefer let's wait to see what the SSC has to say and take it up again in June. I think right now I'm okay with some of the other things that we have in here, but I think we'll have to look at all of these wahoo measures again in June.

MR. CURRIN: All right, do you want to quickly just run through the actions and make sure you're fine with the preferreds at least on most of them. Ben.

MR. HARTIG: Is there another way that we can express to the SSC that we want to accept a higher level of risk like maybe the highest landings in the time period or the highest landings in X amount of years? Can we get closer, Gregg, in some way with that? Is that an appropriate way to go, John?

MR. CARMICHAEL: I think perhaps – I think anything you can express to them that's clear what your comfort level is in dealing with these unknowns; and certainly if it varies by species, then expressing that as well. Otherwise, they have nothing really to judge these things against. There has been a lot of discussion with the dolphin and wahoo that the council seems to feel that the regulations that were put in place some years ago are adequate to prevent overfishing.

We don't have any quantitative evaluation of that, but it is the sense of the people around the table and, yes, you could consider that your expert judgment. I think relaying that to the council that you're quite confident that the landings that are coming out of the regulations you have are

preventing overfishing from occurring and just getting some feedback from them on something of that nature.

If you feel that in some cases perhaps the highest landings that have ever occurred might not have resulted in overfishing, then I think if you say that, then it's something they can respond to. I think I would want to – if someone were to make a statement like that, I'd hope that you all would look at the landings over that time period just to make sure you're not caught by any surprises.

MR. HARTIG: I don't know what those numbers are. I just asked if that may another appropriate way that the council might want to think about going in another direction.

MR. HARTIG: Ben, personally I'm comfortable with the suggestion Mark made with one standard deviation over the mean. I think it provides more than adequate slop over the mean landings. I would be comfortable with that, anyway. Gregg.

MR. WAUGH: Under Action 21, Alternative 4, the IPT is recommending some changed wording similar to what we did with dolphin. I'm assuming since we approved that for dolphin, it's okay by consensus here?

MR. CURRIN: I would think so; everybody is okay? I'm seeing heads nod.

MR. WAUGH: And then under Action 22, the new data, the allocation numbers don't change in Alternative 2. We've already talked about the changes in Alternative 3; and Alternative 4 the commercial would be 4.3 percent; the for-hire would be 29.1 percent; private would 66.6 percent, so we'll make those changes based on your previous guidance.

MR. CURRIN: Action 23 is on PDF 411.

MR. WAUGH: And again that's adding the new data which you've already told us to do; so Table 4-53 will be updated with the new data. We didn't change how the ABC was to be calculated, at least not yet.

MR. CURRIN: All right, we can roll through it until somebody squawks.

MR. WAUGH: Accountability measures on Action 24, PDF Page 415; again, the IPT is recommending new data and we'll fill that in with the new numbers we talked about with the new allocation because these numbers that are shown on the hard copy will change. Table 4-56, we're recommending the new data and we'll update those numbers as well.

That brings us to Action 25, management measures. When we went out to public hearings, the measures required a 25 percent reduction based on 1999-2009 average landings. We got a lot of comments not to use the years before that entire time series; and, again, as we've talked before, the IPT is recommending using 2005-2009. Based on our current preferreds, the target reduction is 21 percent. The allocation is now 4.3 percent commercial and 95.7 percent recreational.

We're recommending that we insert that table that shows the Gulf control rule and the implications there; and we'll update that based on our deliberations here.

The final thing was the IPT recommended to modify Alternative 2 to have separate subalternatives because Alternative 2 now says two through twelve, so the recommendation is to break that into some subalternatives.

MR. HARTIG: Yes, it seems like to me we're being overly restrictive when we use the most recent landings when we already have the management measures we've put in place for dolphin and wahoo as precautionary. Why would you go back and use the earlier time series to figure out where you might want to be given an ACL.

If you're going to continually add these things together, you're really hurting the fishery long term. I would go back to the initial years before we put any restrictions on the fishery and figure out what it should be then and see where we are. I can't see after we've put bag limits in as precautionary measures and now we're going to reduce it from when we put the bag limits in. That doesn't make any sense to me.

I mean, if we're going to continue going this road where we continue to penalize fishermen for what we have to do, then I would go back and use the landing series in the earlier timeframe to make my ACL determination.

DR. CRABTREE: John, remind us which time series did the SSC recommend?

MR. CARMICHAEL: The SSC recommended 1994-2003 for establishing the OFL.

DR. CRABTREE: And, Ben, you're talking –

MR. CARMICHAEL: They looked at a period before the regulations.

DR. CRABTREE: So they effectively did what you're talking about; didn't they, Ben?

MR. HARTIG: Yes, where my confusion came in was using the reductions from various time periods, and 2005-2009 is what the IPT wants to do. How does that enter into the – maybe it's just something I'm not understanding.

MR. CURRIN: Hold one second, Ben, I think Myra can clear you up on that.

MS. BROUWER: If you use the earlier years to calculate your reduction in harvest, then your reductions are going to be higher. That was what we got from the public because they said if you look at only the years from when regulatory changes were put into place, then that will give you a more accurate picture when you compare it to your preferred ACL.

MR. HARTIG: I'm sorry, I just want to be clear on it and I didn't understand exactly what we were doing and now I do. Thank you.

DR. CRABTREE: Gregg, with where we are now we need a 20-something percent reduction; is that correct?

MR. WAUGH: Twenty-one percent.

DR. CRABTREE: All right, if we didn't set an ACT, what would we need?

MR. WAUGH: Our current preferred has a recreational ACT.

DR. CRABTREE: All right, but if we didn't set an ACT, what would we need to stay below the ACL?

MR. WAUGH: This is still with the 85 percent; so setting the ABC equal to 85 percent of the OFL and no ACT you need an 8 percent reduction based – and what we're doing is we're trying to estimate what they're likely to catch in the next year. Assuming this goes in place by the start of 2012, we're saying that using the catches from 2005-2009 as an estimate of what they're going to catch in 2012, based on that you need an 8 percent reduction.

MR. CARMICHAEL: The problem with wahoo is the landings in 2007. In 2007 the landings spike up considerably. In 2006 the landings were 800,000 pounds; in 2008 they're 704,000 pounds; in 2007 they're 2 million pounds. 2007 is an all-time high in cobia. We talked to people about this when we were out in scoping and stuff and a lot of people throughout coast said, well, yes, you know, that was a good year for cobia.

MR. WAUGH: Wahoo.

MR. CARMICHAEL: Excuse me, I don't know why I always say wahoo and cobia mixed up, but we're talking about wahoo and I'm looking at the landings for wahoo. Gregg, if you look at 2007 you get very high landings; and people told us, yes, we saw a lot of wahoo that year. Everywhere they said that.

Now, this is MRFSS data and we know that there is – you know, you can years when you've just got really high values. We deal with this in assessment all the time. We use smoothing techniques, we use running averages, we use low F smoothers, we do all kinds of things to account for that variability; those high CVs and plus the spikiness that you get in the data.

The model is allowed to estimate what it thinks the recreational catch should be and it compares it against what was observed. It's pretty common stuff. But what happens is when you're trying to figure out what are the landings going to be like next year and the year after; so the question for the council is do you think they're going to be like a year like 2007 when everybody everywhere said they had a really great year; or do you think it's going to be more like both of your years when your landings are considerably lower.

Because, if you look at the landings' trends, in general the landings have dropped off from 1.5 million pounds back in about 2002, when you put these regulations in, and a couple of years later they've dropped down to being under a million pounds except for that one year.

I think the problem is using a year like that, which is a potential spike and a potential outlier, in terms of evaluating what your bag and size limit should be. If you look at the overall trends and landings, you're like why do I have to reduce this because I'm well below what my ABC is. I think in terms of looking at this for wahoo maybe we need to consider whether or not 2007 should be in this mixture.

DR. CRABTREE: Yes, and when I look at it, I mean that is the problem is 2007 landings being so high. If you're willing to say that was an anomaly, then it appears to me that the landings are pretty much in line with what we've set up for ACTs and you could argue no change in management measures is needed.

Now, if another year like that pops up you're going to go over and we're going to have a problem. I can't tell you if that's going to happen or not, but it's definitely an anomalous year and it's almost entirely caused by the private sector MRFSS numbers. If you want to say, okay, toss that year out and figure out where we are, just my rough math is with out ACTs and everything we've got a target catch level on the order of 800,000 pounds, and that's pretty close to what they're catching.

I think the ACL, the way we figured it, is 936,000 pounds and we haven't gone over that except for that one year in the last several years, so I think you can make the argument to leave the management measures alone or you could make the argument to go to one fish per person to be a little more precautionary. It's up to you but clearly that year is an anomaly and that is clearly what is driving this whole thing that we need reductions is that year.

MR. CURRIN: Thank you, Roy, and I happened to notice in preparing for this meeting and looking at lots of charts of recreational landings that 2007 was an extremely productive year for the recreational community in general. I just asked Myra if they had looked at any anomalies that may have occurred in the sampling frame that year or anything odd, and she said they did notice that and looked and they couldn't identify anything. It's curious to me that 2007 was a very interesting year for the recreational community. Almost everything seemed to be high.

MR. WAUGH: We've got the revised data. It's shown on Table 4-52 and if you take the average of the recreational landings for 2008 and 2009, that average is 728,210. I've got that shown here in this cell. You compare to your ACL here without an ACT and you don't need to change your regulations because the average is below that. It's even below your current ACT. Instead of using as an estimate of what the likely catch would be in 2012; instead of using the average of 2005-2009 you use the average of 2008 and 2009, then you would not need to change your management any.

DR. CRABTREE: Well, when you just look at it, I mean you had a high number of EEZ trips in 2007. I just ran the time series back to '93 and it's the highest number of trips, period. It was high in 2006, too. It makes sense – I mean, the economy nosedived in 2008; fuel prices went through the roof, but everything seemed great in 2007, and it looks to me like an awful lot of people go fishing.

Now, if you believe fuel prices are going to come back down and the economy is going to be booming again like it was then, you might have a problem on your hands. On the other hand if you believe the world of three-fifty and four dollar a gallon fuel is likely to be here to stay for a while, you may not see that level of effort out there again.

I don't think there is any way to know. You're just going to have to make a judgment call on that. But to me, when I look at this it makes sense. I bet you see the same trend in the Gulf of Mexico. It's a function of gas prices and how the economy was doing.

DR. CHEUVRONT: So a way to get us out of this hole that we've dug ourselves into is if we can make the case and state that we're going to base our calculations on landings from 2008 and 2009, which is different from what we have done for other species, and our logic for doing that before is because 2007 was an anomaly which actually in most years it looks like the landings in 2007 were approximately twice as high as most any other year before and since; that might be a significant enough reason for the justification for dropping out 2007.

At least I'm suggesting that as our reasoning behind because the IPT is always looking for reasons for things like this. So if we use that, then if we go back and calculate all of our numbers based on landings from 2008 and 2009, we should be in good shape; that even with using our current preferreds, we could avoid any additional management measures.

Do I need to make a motion at this point to consider using only landings from 2008 and 2009? Okay, I'll go ahead and do that. **I'd like to make the motion that in calculating the management levels for wahoo we use only the years 2008 and 2009 landings.**

MR. CURRIN: Motion by Brian; second by David Cupka. Charlie.

MR. PHILLIPS: Yes, and to support his motion Doug showed me that I think we're going to do an assessment in 2014, so this is only going to be in effect for three years and then we're going to be looking at it again. I don't think the economy is going to rebound that fast in three years, so I think we'll be okay.

MR. BOYLES: Mr. Chairman, at the risk of sounding like a wet rag, none of us are economic prognosticators. We wouldn't be here if we were. I'd just urge us just to consider that. We are approaching – well, we're above three-figure dollars per barrel for oil now. 2008 and 2009 were tough years economically. I think it's everyone's great hope that the economics of our country will recover a lot more quickly. I just remind the committee of that.

MR. ROBSON: Well, I'll avoid the economic issue and talk a little bit about – I mean, we've seen this concern with anomalous years in MRFSS data, and it has driven us to do things sometimes that we probably didn't need to do. Unless I'm mistaken, wahoo is not a high encounter fish in terms of MRFSS data collection, which tends to provide an additional amount of variability in the MRFSS landings' information that you're getting.

We heard that the PSEs I believe for wahoo are pretty high and particularly relative to dolphin, so I think we have to be very careful about looking at MRFSS data for this kind of species with

low encounters in the MRFSS system, and I think it's certainly warranted to kind of discount one year where you have an average of over twice the landings' estimates of other years.

MR. CURRIN: Other discussion? Just in looking at the landings' table with Myra, it occurs to me that we're tossing out what certainly is an anomalous year as far as landings, regardless of whether MRFSS is accurate that year or more accurate or less, but there are many other years prior to that where landings don't vary and don't leap into that. I fear that selecting only 2008 and 2009 as the basis for this may not be best way to go because if you also compare those, those are some of the lowest landings in the timeframe. John.

MR. CARMICHAEL: I don't think you have to just look at those years; because actually if you look at what happened after you put in your possession limit, landings went from about 1.5 million pounds in 2002 to under a million pounds in 2005; and with the exception of 2007, all of those years they've stayed under a million pounds.

So it does look like the possession limit that you put in place had a substantial impact and all indications, with the exception of 2007, are that it will keep you below where you need to be. So 2005 and 2006 were also conservatively lower, which kind of plays into whether or not it's all just the economy and everything else that was going on.

I think just wahoo in 2007 is one of those years where something was going on. It was clearly a good year for wahoo because even the for-hire sector from 2006 to 2007 doubled and went from 200,000 to almost 400,000 and then it dropped back to 200,000 in 2008. The trouble is the private recreational tripled and that is where sort of the skepticism comes in because we know it's sort of a rare event.

You had a lot of trips, as Roy pointed out, and if people were seeing more wahoo for whatever reasons we don't understand what the wahoo were up to, that combination and the type of sampling of MRFSS, it gives these years sometimes where just a lot of effort combined with availability was good of a fish in a particular year and you get some spike. But I think if you guys could look at the overall trend, you'd probably have a lot of comfort in the limit that you have keeping you below your ABCs.

MR. CURRIN: And I'm not indicating I'm not comfortable with that; I'm just indicating my comfort level with how we get there, if you understand. Roy.

DR. CRABTREE: I think we're kind of overcomplicating this. I don't think the motion is necessary. I think we've reviewed the data. I think John is right on. I think anyone who looks at the last landings since we put the plan in place and said what do expect is going to be caught next year, it looks to me like somewhere between 700 and 900,000 pounds is going to be caught. That's within the ACL; it's not far off the target. I think we're in okay shape.

I think you could choose to reduce the bag limit to one, like I said, if you wanted to, but you've got an accountability measure. I think you can make the case that you're going to leave the management measures alone; here is the ACL; here is the AM; we're going to continue to monitor it. I think you write all that discussion in the document and I think you're okay.

MR. CURRIN: What is your pleasure regarding the motion that is before us? It won't hurt, okay.

MR. WAUGH: Well, you've got the IPT that is going to have to go through and do all of this analysis, and they're going to need something to compare it to. If we're not using the average of 2008 and 2009, then what are we using? Is the direction to them going to be to use all the years since the plan went in place except that one year, 2007, when it was high? We've got to have some benchmark to use.

MR. CURRIN: Okay, I understand that. Roy.

DR. CRABTREE: Yes, I think they should use 2005-2009 and eliminate 2007. That gives you four years. I would offer a substitute motion – **all right, a friendly amendment, then, that the reductions be figured on the years 2005, 2006, 2008 and 2009.**

MR. CURRIN: Motion by Roy; is there a second? Oh, it's a friendly amendment, okay, to Brian's motion. Is it okay with the seconder, I presume. Discussion on this motion? Now my comfort level is better. Everybody okay with this? **The motion is to calculate the reduction in harvest for wahoo using landings for years 2005-2009, excluding 2007. Any objection to that motion? I see none that motion is approved.**

MR. GEIGER: If I may disabuse one comment; I keep hearing repeatedly that wahoo are rarely encountered. If we go back to the public testimony that we took in Jacksonville especially and carried over into Cocoa, they are not rare up there. We had people making very bold statements about being able to go out and five or six at any given time during the winter months.

MR. ROBSON: I made that one comment. I don't how many other comments were made similar to that, but I was referring to MRFSS encounters.

DR. CRABTREE: So what we need to do now is decide what to do with the management measures. It's clear to me we're going to change the preferred alternative; so do you want to stand by your current management at two per person per day or do you want to go to one per person a day? I think that's what we're talking about here.

DR. CHEUVRONT: I would like to make a motion that we change our preferred alternative to Alternative 1, no action.

MR. CURRIN: Second by David; motion by Brian to change our preferred to no action; keep the bag limit for wahoo at two per person per day. Discussion on the motion? Any objection to the motion? I see none so that motion is approved. Any desire to take another look at the accountability measures now that we perhaps may have a bag limit of two – I forget exactly what it was, but we'd have at least some bag limit wiggle room there if you want to consider a reduction in bag limit as an accountability measure.

MR. WAUGH: The preferred now is that if the recreational sector ACL is exceeded, the Regional Administrator shall publish a notice to reduce the bag limit to one fish and reduce the season as necessary to ensure landings do not exceed the recreational ACL for the following fishing year.

MR. CURRIN: It looks like we're okay there. Roy.

DR. CRABTREE: And so that would be a one-time bag limit reduction for the next year, and then it would kick back up to two the following year, although obviously we'd want to have a discussion about whether we wanted to do a framework to keep it that way. If going to one alone doesn't do it, then you'd be looking at some seasonal closure. I'm comfortable with where we are.

MR. CURRIN: Okay. All right, what else for wahoo? That's it? All right, let's take a little break.

MR. CURRIN: Let's get everybody back to the table, please, so we can get started; we've got a lot to do. I'd like to think we could get through this afternoon but I'm not sure that's going to happen. Before we jump into the measures for snapper grouper and the remainder of the actions in the Comprehensive ACL, we're going to kind of set the stage a little bit and you all have a summary, which is under your Attachment 6. It's called "Comp ACL Summary Document"; so just to kind of look at some of the problems and implications that we're going to be facing as we go through here.

MS. BROUWER: On PDF Page 7 of the Comp ACL Summary is a table that pretty much summarizes the actions that apply to the snapper grouper species. It's a good way to take an approach that let's you see however everything is tied together. We had a conference call with the SSC on March 3rd during which we asked them to restate their recommendation for OFL because their November 2010 report was not clear enough.

The result of that call was that OFL should be declared unknown for unassessed snapper grouper species that are included in this amendment. Prior to that call we had OFL set at the median landings of 1999-2008. The SSC has now recommended that be instead the ABC; so OFL would be unknown; ABC would be set at median landings of 1999-2008.

The tables in the summary are no longer correct if you choose to adopt these new recommendations, but at least it gives you sort of a big-picture approach to see where we're headed with the snapper grouper species. You've also chosen to take a species groupings approach, which if you consider that the OFL now is unknown it is a risky approach to take because there would be – in the groupings scenario it would be more difficult to determine when a particular species is being overfished.

That is something that once we start going action by action you'll have to reconsider that. Another thing that we have in the amendment are the accountability measures in-season and post-season. It's all pretty much the same for all the snapper grouper species, and it's up on the screen right now.

So far if the ACL is exceeded, then whatever the overage amount is would be deducted from the following season for the commercial sector and for the recreational sector it varies a little bit more. Another thing I wanted to bring up to you is a table. This was e-mailed to you this morning. This is a calculation that John Carmichael did very quickly last week, and it's showing you the overages that you can expect to see in 2012 based on your preferred alternative so far for unassessed snapper grouper species.

Disregard red grouper and vermilion on this chart because there are actions that are being put into place to address those two species. These numbers were calculated using the latest SSC recommendation, so all of these overages take into account that extra 25 percent of landings compared with what we had prior.

This is what we're looking at for 2012, and as you can see there are a lot of species that will likely require management measures be put into place. Some of these are minor species and some of these landings are very small. I believe for lesser amberjack – John, correct me I'm wrong – it's on the order of 6,000 pounds. There are fairly minor species that are going to be triggering accountability measures. I wanted to bring this to your attention so that as we go through the various actions for snapper grouper one by one you can sort of take a larger view of how things are going to shape up for the next years. Do you have something more to add?

MR. CARMICHAEL: Yes, just to make sure, so this was comparing the ABCs as they stand now and reflecting the SSC's latest recommendations to the 2007-2009 landings. It's pretty simple; it's not quite back of the envelope – we can call it front of the envelope – but the idea was to try to get an idea of where the landings of these species stand in recent years for a lot of these unassessed stocks.

Obviously, some have just changed. Like wahoo, we've changed the years we had used so that one would drop out of this mix. Some, though, are quite interesting; blueline tilefish comes out of that third one there because we've heard a lot of discussion about what is going on in blueline tilefish and it looks like potentially a developing fishery and landings have increased a lot over the last couple of years. Gray triggerfish is right beside it as another concern.

Unassessed stocks, we don't really know their productivity and there is some indication that perhaps with landing increasing maybe there is more room for movement in those stocks. We just need to find a way to figure out what is going with them. The other thing I was supposed to point out is quite a few of these fish with very low landings that come into this mix with overages which might lead the council to want to reconsider some of the decisions about what stays in the management plan versus what doesn't, especially when you consider our ability to assess these many stocks.

MR. CURRIN: John, just to be clear, these predicted overages assume that the landings this coming year will be essentially the average of the last two; is that correct?

MR. CARMICHAEL: It's the last three; it's 2007-2009, which has kind of been our norm. At the IPT level, when we figure out where we're headed in the future, we tend to look at the last

three years. This is why Myra pointed it out. There are some where obviously we wouldn't do that because you had actions in 17B that wouldn't be reflected in, say, 2007-2009, and that's why I said it's kind of coarse. You take the stocks that have been assessed that you have management actions on like red grouper there, vermilion and black sea bass and so you know there is something else going on with those.

MR. CURRIN: Questions for John or for Myra? Monica.

MS. SMIT-BRUNELLO: It's just something for the council members to think about and committee members when you're looking at these landings and you're thinking about, as John said, what to remove and not to remove from the FMP, you shouldn't just base your decision on the amount of landings for species.

You should look at why it was included in the FMP in the first place; what are the objectives of the FMP; and you should try to get some rationale built in on an individual basis if you can for each species as to why you think it should be managed in a fishery management plan or it should not be managed in a fishery management plan. I know a good starting point is looking at the landings because that's just a natural thing to do, but I think it should be based on something more than that.

MR. HAYMANS: And just a point of clarification for John; on the next slide, the percentage of overages, if I read that right there are only two of those twenty-seven species that are actually over 1 percent above their quota; is that right?

MR. CARMICHAEL: No, this is the percentage of the ABC; so one is they're a hundred percent over. Blueline tilefish, the 2007-2009 landings are about three times what the ABC would be based on the 1999-2008 median. Red grouper in that period was double what it should have been. You've some in there like cero and cubera where they're nearly double what you would be dealing with.

I think the point is we have some of these stocks that maybe aren't big in terms of their contribution to the overall fishery or their predominance, but they could be concerns for us as we move through this. Obviously, we need to try and assess all of these species to get the kind of numbers that the council would like to have.

MR. CURRIN: So it's pretty obvious in looking at this that there are a number of species here that we're years if not decades away from realistically expecting an assessment for these stocks. Until that time, the only thing we're going to have is landings for the most part for a large number of these species to try to manage.

Well, before we do that, I think we need to clarify one thing maybe as a kind of a general approach and that is how deal with the absence of an OFL. We did that earlier in the week with one approach. I'll just toss something out for consideration as another possible approach; and that is if you think about some of the advice that we've gotten from the SSC.

When they were able to determine an OFL, they've stepped that down to the ABC in many cases by using 75 percent of that value as an initial buffer. It occurred to me that while we're in a situation where we've been given an ABC estimated various ways, what is wrong or why not consider establishing an OFL if we have to have a value there by dividing that value by 75 percent; i.e., stepping it up by 25 percent.

It's I guess less than arbitrary, maybe, but it does reflect some of the guidance that we've gotten from our SSC in the past. So, just as a possibility to consider if we have to have OFLs, which I think that's the guidance we've received so far, that may be one possible way that we could derive a value for OFL, if it makes sense, and it kind of does to me. Brian.

DR. CHEUVRONT: Okay, Mac, that action makes a lot of logical sense to me to do that. I don't if I remember correctly; if the SSC does not give the council an OFL, it is incumbent upon the council to establish an OFL, correct? And, if what we have done in all the other species where we were able to get an OFL – or the SSC has done; when they had an OFL, they stepped the ABC down by 25 percent, it does make sense to then take the ABC that they have been able to give us and divide it by that 75 percent to give us an estimated OFL. Can we call it an estimated OFL since the council is deriving it or do we just call it OFL and that the council came up with this because the SSC didn't?

MS. SMIT-BRUNELLO: Proxy?

DR. CHEUVRONT: Proxy works for me.

DR. CRABTREE: Well, it's sort of similar to the Gulf control rule, but in that case they increased the average landings time series by two standard deviations, but it's essentially a variant of what you're talking about.

DR. CHEUVRONT: And the ABC that we got is the mean – median?

MR. CURRIN: It's the median landings.

DR. CHEUVRONT: Well, then if the Gulf took two standard deviations above the mean – and if these were normally distributed, the mean and the median would be the same number. I just don't know what the distribution is of these – but that would be a much higher percentage than 75 percent because one standard deviation above is – you know, your 50 percent is their median or mean.

One standard deviation above is 34 percent and then I believe the second standard deviation I think is like 17.5 percent on top of that, so you add all those numbers up and that tells you what percentage the OFL would be of the ABC. I think our decision would have to be is do we want to consider using a statistical model like adding standard deviations to the mean or the median or do we just want to set a set value of 75 percent. Seventy-five percent would be a more conservative value than setting two standard deviations.

DR. CRABTREE: The way we're doing it in the Gulf is there are two tiers. One is for stocks with which recent historical landings are without trend, landings are small relative to stock biomass or the stock is unlikely to undergo overfishing if future landings are equal to or moderately higher than the recent landings. In that case they use the mean of recent landings plus two standard deviations.

The other tier is stocks for which no assessment is available but landings' data exist based on expert evaluation and the best scientific information recent landings may be unsustainable. In that case the Gulf control rule sets the overfishing limit equal to the mean of recent landings. It in part depends on a judgment call about what do you think is going on.

In some of these cases these are stocks that just no one targets and the landings are very low, and you could probably make an argument that we're little impact on them. There may be others here, though, where there used to be a fishery and the landings have been driven down, so you'd have to kind of review and look at the preponderance of evidence and make a judgment call. But that's the way the Gulf rule lays it out with these two different tiers.

MR. CURRIN: So it looks like we've got a number of options to consider as to how to approach it. Anything else, questions for John or Myra on the interim and the state that we're in with a number of our species. Charlie.

MR. PHILLIPS: I guess I'd like to ask John is there any preference of the SSC; would they like to try to do something similar to the Gulf and look at that first and see if it works for us; and if that doesn't, then go back to something else? Do you have preference on which way – because we're obviously all looking?

MR. CARMICHAEL: They haven't discussed this so they don't have a preference yet. The tiered system as Roy described is really the crux of what your SSC adopted for their unassessed stocks and it came from some work put forward by Rick Methot. The original table doesn't really quantify for the difference sort of levels how you derive the ABC to the OFL.

The Gulf took a step further and said, then what we'll decide apriori is we'll use – in this circumstance we'll use two standard deviations and what have you. The SSC hasn't had really a chance to talk about that next further development of the ABC rule as all of our SSC go off on their own and try to put this stuff together.

So, I don't know how they'll proceed, but I know that at one point people were talking about a considerable amount of comfort with doing things like using the percentiles. When we had the issues with the OFL being based on the media and what that implied about overfishing, quite a few SSC members said, well, you know, you could set OFL at the 90th percentile of the observed periods of landings, which isn't that different from perhaps using the standard deviations as you get in there. So I think there should be some comfort with that.

Ben suggested using the maximum observed so I think there is kind of a number of options that should go to the SSC to consider adding the 75 percent and dividing that into it to get you at a higher level; looking at what the Gulf has put forth, the different standard deviation values; and

using the standard deviations for different sort of trends in the data makes a lot of sense; and I think consider the maximum in some cases, depending on what they think about the trends is probably is what to determine where each stock goes.

Another thought I just had in talking about things that are targeted versus not targeted, it might really behoove us to take some of these unassessed stocks and try to get some information from the AP on what they think the trends represent in terms of the fishery; and is this a target species, is this something that you're seeing increasing in its targeting or what have you. I think some feedback from them might help the SSC in interpreting these trends. I think perhaps taking all of this sort to them together might help us out.

MR. CURRIN: It kind bears on the point Ben made the other day regarding little tunny; that they're really abundant, he sees them all the time, the industry does, but they don't have a huge market for them, and to date at least there is very little effort expended towards capturing them, but landings are at a relatively low level. There may be some of these others that the AP could inform us that may kind of fall into that same scenario; I don't know. That's a good suggestion.

MS. SMIT-BRUNELLO: Given that there is probably not time to have an AP meeting between now and the April SSC meeting, perhaps council staff might want to call various AP members. I'm not sure how you're going to get that information before the SSC.

MR. CARMICHAEL: There is Snapper Grouper AP in April so I was thinking – and it's right at the same time as the SSC, so I was thinking we should run it by them. We've been kind of tossing about at staff that we probably will need to have another SSC meeting later in the year given the magnitude of work they have to do, so I think we could get information from the AP fed into them.

MS. SMIT-BRUNELLO: That's great.

MR. CURRIN: Yes, we might even kind of queue the AP in. I know they've been notified and given an agenda and all of that, but maybe add this to their agenda and get them thinking about it beforehand. If we don't do anything but ask them to kind of look at each one of these species and give us an assessment, I don't think that should take too long. Maybe we can get that.

Does the Snapper Grouper AP Meeting occur days before or exactly during the SSC meeting? Slightly after the SSC; okay. Well, we can get it to them, anyway, and maybe we can get it beforehand, shoot an e-mail to the AP and throw a package together. All right, any other questions before we proceed? I see no questions, John.

MR. CARMICHAEL: Based on the various discussions that are going from the SEDAR Committee and thinking about our ACL Workshop a few weeks ago and dealing with the many unassessed stocks and looking at what is in the Comp Amendment now for stocks that come out of the FMP, I just wanted to get an idea of sort of where these different species stand in terms of their landings and what they contribute to the overall snapper grouper, so I just looked at the median landings from 1999-2008 and just focusing in on that period because that's what the SSC has used for ABCs.

All sectors are combined and the state stocks are deleted so those ones in the current preferred for Comp ACL, there is like I don't know 15, maybe – there are a group of stocks that are primarily state landings. Those are not in here, so we're left with mainly the federal stocks. I just looked at these in terms of landings and ranked them as the percentage that they contribute to the snapper grouper and then a cumulative percent in the far right.

MR. HARRIS: John, do we have that?

MR. CARMICHAEL: You don't have this actually, but we will get to you. It's hot off the presses. The stocks in red are ones that we have actually assessed through SEDAR. The first thing that comes out is to see that the first five stocks here – actually, my count got a little mixed up in rearranging these – the first five stocks are 50 percent of the cumulative landings of the Snapper Grouper FMP. They've all been assessed; their landings are over a million pounds.

I think in going through this – and Monica is right, you wouldn't just look at landings in terms of keeping something in the FMP because we have some special cases come up at the end like Nassau or wreckfish, Goliath. But I think this is a good place to start, and then you have to decide, as we get down into lower landings' levels, just where do you draw that line?

And one of the things to consider in doing this is just – we've said year after year after year and almost ten years of doing SEDARs, it's expensive to do these assessments. To get age data and to get surveys and to give you the type of information that you've come to rely on when you're going to have impacts on these fisheries, there is a lot of expense there. I think considering that when we consider the different species that we're going to keep in there in the overall workload is very important.

If we can winnow this workload down some, we have a much better possibility of keeping up to date on these top ten species, which are 70 or 80 percent of our FMP. We can keep up to date on those if we're not dragging along 65 other stocks that have 10,000 pounds a year landings. I think clearly within these, these are probably all stocks you'd certainly wouldn't want to keep within the FMP, but these 16 stocks here is 90 percent of the overall landings in the Snapper Grouper FMP with landings ranging – observed from 1.6 million pounds down to 231.

These of these have a lot of potential down the road, perhaps, if their stocks get rebuild, such as red snapper to move up into these upper echelons of this thing. The top 90 percent there is 16 stocks, ten through SEDAR, landings is just over 200,000 pounds for the smallest one in there, which represents that species 2 percent of the total.

The top five that are all assessed are 50 percent of the total landings, so clearly I don't think anyone would argue any of those should not be in the plan. The tier of stocks comes down to – if you bring it down to your current cutoff, which is 20,000 pounds a year. The first thing that I noted was this big cutoff between – say, there between 24 and 25; banded rudderfish at 100,000; tomtate drops down to 64,000.

If you look at the cumulative column you can see that, say, at the hundred thousand pound level you've got 97 percent of your cumulative landings. After dropping the state stocks, we've got 58 species left in the FMP or so. You've got those other species, you know, 25 species or more are 2 percent of your total landings.

So, in terms of thinking about allocating assessment resources and survey resources, there is probably a lot of effort going into these species to try and account for 2 percent of what your overall fishery is, so clearly they're not all that common. Another issue that comes into this is when you think about the confidentiality issues that we're always dealing with.

So, one way I have been thinking about is that if we have species in there that is at a year and coast level is confidential for the commercial landings and there is less than two dealers or less than two fishermen reporting on it, then we'd be putting lot of effort into managing something that two people are involved in dealing with it or fewer. I think that kind of thing should come into our thinking and how we determine which ones we keep in and which ones we keep out.

I just noticed that if you were say kick it up here to this hundred thousand level from where we are now, we'd lose another nine stocks. That puts us with about 24 plus the few extras that are going to come up here in a second in the snapper grouper plan and maybe that's something we can keep up with, and most of those 24 have been assessed and we're making a lot better progress.

The 20,000 with the current preferred, 16 additional stocks included in there, only three of those are assessed in that 20,000 – you know, going to that next group. All the ones, though, that are assessed do have landings over 150,000 pounds; so by hook or crook the council has focused in on the species and directed the assessment efforts at those ones that are at the apex of this fishery.

Some would argue the direction that they go could be the way that most of the fishery goes, but overall there are 24 stocks with landings over a hundred thousand pounds that are 97 percent of the total. The remainder, though, there are a few others that we always bring along because of actions that are taken long ago and special circumstances. Warsaw, speckled hind, Nassau grouper, Goliath grouper, wreckfish; clearly, you really can't evaluate these types of species based on their landings.

I put wreckfish in there because of the confidentiality concerns with its data. There might be confidentiality concerns, but I think wreckfish you recognized as a special situation and you would treat differently. These bring in another actually six when I added wreckfish, because I forgot, another six stocks into the FMU. We know that these then we are all going to have considerable assessment challenges.

We talked about some about like the Warsaw groupers where we only see a portion of the stock and Nassau might be in situation as well and perhaps wreckfish. We're going to have to figure out what we're going to do with and there are special challenges, but I think for various reasons we're probably going to keep those in the FMP, but we might have to look at something other than a catch-based approach because there just going to be so challenging.

I just wanted to put this out there for food for thought. I think in particular this table, it gives us somewhere to think about things that stay in the FMP and things that come out and bringing the other concerns to bear about these species here might be a way to fine tune this a little bit. Do you have questions?

MR. CURRIN: Questions for John? I would also note, as I went through there, John, that if you drew the line at 50,000 pounds you only add one more species, and that's tomate, slightly over that. Other questions or comments for John? It's a very good analysis and informative that we should all keep mind as we go through here, I think. Brian.

DR. CHEUVRONT: John, in looking at those species, that special species, the remainders as you called them and adding those back in to the 24 that you had, that gives us now 30 species, roughly. Of the remaining species of which is about half of the species that are currently in the complex, how do we know that some of those remaining species really aren't like the remainders' group, that there is something special or wrong with them that they really ought to be managed, but we don't know because we know very little about them? Is this just an unknown and we don't know and therefore we shouldn't deal with it or what?

MR. CARMICHAEL: I think you're right, we don't know. Take a rock hind, a jolthead porgy, what do we know about those; are those something that we think have a compelling reason to be managed, that there is some big risk? It's really about risk; is there some risk to that species going away and becoming extinct if it doesn't have an ABC, an OFL and it's not included in aggregate bag limits and things like that?

I think one way of looking at it is that after years and years of Magnuson these things have not risen to the top yet, maybe there isn't a lot of interest in getting them and maybe they're just rarely encountered and maybe they're reclusive and they interact with the gears or what, but for the most part I'd say we really just don't know. There could be one in there that we really should keep, but we just don't know.

DR. CHEUVRONT: And, you know, actually, are there any long-term historical landings; rather they are really – I mean, obviously we wouldn't think they would be accurate or not, but that might give an indication as to whether a species at one time was really abundant but somehow no longer is.

I do know that for a lot of things in our stock assessment we tend to assume that the biomass was at its highest level in the years right after the end of World War II because there was very little fishing that went on during the war, so we assume that this was at the highest level. I was just wondering if we had landings on some of these species that would go back to that era or they just – if they're absent from the landings even back then, then that would be pretty good evidence that says that these species are just naturally low-occurring species and we don't need to worry about them. My only concern would be as if something was at a high level in those early years and now has dropped off the radar, that might raise some concern.

MR. CARMICHAEL: I think those are valid concerns. One of the issues that comes up as you get down into, say, beyond the top 20 is species ID problems; and you go back pre-'94 or '94 so many of these were just landed as aggregated groups that we really don't know what their landings were going back. It's very unfortunate.

MR. CURRIN: Other comments or questions for John? It's a lot to chew on. I guess just also as information for everybody, any of these stocks that we choose to remove for whatever reason or rationale, I presume if we got an indication that there were problems associated with it, if landings were tracked, as those landings' data come in for everything that's harvested, that if we did see something that indicated a problem or a spike in landings, an increase in landings that caused concern, they could be added back into the fisheries management unit. Are we able to do that via framework or is that something that we need to add to our framework as we move along?

MS. SMIT-BRUNELLO: That's a good question. I'm not sure. I'm guessing that it's not a framework kind of action. I'll double-check the most recent framework we have.

MR. CURRIN: Okay, because if it's not I think we would need a mechanism to very quickly put something back in, maybe. I don't know; I'm just thinking off the top of my head. Gregg.

MR. WAUGH: It would be hard to add that as a framework action because the idea of frameworks is you would have analyzed the likely impacts ahead of time.

MR. CURRIN: I don't know; I'm just trying to think about reacting to an emergency or perceived emergency if one came up and if it took us two years to get it done and there was a developing market on something that was at a low population level, anyway, it might be sayonara.

MS. SMIT-BRUNELLO: My thought is that, too, you always have an emergency rule procedure, which I don't believe you have to have a fishery management plan in place to request – if you have the record to request an emergency rule for a specific species.

MR. CURRIN: Okay, anything else for John? All right, Myra and committee, are we ready to move forward? All right, we're going to start at the beginning of the Comp ACL, Action 1, removing species from the FMU.

MS. BROUWER: Action 1 is on PDF Page 272. Currently you have three preferred alternatives, Alternative 4, Alternative 5 and Alternative 7. All together these three alternatives would remove 35 species from the FMU.

MR. CURRIN: I presume everybody is okay with the marine life species and the state species that we have currently set at a threshold of 80 percent. Alternative 7 is based on landings' values equal to 20,000 pounds. Mark.

MR. ROBSON: Well, on Alternative 4 I still would argue that there is not really a good reason to keep at least mutton snapper in the FMU. It met the standard of the 80 percent state landings. It's primarily a Florida fishery. We have regulations in place. The state of Florida takes the lead

on the assessment process and data collection. I know we had a discussion. I know that there is an issue with hogfish with some harvest levels in South Carolina, but I wasn't sure whether there really was an issue with harvest of mutton outside of Florida.

MR. CURRIN: I can't speak to that. I know they occur off of North Carolina, southern North Carolina. I don't think they occur in great abundance. Hogfish do occur. We had some issues with those and the state actually put in some landing levels. I guess from that perspective they're covered at least in North Carolina. To some degree they're offered some protection in North Carolina. Mark.

MR. ROBSON: Well, for the purpose of discussion let me go ahead and make a motion, if I could, then, and that would be to modify Alternative 4 to remove mutton snapper from the Snapper Grouper FMU along with the other species listed in Alternative 4.

MR. CURRIN: Motion by Mark; is there a second? Second by Ben. Discussion? I think we've had some of that already for rationale for doing that. Monica.

MS. SMIT-BRUNELLO: Just so I'm clear, you actually want to add mutton snapper to the preferred alternative, Alternative 4?

MR. ROBSON: That is correct; it would be added to the list of species we would remove from the Snapper Grouper FMU meeting the criteria of 80 percent or greater landings in state waters.

MS. BROUWER: Just one point to remind you the Gulf Council has requested that the South Atlantic Council consider taking over management for yellowtail and mutton snapper, and we did submit a letter to the Gulf Council sometime last year indicating your agreement to take over management of mutton and yellowtail as well as Nassau grouper throughout the range.

MR. CURRIN: I presume that would not impact the criterion of 80 percent occurring in state waters with adding the Gulf fish. Is that safe to assume that they still in the Gulf are harvested at about that percentage level in state waters, Mark? Is there a fishery outside of state waters in the Gulf that – actually, your state waters go further in the Gulf, don't they, nine miles off?

MR. ROBSON: Yes, they do.

MR. CURRIN: Okay, I'm comfortable with that, then.

MR. ROBSON: And just to clarify again, this would be another situation if in fact that happened, we would seek to extend state regulations for mutton snapper into federal waters off of Florida, and that would be applicable to Florida-registered vessels or any vessels landing in the state.

MR. CURRIN: Further discussion on the motion? **Is there objection to the motion? I see none; that motion is approved.** Are we okay with leaving hog snapper out? Roy.

DR. CRABTREE: We need to talk, though, about the Gulf Council request to have the South Atlantic take over yellowtail and I guess mutton we're going to let Florida handle and there may have been other species, I don't recall. There are problems with doing that with respect to permitting and other things that have we talked about at any number of meetings that I don't know there is any resolution to.

I suspect at this point we're not going to be able to pull this off in the timeframe either of these amendments are going to be resolved. I just don't think that's going to happen and I think we've got to talk about at this meeting with yellowtail and some others and either we need to work out the permitting issues to make this happen or we've going to have to talk about some splitting of the quotas as how much is Gulf and how much is South Atlantic. We need to come to some resolution on how we're going to handle this real fast.

MR. CUPKA: Roy, the other species was Nassau grouper. I have been saying that for several months now that we need to make a decision on this because it's going to hold up the ACL Amendment if we don't decide whether we're going to take them over or not. You're right, we need to make some kind of decision. Nassau, mutton and yellowtail were the three species.

DR. CRABTREE: Nassau I think we can deal with because the fishery is closed and the ACL is zero so there are no permitting issues there. I think that one we can do. Mutton snapper, I guess at the Gulf Council meeting we'll talk about pulling that out and letting Florida have that, if that's agreeable to the Gulf Council. That leaves us with yellowtail snapper and we either need to come to some resolution on the permitting issues or we need to look at jurisdictional allocations, which we have worked up some alternatives on.

MR. CURRIN: Yes, and I think Myra is going to give us those very shortly, but I don't see any way we can deal with taking over those species in the Comprehensive ACL. I think that's going to have to be done, if it's done, sometime later. Myra.

MS. BROUWER: I was just going to remind you that we do have some alternatives worked out for jurisdictional allocations, as Roy pointed out.

MR. CURRIN: All right, back to Action 1; we've just modified Alternative 4. Everybody okay with everything other than that? Do you want to take a look at Alternative 7, which has the threshold of 20,000 pounds? John just gave us some information on a number of species that had landing levels less than, well, 150. Brian.

DR. CHEUVRONT: Is it possible to change this alternative at this date? It's really compelling I think the information that John gave us about this. There were several species that I saw on that list that I know from North Carolina's perspective we'd love to get off there. One of the very bottom ones was Atlantic spadefish. We'd really like to get that out of the FMU if we could, but we may not have time to do that. I guess what I'm asking for is staff to tell us is it possible to change this alternative at this point? We're so late in the game I have my doubts about it and wonder if we should then at a later time take out those remaining species. I just don't know so I would like to hear staff – I mean, tell me honestly what you think about whether that's possible or not.

MS. BROUWER: Well, honestly, I guess so much depends on the decisions that you make for many other actions, and there are a lot that could potentially change. You're going to have to think about the timing of this amendment because so much is changing and has changed already.

DR. CHEUVRONT: Maybe the thing to do then is to wait until we get to full council to decide if we want to try to change that alternative. It just may not be feasible, but John made some good compelling arguments for why we really ought to consider jettisoning these other species.

MR. CARMICHAEL: The SSC clarified, as Myra told us earlier on, just last week their intention for ABC, so we've changed ABCs across the board on most every stock. I think all of this action is really coming in those groups of unassessed stocks; so I think pulling some of those out of the plan at this time is probably less work because you've got a smaller group of those unassessed things to deal with.

DR. CHEUVRONT: Given that case, Mr. Chairman, I would like to make a motion that we modify Alternative 7 to remove species with state and federal combined landings that are less than or equal to 100,000 pounds with the exception of cubera snapper, Warsaw grouper, lesser amberjack and speckled hind from the Snapper Grouper FMU and continue to have Alternative 7 as our preferred.

MR. CURRIN: Motion by Brian; second by Mark. Discussion on the motion? I would just point out that there are several of those species that have very low landings, lesser amberjack for one. All of those species I guess have less than a hundred thousand pounds as well. Charlie.

MR. PHILLIPS: So whatever we take out is going to fall under the – I'm guessing the state that you landed in, their regulations for that species, if they have any; so if a snapper boat or something went out and caught 500 pounds of sheepshead and the state landings for Georgia is only ten –

MR. CURRIN: Yes, that would be the only management in place, Charlie, if this goes through is whatever the states put in place. Monica.

MS. SMIT-BRUNELLO: That's for that state's regulated vessels; so Georgia can't regulate South Carolina vessels who come down necessarily and fish for those species; so you have to keep that in mind. I guess that gets back to me harping on you've got to look at each species and decide whether it needs conservation management by this council; not just the amount of landings but what you know about each species.

MR. CURRIN: Yes, and the example I gave you with what North Carolina did last year, and we may be in a unique situation because of proclamation authority and the authority our commission has we can act fairly quickly to put in landing limits. We can't do anything about people fishing out there in the EEZ; but if they want to sell them in North Carolina they're going to have to adhere to the landing limits that are established by our commission and division. Duane.

MR. HARRIS: John, would you just read off those species that we're talking about that have landings less than a hundred thousand pounds that would be added to this list.

MR. CARMICHAEL: The ones that I had, looking at the 1999-2008 data, is tomtate, knobbed porgy, jolthead porgy, rock hind, yellowedge grouper, silk snapper, red hind, whitebone porgy and cubera snapper.

MR. HARRIS: The reason I asked him to do that is just trying to do what Monica asked us to do. I don't see that we're going to have assessments for any of those species anytime soon; and so it's just going to be a guess as to how we set ABCs and ACLs on those. I don't see any of those that to me require management at this point in time.

MR. CURRIN: Other comments? Myra just reminded me that Nick Farmer has an interactive table that he can put up if you want to and add in and take out and deal with species. I'm not sure what the end result is there, Nick. Is it based on landings or what exactly will it show us?

DR. FARMER: The table was designed to evaluate the combination of the alternatives that you guys have looked at, so it considers the 80 percent, state versus federal, the Florida Marine Life Rule and the landings' criterion all together.

MR. CURRIN: So that's available to the committee if you would like to see it. Roy.

DR. CRABTREE: Well, I would like to see something, for sure, and maybe that would be it or just a list or a table that gives the landings of all these, but I'd like to have something in front of me to look at.

MR. CURRIN: All right, we'll get Nick to fire up that spreadsheet or model. Do you want to take five minutes while he's getting that done?

MR. CURRIN: Let's get everybody here if we can. All right, let's get back to business here. Nick is set up with his spreadsheet so that these things can be manipulated, added, taken out and we can see the results very quickly. Myra handed me note that I guess bears on the motion that we have before us to draw the line at a hundred thousand pounds.

That would remove Nassau, wreckfish and Goliath which we certainly need to think about before we remove those, and I think they should be excepted. I'm not sure whether they were or not; I thought they were earlier, but they not be addressed in this motion. All right, we've got this spreadsheet up there now and Nick can show you how it works and then you can make requests on what you'd like to see and we can get instant results on that.

DR. FARMER: I guess the first thing to note is that this spreadsheet was designed around the council's most recent preferred alternative and incorporates the exceptions that have already been designated, which included cubera snapper, Goliath grouper, lesser amberjack, Nassau grouper, speckled hind, Warsaw grouper and wreckfish. Those are exceptions to this and probably would need to be deemed as such if there were the desire of the council.

But, under a hundred thousand pounds I have put a box around the additional species that would be eliminated on top of those that were pulled out by the 20K criterion. This is based off of mean 2005-2009 landings so it's a slightly different landings' criterion than John was presenting in his presentation, but is consistent with what has been presented in the ACL Amendment and all the other tables.

The species don't change from what John presented. Basically you're looking at three porgies getting eliminated; those would be jolthead, knobbed and whitebone. Then you have lane snapper and silk snapper, red hind and rock hind, tomtate and yellowedge grouper. Those would be basically your nine additional eliminations from the FMU by bumping up from 20,000 pounds to an additional 80,000 pounds up to a hundred.

DR. CRABTREE: Well, I don't think I'm comfortable with taking all of these out. I think I would be comfortable with removing tomtate, knobbed porgy, jolthead porgy and whitebone porgy, but I'm not comfortable with taking out silk snapper, yellowedge grouper, and I'm don't think I'm comfortable with hinds although I might be convinced.

Yellowedge grouper and silk snapper are high-dollar species. They're included in that deepwater closure we just put in place in 17B. I would be reluctant to that; but I think if we wanted to add a new alternative that would remove those species of porgy and the tomtate, I'd be comfortable with that. I guess I would like to hear some discussion as to how other people feel. I think just going with a hard and fast hundred thousand pounds is just a little farther than I'm willing to go.
MR. HARRIS: Roy, based on what you just said, I understand your rationale but how likely are we to get an assessment on any of those species anytime soon; and if we're not, why are we leaving them in for management?

DR. CRABTREE: Well, I don't think we will get an assessment, but I'm not sure we want to take everything out that we don't get an assessment for. I think they are high-value species that people potentially could target, and they certainly would keep them if they catch them. It just worries me to remove them from the FMP.

DR. PONWITH: Mr. Chairman, just a couple of thoughts from the science perspective. They're in the FMP right now for some reason; and backing them out of the FMP I think needs to be considered from the standpoint of what motivated putting them in there in the first place, Point Number 1.

Point Number 2, we are evolving from a species-by-species, stock-by-stock approach to a more holistic ecosystem-based approach. I want us to be, as we hold these discussions, attentive to the ecosystem principles as we evaluate these decisions. The concern about making the decision exclusively on some poundage threshold, it's why are they at that poundage.

Is it because they are indeed a very rare-event species or is there the possibility that there is some ecological aspect, some pressure that is being put on those species and that's why they're low in there. In terms of the probabilities of being able to do a stock assessment on these species, the SSC made an offer that I thought was very, very interesting – was it a year ago or two years ago this meeting – and their offer was that if we agreed to allow one stock assessment slot to go

toward the unassessed species, that some sort of robust analysis of those unassessed species could be done; you know, some sort of a P-star analysis on those stocks could be done.

We thought long and hard about that. There was an eagerness to do that but a concern about dedicating a stock assessment slot to that. I still think that notion has a lot of merit in terms of being able to evaluate the status of these stocks. It would not be an analogous type of assessment that we would give to something like a red snapper or a black grouper because they are data poor, but they would benefit from that type of analysis; to do a more science-based look at the status of that stock, its vulnerabilities, what percentage of its range is incorporated in the area within our jurisdiction. Those are the thoughts that I had as we continue the discussions.

MR. HARRIS: To that point, Bonnie, first of all, why are they in the plan; I was on the original Snapper Grouper Plan Development Team and everything that we could think of that we knew about we put in the plan. Most of those species have remained in the plan since 1977 or '78, whenever that original plan was developed.

Secondly, with respect to your ecosystem approach to management, I've been preaching that for years, but we're not going down that road. I mean we talk about it, but we're still basically doing single-species management because of the amendments to the law in 2007. I think an ecosystem approach to management is the way to go, but I don't see us getting there anytime soon; maybe four or five years from now but anytime soon.

MR. HARTIG: Basically we've been put in this box. I think we asked for \$10 million for additional sampling information for independent research and we got one. We probably won't get that next year. We've taken on – we've got about 20 stocks that we have assessments for and we've taken on 30 based on what we're going to cut out of it.

This exception is something we've been put in that box, and basically we don't have the money. If the agency comes up with money to manage these stocks and give us realistic numbers that we can come to the fishing community and say, yes, these are the landing limits you can have, that's fine; but if we're going to sit down under arbitrary timelines and cut these stocks down to the bone when we know absolutely nothing about them and probably never will, that's ridiculous.

I'm certainly willing to go to the hundred thousand pounds. I don't have a problem with silk snapper. I think if you go back in the landings, they were a prime target of the trap fishery. We got rid of that gear. I think maybe if you look at the hook and line, it's probably below of what they produce, and I don't have a problem with silk snapper.

Removing them doesn't mean they're not going to have management. It just allows the states to manage them. It's not like we're throwing them and we're never going to do any management on them. Lesser amberjacks, which we're going to keep in, already have state management. The cubera bag limit was introduced by the state originally and we did it for compatible regulations. Some of this stuff is coming to us from the states that we've already done. Certainly the states are capable of managing these species and I don't have a problem with that. You know, the box we're put in, let's not go down that path; let's cut it down to what we can manage and then that's it.

MR. CUPKA: I was just going to speak to what Duane said. I was on that original Snapper Grouper PDT and remember sitting down in Dr. Joseph's Office, Ed Joseph, when were trying to decide what species to put in, and we really looked at it more as a reef fish plan than a snapper grouper; and that's why you've got some of these species in there that obviously aren't snapper grouper species, but we were looking at what were you likely to encounter if you went out fishing on a reef, and that's how we ended up with those species. In hindsight, had we known where we were going to be today, we probably wouldn't have put some of those in there, but that's the way it came about.

MR. CURRIN: Yes, and I think we've talked about that a little bit on the record before, David.

DR. CRABTREE: Well, I hear what you're saying. I would point out that some of these species like silk and yellowedge I suspect with possibly a small exception in South Florida don't even occur in state waters. **What I would ask of you, if you're going to pass this motion, is that you change it slightly and then rather than modify Alternative 7, add a new Alternative 8 that puts in place a hundred thousand pound threshold.** Alternative 7 has already been analyzed and it is done, so I don't think it's anymore work, and that way if public comment is overwhelmingly opposed to this, you would be in a better position to make a choice at the next meeting.

MR. CURRIN: Is that a friendly amendment to this motion, Roy?

DR. CRABTREE: If it would be accepted, yes.

MR. CURRIN: Is it okay with the motioner and seconder? Okay.

MS. BROUWER: So is it your intent then to select the new Alternative 8 as the preferred?

MR. CURRIN: We'll go ahead and add it and do it in two motions, if that's the committee's desire. Anyone else feel similar to Roy regarding silk snapper and yellowedge? Keep in mind that earlier today we talked about modifying the closed area in 17B, and those are two of the species that were of concern there, so we're already essentially managing those to some degree. They're deepwater species; they're a rare occurrence; they're hard to catch unless the current is not running. Gregg.

MR. WAUGH: Mr. Chairman, I hate to raise this, but I was asked a question about what happens now in the MPAs? We prohibit fishing for snapper grouper species in the MPAs; so as we remove snapper grouper species then people can go out and fish in the MPA and target mutton snapper; they can target these other species; or is that something that the state could prohibit?

MR. CURRIN: That's a good point, Gregg. Is that written; I don't recall whether it's written as prohibiting bottom fishing or is it – I know it prohibits fishing for and possession of snapper grouper, but it doesn't prohibit bottom fishing?

MR. WAUGH: No, and we'll double-check but my recollection is it prohibits fishing for or possessing snapper grouper species.

MR. CURRIN: Well, then that's an oversight on our part because if we're allowing people to bottom fish, then they're certainly going to encounter snapper grouper species if they're allowed to bottom fish in those areas. I don't know, but it's a good point; thank you for raising it.

MR. PHILLIPS: It might just be simpler to go back and just close the MPAs for bottom fishing than trying to figure out what they could catch and what they can't.

MR. CURRIN: And we'll have to have that discussion later, but it's not necessarily relevant to this motion except as a clarification. So everybody is comfortable with leaving silk snapper and yellowedge or taking them out, I guess, for this action. Roy.

DR. CRABTREE: No, I'm not. I think if we narrowed this down some to a smaller array of species, I don't think we'd have that concern. **I would offer a substitute motion that we add a new Alternative 8 to remove tomtate, knobbed porgy, jolthead porgy and whitebone porgy from the fishery management unit.**

MR. CURRIN: Is there a second to that motion? I'll give you a minute to read it so you'll know what it is. Roy, did she get them all; those four are the additional ones?

DR. CRABTREE: Yes, that's it.

MR. CURRIN: All right to remove four porgies from the FMU. Is there a second; second by George Geiger. Discussion? Charlie.

MR. PHILLIPS: So we're basically talking about silk and Nassau; if we take them out and we see a problem, didn't I hear some discussion earlier that we can always go back and do emergency action and then deal with it on the off chance that we see a problem somehow?

MR. CURRIN: I believe that we did state that earlier or I stated that earlier and I didn't get any rebuttal, so, yes, I think we can add them back in with an emergency action. Be clear on this, though, the substitute motion only removes the porgies so that would leave the silk snapper and yellowedge in and I don't know how many others. Maybe we need clarity on that. Monica.

MS. SMIT-BRUNELLO: Just to clarify a couple of things; the MPAs, you cannot fish for a South Atlantic snapper grouper and no person may possess South Atlantic snapper grouper in an MPA. Just so we're clear, of course, if you took a species out and you saw a reason that it should be put in a fishery management plan, yes, you could put it in; not by an emergency rule, however. My point using an emergency rule was if you saw kind of circumstances come up that you needed to deal with immediately while you were working on maybe a long-term solution or not, but if you wanted to have some regulations in place for a short period of time.

MR. CURRIN: All right, so it would address a situation, Charlie, where we saw something going on and we felt like we needed to make a change, we could get in effect for 180 days and

work on an amendment to permanently do that. Okay, any further discussion? **All in favor of the motion raise your hand – the substitute motion, yes – 7; okay, all opposed, 4. The motion is approved and then that’s now the main motion.** Any discussion? All in favor of the motion raise your hands, 8 in favor; all opposed, 4 opposed. That motion is approved. All right, that deals with the porgies and leaves in the silk and the yellowedge. Roy.

DR. CRABTREE: I would move that we also make Alternative 8 a preferred along with the other preferreds.

MR. CURRIN: Motion by Roy to make Alternative 8 an additional preferred under this action; is there a second? Second by Charlie. Discussion? All in favor of the motion raise your hand, 9 in favor; opposed, 2 opposed. That motion is approved. Yes, Myra.

MS. BROUWER: Just to be clear you now have four preferred alternatives; Alternatives 4, 5, 7 and 8; is that correct?

MR. CURRIN: I was just looking at that and I think that is correct. All right, let’s move on.

MS. BROUWER: The next action is on PDF Page 282 and it is to designate snapper grouper species as ecosystem component species. If you recall, the analysis was done on all the species that met the National Standard 1 criteria for designation. It was found that all those species that would have qualified were also slated for removal under Action 1. In December you changed your preferred to no action.

MR. CURRIN: And there is a note there in book, anyway, the IPT recommends removing this action to the considered but rejected file. Robert.

MR. BOYLES: Mr. Chairman, so move.

MR. CURRIN: Motion by Robert; is there a second. Second by Charlie. Discussion? Monica.

MS. SMIT-BRUNELLO: Well, I guess to give you complete flexibility at your June meeting, there could be an occasion in which you may for a number of reasons want to consider designating some of these species as ecosystem species instead of removing them from the FMU; is that a possibility? I think it might be a possibility. I think if you take it into the considered but rejected you could still resurrect it because it’s there. It just might mean it might take more staff time to put it back into the document and reanalyze it. I don’t know; I’ll let Gregg maybe speak to it if he has got a better idea.

MR. CURRIN: Well, I think it’s certainly a possibility, a realistic possibility; I wouldn’t go that far. I think we’ve had a lot of discussion as we’ve developed this document on approaches to considering removing species, and this is just not one that seemed to make a lot of sense for a number of reasons if they were covered by other actions, that in fact were covered by multiple actions within the document in the approaches that we’d go, so I would be okay with moving it.

If we needed to bring it out for some reason, then we certainly could. I don't know how much analysis has been done. That's just my opinion and I guess the votes will tell the tale on this. Any further discussion on the motion? **Is there objection to the motion? I see none; that motion is approved.**

MS. BROUWER: Action 3 would establish species groupings for snapper grouper species and it's on PDF Page 290. There is a recommended change to the language of Alternative 2 as you see on the screen. It mainly just clarifies the methodology. Your current preferred is Alternative 4. Again, the IPT recommends some rewording to clarify the way this alternative reads.

MR. WAUGH: Mr. Chairman, if we're setting these species groupings – if we're setting individual ACLs and then we're creating these groups by summing the ACLs, what is the purpose of the grouping? We're tracking the individual species and you can't allow the ACL for an individual species to be exceeded. I just don't see the utility of the groupings anymore.

DR. FARMER: I can speak to that because I've noticed that there have been misunderstandings on behalf of both councils and the SSCs. Certain members seemed to follow it; others haven't. Basically the way that it works or it is proposed to work under the current preferred alternative for this council is that you have certain species with individual ACLs and those individual ACLs are tracked individually. Then you have a complex ACL for other species.

There is no overlap anymore under Alternative 4, your new preferred alternative. There are individual ACLs for I think it's like 16 species or so, and there are a few complexes – I think four or five complexes – yes, those are up there now. For example, under Complex 1, the deepwater grouper and tilefish complex, there is just going to be one ACL.

There is not an ACL for blueline tilefish and an ACL for silk snapper and an ACL for yellowedge grouper. There is just one ACL and that is for that complex. That ACL is calculated based on the SSC's control rule, whichever one ends up being selected. I can speak more to the Gulf of Mexico's because that is further developed, but the way that they've looked at is when possible they're setting ABC recommendations on a single-species basis; and when not possible, based on issues with identification or some other concern, they're using the complexes from the Gulf's preferred alternative, which is basically constructed the same as your preferred Alternative 4.

What they're doing there is they're creating an ABC recommendation for the complex. What would happen in that event is that you could take the ABC recommendations for the complex or for the individual species within the complex, however the SSC creates those puzzle pieces for you, and you would add those together and then apply whatever reduction from the ABC overall that you would want to apply to account for management uncertainty.

It is very similar to adding up individual ACLs but it is not quite functionally the same. The idea behind the complex is they create this buffer for these species that have landings that fluctuate through time or where there are identification issues or simply to simplify the management approach.

MR. WAUGH: Okay, we're going to have OFLs for each species; how are we ensuring that we're not exceeding the OFL for each individual species?

DR. FARMER: In general I guess the stock complex approach, the idea is that the sum of the overall ACL for the complex is going to be less than the sum of the various OFLs for the species within the complex, but, yes, there is no guarantee that you're not exceeding a specified OFL for that species. The mandate I guess is to look at the ACL, right, and so the idea is that the overall ACL is what you're monitoring for or what you're doing accounting measures for. This has been in front of both the Gulf and the South Atlantic SSC I guess two to three times each now and has been under a lot of review from the Science Center.

MR. WAUGH: And so a question for Monica, then; are we preventing overfishing for the individual species that are included in these groupings? Are we preventing overfishing for each of the species if we're just tracking the group's ACL?

MS. SMIT-BRUNELLO: I don't know. Are you going to have a group overfishing limit, an OFL for the group, right, and you would track that for the group? There is a reason you put them into these groupings. I'll ask Nick.

DR. FARMER: Yes, the groupings were designed for simplifying ACL management and accountability measures, and my impression from the National Standard 1 Guidelines was that the ACL was what was going to be monitored. I know there has been some discussion on behalf of the SSCs as to whether they need to specify an OFL for a stock that hasn't been assessed or if they can simply provide an ABC and not provide an OFL; basically say that OFL is unknown because there is no stock assessment. There is no formal designation of what actually would constitute overfishing for that stock, and so then the guideline is more adhered to the ACL.

MS. SMIT-BRUNELLO: So the guidelines do say, though, there are a couple of ways to monitor overfishing; and whichever way the council chooses to go, whether it's going with looking at the fishing mortality rate that exceeds MFMT or whether it's the catch exceeds the OFL. There has got to be some way that you're measuring I think whether overfishing is occurring. Do you believe by using these species groupings that we can measure somehow whether overfishing is occurring?

DR. FARMER: I guess the concept behind the species groupings approach is that you're lumping unassessed species together in ways that make sense because management measures for those species will impact the members of the group in a similar direction in terms of the impact on F, right, but there is no formal designation for those species that are in those groups as to what actually is overfishing other than the specification of the ACL, which is the NS-1 idea I guess to protect those stocks from overfishing – a way of creating management where none existed before in terms of a quota management system. There is a lot of stuff in that NS-1 Guideline about the creation of stock complexes and a lot of guidance as to how they would work and what function they would serve.

MS. SMIT-BRUNELLO: Oh, I agree with you.

DR. CRABTREE: The guidelines provide for the use of stock complexes and we've done it in other areas. There is no assurance that any of this is perfect; and anything that's based on landings-based management, at least without annual stock assessments no one can say with any surety what you're doing or whether it will succeed.

Certainly, when all you have are average landings to base it on is far from a perfect system so there are no assurances of anything. I don't have any reason to think that managing these species individually necessarily is going to result in any real improvement versus manage these as complexes, but it will be more confusing to people and administratively more complex.

Now, as we've removed species from this management unit, probably the utility of using these complexes has gone down somewhat because we have reduced the number of ACLs, but remember part of what we were trying to get at when we came at this problem was a manageable number of ACLs so that we would not be closing fisheries on a weekly basis almost. That's what we've tried to get at, but there is certainly no one who can give you any assurances that we're doing the right thing with any of these unassessed stocks.

MR. CURRIN: Keep in mind as well that by necessity what we're going to have to do with these things is take the ABC recommendation from the SSC and somehow calculate an OFL or a proxy or whatever. I think that process or that methodology perhaps gives us a little bit of cover or a better feeling maybe, Gregg, than if we had an OFL that we could measure with certainty and know that we were either over or not.

MR. WAUGH: And I think the complicating factor is the determination now that we have to specify OFL for each species. The species groupings make sense if you can lump some of these species in there that don't have an OFL; but now we have received advice from NOAA GC that we have to have an OFL for every species, so then I think at least on paper we should be able to demonstrate that we have measures that are not going to have those OFLs being exceeded.

If you take a bunch of small OFLs and put them in a group and just monitor the group OFL, I don't see how you justify that you're preventing overfishing of the ones that are going into that group. Now if you have a group and you say you're going to close the group when the group's ACL is met or when any of the individual ones ACL is met, then it's going to the lowest denominator in that group and then you can argue on paper you're preventing overfishing. But I think it's a determination of having to have an OFL for every species that now in my mind I don't see how the groupings work in that situation.

MR. CURRIN: That's a good point. Monica.

MS. SMIT-BRUNELLO: Well, it seems to me that with the guidelines saying, as Nick said, that you could have species groupings and there were good reasons to have that, I see no reason why you couldn't have a species group OFL for that group. Along the same lines of you had an ACL for the group, why couldn't you have an OFL that represented the group?

MR. WAUGH: And you can but you wouldn't have – if you had three species in a group and each of their OFL was 5, the group's OFL is 15, and if you don't close it until 15 is met, you could have 15 of one of the OFL species, and so you've resulted in overfishing.

DR. CRABTREE: Look, we're parsing this beyond reality here. The fact is with what we're doing, even if you have individual species OFLs, you can still be overfishing any one of them; because if they had poor recruitment and the stock biomass dropped and you're not reacting in terms of adjusting the OFLs, the guidelines clearly provide for multispecies groupings. There would be an OFL for the multispecies group so it is permissible to do this under the guidelines. If you don't want to do it, then change your preferred and don't do it, but it is allowable.

MR. GEIGER: I don't have anything add. Gregg asked the question I was going to ask a couple of iterations ago, but we started off with this process with having index species. What happened to that concept? We were going to have species groupings, but within those species groupings there was an original concept to have an index species to which the entire complex was going to be tied. Whatever happened to that?

MR. CURRIN: I think all the index species are now individual ACL species because we've got measures for those individuals. We did that because we were kind of impinging upon the rationale that Gregg was talking about earlier and how we were going to close, close with the index species or close with the aggregate. Nick.

DR. FARMER: And after review of the species groupings concepts in terms of management with the South Atlantic SSC, they expressed a substantial bit of concern that we didn't have the necessary data to support the use of indicator species because we weren't able to tie indices of abundance for the indicator species to indices of abundance for the unassessed species, and that would require a full-blown SEDAR process to accomplish.

It's extremely complicated and so it was encouraged to look for another path. I put up on the screen here the ACL final rule language that allows for the use of several stocks without an indicator stock with an SDC and an ACL for the complex as whole. I mean, it's right there in the language.

MR. CURRIN: George, Myra pointed out that we still have an alternative in there that does have the indicator species in it. George.

MR. GEIGER: And I guess the next question is do we have anything that indicates what – has the SSC reviewed this and do we have comments on that somewhere?

MR. CARMICHAEL: Yes, sir, indeed we do and that's a perfect lead-in for what I was going to direct your attention to, which is the SSC Report. They talked about this in November and a lot of the things that have been discussed here I think points that they made. There is no guarantee about preventing overfishing and uncertainty with what the groupings are.

They said there is no guarantee that the groupings defined will contain species that respond similarly to management actions. They felt that was a critical weakness and they pointed that

out. They noted a couple of specific points. They worded about a paragraph about it in general, but then they highlighted five points or so. One they stated is it is difficult to achieve OY in preventing overfishing in dealing with the groupings.

Fishermen will have to forego catch on some species and may overfish others. This I think gets at what you guys were just talking about. Additional uncertainty will have to be added both the scientific buffer to account for uncertainty in the groupings themselves as well as the implementation buffer to account for increased uncertainty in how catches will respond to management.

So the idea is that if you come up with some overall OFL that applies to, say, some of these groupings, something like the deepwater grouper and tilefish I guess is, what, blueline, silk snapper and yellowedge, that the OFL you get for those would have to be less than the sum of the OFLs for all of those. That's interesting one because we've talked about blueline tilefish with its landings on the increase and 250 or 300,000 pounds and the other two down in the 25,000 pound landings' level so I think in that case there would be a pretty big concern of what if you set an OFL for that that's 150 or 200,000 pounds and then potentially silk snapper and yellowedge grouper, ones that we just talked about being concerned with, you could very easily end of overharvesting those relative to the OFL that you think is appropriate on a single-species basis.

That one really sticks out because we've had these discussions about blueline and it perhaps being a developing fishery and putting that in there with those two and the vast scaling difference in their OFLs I think is a pretty big concern. If I have a fish with a million pounds in a group with another fish that's 25,000 pounds, the risk to that 25,000 pound fish is enormous. We just talked about fish with low landings that we feel there is a risk to them being overfished, and I don't see how we can do that and then put them in there with a grouping with a fish with a million pounds. We've just lost all protection.

DR. CHEUVRONT: Yes, and to that point, isn't it our intention that as some of these species get assessed, that we would pull them out of the complexes. And all because of the increase in the blueline tilefish landings that have occurred primarily off of North Carolina, that is the reason why for the last several meetings I have been pushing to move blueline tilefish up on the SEDAR assessment. We were successful in doing that, in getting it moved up.

Even if this complex is in place, we're going to set a group ACL based on this that would probably only be place for a couple of years until we get this blueline tilefish assessment worked out. I think everybody pretty much knows that any ACL that goes into place for blueline tilefish is going to be less, probably considerably less than what is being caught now, and so there is going to be constraint on that fishery, and it's something that is going to change within a couple of years once it gets its assessment done.

MR. CURRIN: All right, how do you want to proceed? Are you comfortable with the groupings after everything you've heard here? Are you concerned about any of the individual groupings that we have that you would want to modify in some way? I guess in a practical sense then, Gregg, the way we're going to do this is take the ABC recommendations for all these, use some

methodology to calculate an OFL, sum as OFLs, set an overall OFL for these groups, monitor landings; and if the sum of landings reaches that or the ACLs actually, whatever they end up being, then it will put into place accountability measures. Everybody is comfortable with that approach? Charlie.

MR. PHILLIPS: No, I'm not. I see just layers and layers on top of each other again. For some stuff that's not fished and mixing in with blueline tile, I just don't see it working. Maybe I'm by myself but I see this as layers on top of layers.

MR. BURGESS: I thought I read somewhere about blueline tilefish and an ACL associated with that. When blueline tilefish is in this complex as compared to being by itself, would it drop at all being compared with these other ones overall? I don't know; is that an appropriate question?

DR. FARMER: In terms of its ACL? Well, that would be up to the council. I mean the council is going to setting the ACLs and they'll be looking at management uncertainty and what sort of buffer they need to apply, and that could be carte blanche rule across or it could be very customized. I think one of the things you have wrestle with is you're using average landings to make a lot of these decisions and you need to decide whether you feel that average landings represents a sustainable harvest, and under a sustainable harvest and above a sustainable harvest and you're faced with a great deal of uncertainty in approaching that.

MR. CURRIN: It's not unlike what we just did with dolphin and wahoo to some degree. All right, we have a current preferred here, using the species groupings. Everybody understand the implications of that and how it's going to come about. We're going to have to ultimately determine ACLs for these species if we continue with the species groupings. Those will be summed into these groups or subgroups and utilized as an overall ACL for the group. Duane.

MR. HARRIS: Just to clarify, these groupings that are listed in Table 4-17 will change as a result of actions that we took earlier if those actions are ultimately approved; is that correct?

MR. CURRIN: Yes, there will be some of those species removed.

MR. HARRIS: I just want to make sure.

MR. CURRIN: Yes, some of them will not be there. All right, Monica.

MS. SMIT-BRUNELLO: In just speaking with Gregg, I want to be clear because I think maybe I wasn't on Monday. I think when I was talking about needing OFLs for the different species, I should have thought about the species groupings, and I wasn't thinking about them at the time. I think that reading the guidelines you're fine to have a group ACL for those species in which you felt that there are enough reasons – as in the guidelines if there are reasons to put them in a particular group, you can have one OFL for that group. You don't need a separate OFL I wouldn't think for each species in that group or why would you put them in a group in the first place?

MR. CURRIN: Well, that's Gregg's point I think. The advice we've gotten from our SSC so far is they're not going to give us an OFL. They're giving us an ABC. We're going to have to calculate an OFL either individually or as a group. The only way practical I know to do that is to calculate the OFL through some methodology for each individual species; and if we're going to put them in a group, then we're going to have to sum those OFLs and calculate an ACL or use the sum of the ACL, which we'll have from the ABCs.

MS. SMIT-BRUNELLO: Well, of course, you know I'm not a scientist and I don't play one on TV, so I would leave the – I don't know whether there is another way to do it and I would leave that up – I mean, whether Bonnie, Roy, Nick, anybody that could think of a different way to do it; I'm not sure, but it seems to me you could have one OFL for the group.

MR. CURRIN: I think we can derive one but we're going to derive it by summing individuals ultimately. Gregg.

MR. WAUGH: Based on what Monica says now, to me I can see how we use the groupings because you don't want to have individual OFLs. That's what creates the problem; so for species that we don't have an OFL for, then we're going to put them in these groups and we're going to derive a group OFL without individual OFLs. Okay.

MR. GEIGER: Well, if you do that, then why wouldn't you just use the OFL for what you might term as an indicator species and have that indicator species be the OFL? I mean if you have individual OFLs for all the species in the grouping and you add them up, then cumulatively you're going to have a much larger OFL, which if you achieve it might continue or contribute to the continued overfishing condition of the index species if it is overfished.

MR. CURRIN: Well, again, we do have an alternative in here that develops indicator species and it does it exactly the way you outline. I misspoke; we wouldn't be summing OFL; we'd be summing ABCs or ACLs and then – ABCs I guess and then deriving an over OFL for the group, so I did misspeak earlier. Brian.

DR. CHEUVRONT: Yes, that was the point that I was going to make about what you had said about you wouldn't calculating individual OFLs. You'd probably do it exactly the same way that the SSC derived individual species ABCs, sum those, and then back calculate the OFL from the sum of the ABCs.

MR. CURRIN: That's exactly right. Ben.

MR. HARTIG: Well, then how do you address the increased uncertainty that the SSC brought up in doing it that way? How do we do that?

DR. PONWITH: The way you would address the uncertainty is when you do your back calculation of OFL based on ABC, you would incorporate that principle in what methodology you selected. If there is a high level of uncertainty as to what the true OFL is, you would choose a back calculation algorithm that created a bigger gap between the calculated OFL and the ABC. You wouldn't pick 99 percent of the ABC equals – or that the ABC is 99 percent of the OFL.

MR. GEIGER: John, did the SSC comment additionally or were there comments contained jointly reference Alternative 3, which is the index species? Did they comment on the goodness of one versus the other?

MR. CARMICHAEL: I don't see where they commented on the index species. The indicators; no, I don't really recall them saying that. I guess their conclusion here was they recommended against using the groupings to define complexes. They recommended against using complexes in general unless there are species ID issues and they feel the single-species approach provides the best solution. In general they felt the single-species approach was the best way. I think they've reiterated numerous time. They've said if you go ahead with groupings for management reasons we understand that, but they've stated their concern about the biological risks to those species.

MR. CURRIN: That was their bottom line. Nick.

DR. FARMER: There is a report in one of your briefing books – and it might have gone out in those recent one as well, but it's a species groupings for ACL and AM management in the Atlantic Snapper Grouper Fishery Management Unit.

There is substantial discussion in there regarding indicator species. Some of that springs from several rounds of review in response to comments from the SEFSC and also from the South Atlantic and Gulf SSCs. Basically from being involved in all of the process, there was substantial concern regarding the use of indicator species basically because in order to use an indicator species the prevailing scientific wisdom was you needed to be able to demonstrate that implementing a management measure for that species would impact the other members that it was intended to represent not only in the same direction but also in the same proportional scale of impact for the other.

Basically your indicator species would have to be an excellent representative of the other species in the group; not just caught together but if you implemented, say, a bag limit for one for that indicator species, the implementation of that bag limit for that indicator species would then have the same trajectory and scale of impact on the fishing mortality rate for the other members of the complex.

Given the data and time limits at hand, we simply were not able to go through the intensive process of creating indices of abundance for all the various fisheries landings' data sets for all those species and demonstrate conclusively that CPUE for one species was highly significantly correlated to CPUE for the others. The Science Center and the SSCs just really did not like that approach.

DR. PONWITH: That actually sums up what my comment was going to be very well.

MR. PHILLIPS: Well, for the sake of putting this discussion to rest, I think maybe to make a motion to change our alternative to Alternative 1; and if we can get a second, then we can vote on it and go on.

MR. CURRIN: Motion by Charlie to change the preferred alternative to Alternative 1, which is no action. That leaves us with individual ACLs for all these species. Is there a second? Second by Tom Swatzel. Discussion? Charlie.

MR. PHILLIPS: Well, we're going to have layers on top of layers. The SSC likes the individual ACLs better from what I heard. I've listened to Gregg and I've listened to Ben, and I'm thinking we're going to be covered; plus we're lowering the number of species we're going to be doing assessments on. I think we can get close to getting them all assessed. If we get them all assessed, we don't need multi-groupings, anyway. I'm seeing too many layers on top of layers.

MR. HARTIG: Just remember we're under arbitrary timelines to get this done. We're not going to get it completely right this time around, so we can come back and revisit a number of these things as we go down and see how problems arise. Don't get too much heartburn about what you're doing right now because we can revisit it in the future.

MR. CURRIN: Other comments? Ready to vote; everybody understand the motion? **All in favor of the motion raise your hand, 7 in favor; all opposed, 6 opposed. The motion fails.** Was it 7/6? Okay, without my vote; I would vote opposed as well so the motion fails. All right, we're back to our preferred with the species groupings.

Are there any other motions to be considered on this action? I see no hands raised. All right, do you want to try to do another action? We might be able to get through one more action before 5:15. What have we got, the ABC control rule? Do you think we can get through it in ten minutes? No? Do you want to start or not? All right, let's recess until 8:00 o'clock in the morning, folks. We've still got a lot to do and we need to be done by noontime or whatever we're scheduled to be done.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Sea Palms Resort and Conference Center, St. Simons Island, Georgia, Thursday morning, March 10, 2011, and was called to order at 8:00 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: Okay, let's get started, if we can, please. We'll reconvene the Snapper Grouper Committee. Good morning, everyone. We will begin on PDF Page 299 in the Comprehensive ACL; Action 4, establishment of an ABC. We currently have a preferred there. I know we've had a lot of discussion about the possibility of using the Gulf control rule. We're certainly interested in looking at that, but I think we to get an assessment of that from our SSC before we seriously consider trying to implement something like that. In view of all that, is everyone okay with our current preferred for an ABC under Action 4? Brian.

DR. CHEUVRONT: Mac, I'm not okay with that preferred for the unassessed species largely because what has happened is I believe at the last SSC meeting, which I believe was done by conference call, they changed what they were using for the unassessed species; not 75 percent of median landings. John, could you review for us again what they did decide for that?

MR. CARMICHAEL: They've actually clarified that their intent in November, when they reviewed this amendment in detail and they gave some comments on it, was actually that for the unassessed stocks the ABC should be set at the median landings of the 1999-2008 period and OFL is unknown.

DR. CHEUVRONT: And in lieu of what they have said I think it's better for us to establish something along the lines of what our SSC has recommended.

MR. CURRIN: So would you like to offer a motion to try to do that?

DR. CHEUVRONT: We don't currently have a motion that really does that; do we?

MR. CURRIN: An alternative, no.

DR. CHEUVRONT: Excuse me, an alternative.

MR. CURRIN: I don't believe we do.

DR. CHEUVRONT: I would like to make a motion to create Alternative 7 under Action 4 for assessed species establish ABCs based on the South Atlantic SSC's control rule; for unassessed species adopt the South Atlantic SSC's control rule but establish an interim ABC equal to the median landings of 1999-2008 and the OFL is unknown until the SSC's control rule can be fully applied. I would like to also make that our preferred.

MR. CURRIN: Is there a second to that motion; David. Discussion on the motion? Everybody understand it? Roy.

DR. CRABTREE: So then we'll go into Alternative 5, I assume, and change that language; because based on what I'm being told ABC equals 75 percent is no longer the SSC control rule.

MR. CURRIN: That would be my understanding; rather than create another alternative, it would alter Alternative 5.

DR. CRABTREE: And presumably what the SSC is telling us is the OFL is at some level higher than that although they can't determine precisely where it is.

MR. CURRIN: That certainly is the implication. Further discussion on the motion? Read and make sure it's like you want it, Brian.

DR. CHEUVRONT: Myra, I think the only difference is you have in the second to the last line, "until the SSC control rule is complete" – the way the alternative reads now is "fully applied" and I think that's slightly different than is complete.

MR. CURRIN: Does that look to you, Brian; look good to you, David?

DR. CHEUVRONT: Yes.

MR. CUPKA: Yes, sir.

MR. CURRIN: Okay, any further discussion? **The motion is to modify Alternative 5 under Action 4 for assessed species establish ABC based on the SSC control rule; for unassessed species establish ABC equals median landings from 1999-2008 and OFL is unknown until the SSC control rule is fully applied and also make this our preferred alternative. Is there any objection to that motion? I see none and that motion is approved.**

DR. CRABTREE: I am concerned that when finish our work at this meeting we're going to have some inconsistencies in how we've handled things. It's not clear to me when we have OFLs and when we don't. It seemed like yesterday with dolphin and wahoo that we did have OFLs. Now we seem to not have an OFL or a value on it.

I think what staff needs to do is kind of go through the document and pull out how we've handled things in terms of the preferreds; is there an OFL, is there not; is there a step-down, and do that before the SSC meeting and try to get these things resolved so that we're clear. If we're going to say with average landings that we can't quantify the OFL, we have an ABC and the OFL is some level higher than that, I guess that's fine. That might be the most honest way to come at this. If that's how we're going to approach it we ought to do it in a consistent fashion and with consistent treatment of it in the document. We ought to be consistent about buffers and things, and I'm not totally sure that we are.

I think part of the problem is the advice we have the SSC has occurred over a number of years now, almost, and different people came in and their approaches have changed over time. I think we just need to do the best we can to get all that straightened out so that when come back in June we can sort of address that.

DR. PONWITH: I would add a level onto that as well, and that is consistent unless there is some aspect of the life history of the animal or some additional information that would justify a departure in the case of our lesser known species.

MR. CURRIN: Thank you; I had the same thought and thinking in particular about dolphin and wahoo and their life history characteristics and other factors that might cause an exception, and we need to be aware of those. John.

MR. CARMICHAEL: Well, part of it is – I think what Roy said is correct. You have these unassessed species, but some of the species that are unassessed such as dolphin and wahoo, such as golden crab, such as wreckfish, such as sargassum, such corals – I can go on – there are a number of species that the SSC has looked at specifically and in detail and they have given you other recommendations.

Then there is a group of species that they have not looked at in detail and it's primarily the snapper grouper species that are left in there, but there are some others such as cobia and which they really haven't looked at in detail that would fall under this. I was trying to look and see in the SSC report if they clarified because I know on the conference call that we had we were

specific about which species we're referring to and that we were referring to the unassessed species which the SSC had not made species-specific recommendations for. Then that allows that the SSC has a recommendation for the things like the dolphin and the wahoo.

MR. CURRIN: Yes, and I think those are the kind of exceptions that Bonnie would note and all of us would accept. All right, let's move.

MS. BROUWER: Before we go much further, I've pulled up the SSC report and there is a parenthesis that actually outlines all 22 species that their new recommendation would apply to.

MR. CURRIN: So they have already done that for us; okay, that's good.

MS. BROUWER: Action 5 is on PDF Page 308 and that is to specify allocations for snapper grouper species that do not currently have allocations. There are just some editorial changes that the IPT has suggested. Also, staff needs clarification if this sentence should be added to the alternatives, "The commercial and recreational ACL specified for 2011 would remain in effect beyond 2011 until modified," just to be consistent throughout. If that's okay with the committee, we'll go ahead and add that.

MR. CURRIN: Everyone okay with that suggestion from staff? Yes, Jack.

DR. McGOVERN: I just want to go back to Action 4 for Alternative 6; I think for the Gulf's SSC ABC control rule there was suggested wording for dolphin and wahoo. I think Rick had some wording to kind of correct what the Gulf SSC ABC control rule wording actually should be for that alternative. I didn't know if we wanted to modify that here.

MR. CURRIN: Rick, do you want to outline what that verbiage is and how it differs. I saw that note under Alternative 6, and to me it just seemed like a matter of making sure that it was accurate and reflected the Gulf.

MR. DeVICTOR: Looking at it, it looks like we can just remove the language that said ABC equals 1.5 standard deviations above mean landings 1999-2008" – if you actually go to the table below that outlines the Gulf rule, it's actually you can go to 1 standard, 1.5 or 2, so I think you can just take out that part of the sentence.

MR. CURRIN: Yes, as we discussed yesterday they have a couple of different tiers, depending upon what they know about the stock. Everybody okay with that? By consensus, that's fine.

DR. CRABTREE: I'm sorry to belabor some of these, but, John, explain to me why are we using median landings here? It seemed yesterday with dolphin we used mean landings. It seems like sometimes it's median and sometimes it's mean.

MR. CARMICHAEL: The SSC has stated that the median is the preferred estimator or the central tendency in most circumstances. In the case of dolphin where they used a very small number of years, they felt that the average was a better estimator. So when they've used the average it's tended to be when there are just a few data points.

DR. CRABTREE: Okay, and is that rationale in the document somewhere?

MR. CARMICHAEL: Yes, actually that rationale specifically to dolphin goes back to their April 2010 report, and they addressed it specifically there.

MS. BROUWER: Okay, before we move off of Action 4, we would also like to request some guidance on a couple of issues that came up. The ABC the SSC recommended for golden tilefish at their April 2010 meeting is lower than the commercial ACL that was just implemented in 17B. The SSC decided not to specify an ABC for golden tile because of the upcoming assessment. What we need to know is whether you would like us to ask the SSC to reconsider their ABC recommendation in April for golden tilefish.

DR. CRABTREE: No would be my answer. I have no interest in doing anything with golden tilefish until the assessment is completed, so I think we ought to leave golden tilefish alone for now.

MR. CURRIN: So does that leave us with an inconsistency then, Myra, or is that an okay approach?

MS. BROUWER: Well, there is an ABC that was established through Amendment 17B so that is just going to be lower than what the SSC recommended in April. That's what is currently in place; so if you're okay staying with that, then that is what is going to be in place until the assessment.

DR. McGOVERN: Yes, I think a clarification is the SSC previously decided not to specify what ABC was for golden tile because a new assessment was coming up and 17B established ACLs and said ABC was unknown. Then in April 2010 the SSC came up with an ABC for golden tilefish, but we have an ongoing assessment now so we're going to have a new ABC pretty soon.

MR. CURRIN: Yes, it doesn't make sense to fiddle with it and it will be in place for just long enough to change it with the results from the assessment. Roy.

DR. CRABTREE: What is the completion – when do we expect to receive the golden tilefish assessment, John?

MR. CARMICHAEL: The council will receive in December; and to add on to what Jack said, remember at one time we had hoped to get that golden tilefish assessment done last year. It was bumped for red snapper and then I think that's what compelled the SSC to go ahead feel that they needed to give you a recommendation at that time.

DR. CRABTREE: And what is the difference in the magnitude of what they've now said versus the quota we have in place?

MR. CARMICHAEL: It's like 20,000 pounds or something.

MR. CURRIN: Twenty to 30,000 pounds.

MR. CARMICHAEL: I'd say it's within the realm of uncertainty within that, and what they recommended in April was based on looking at the table of equilibrium conditions going back to the assessment. They discussed that, that was quite uncertain and it was quite a few years ago.

MR. CURRIN: All right, I think the consensus is to not fiddle with it.

MS. BROUWER: The other question we had had to do with gag; so here it may be appropriate to consider adding a table for multiple years of ABCs like we've done for other species. We chose to do that in Amendment 24 for red grouper and we've done that for black grouper as well. This is one of those situations where the yield is going up as the stock goes up. Here is a table with the projection from the assessment. I guess what we're using right now is the 2011 landings at 854,000 pounds. If you'd like us to look at the projections for 2012 through 2014, we can add that.

DR. CHEUVRONT: Do we need to make a motion for this or just direction to staff I think ought to be fine, but, yes, I think it would be great to list that.

MR. CURRIN: You okay with just direction? It makes sense to keep things as updated as we possibly can.

MS. BROUWER: I think those are the issues that needed clarification. Jack, did we have anything else?

DR. McGOVERN: The only other thing we talked about was red porgy, and its rebuilding strategy allows ABC increase, but 15A states that – and it's scheduled to increase in 2011 and 2015, but 15A says that any increase would have to be based on a new assessment or assessment update, so I don't know that we could allow that to increase here.

MR. CURRIN: That makes sense. I think the interpretation would be correct. Is everybody okay with that? All right.

MS. BROUWER: Okay, so now we can move on. We were discussing Action 5. Currently you have a preferred. It's PDF Page 308.

MR. CURRIN: All right, this is back to specifying allocations for those that don't currently have them. I think the preferred was to use the formula that we developed to calculate those allocations. Everybody okay with the current preferred? All right, I'm seeing heads nod.

MS. BROUWER: Action 6 is to establish ACLs and OYs for the snapper grouper fishery, PDF Page 314, and again your preferred is to set the ACL equal to the ABC and make that also be the OY.

DR. CRABTREE: Myra, where in here do we deal with yellowtail snapper and the jurisdictional issue?

MS. BROUWER: That's coming up; we haven't dealt with that yet.

MR. CURRIN: Everybody okay with the current preferred for Action 6? All right.

MS. BROUWER: Action 7 is accountability measures and ACTs on PDF Page 320. Here the IPT is recommending just some clarification. We added a table to the no action alternative just to make sure everybody understands which species we would be applying this to. Everything that is highlighted is changes the IPT is recommending just to make it more clear. We also added language to specify complex versus individual ACTs. That was not clear in the previous version.

MR. CURRIN: I think the groupings and removals that we suggested yesterday might modify these as well so those will be reflected in the new table, I presume. Brian.

DR. CHEUVRONT: Is it an appropriate time to talk about the recreational AMs at this point or are we still on commercial? Okay, I have a comment about the recreational ones when we get there.

MS. BROUWER: Okay, Gregg just pointed out that our no action alternative really should say do not specify AMs for this species in the table because currently these do not have AMs, so we'll make that correction,

MR. CURRIN: I'm sure everyone is okay with that. You've got some other language changes that we need to – or suggested changes that we need to make sure we're okay with.

MS. BROUWER: Of course, we would update this table based on what you've chosen to do in Action 1, so some of these species would be removed as well.

MR. CURRIN: And I guess the previous change in the no action alternative would take care of the Subalternative 2A. We've got preferreds for the commercial Alternative 3, which is pretty standard the way we've handled it in the past – everybody okay with that – as well as Alternative 4. If you've noticed, both Alternative 3 and 4, because of the way we set up the complexes yesterday with a single OFL or ACL – I forget what we did, but anyway we're going to have a single value for two, three or four species.

The way these alternatives are – the way they read now is that they would close if an individual or a complex was exceeded or met, so we're got to change that language to reflect that it will be the complex in those cases where we have a complex. Everybody understand? Are we okay with direction to staff to do that? That would apply to Alternative 3 and 4 and perhaps others as well. Gregg.

MR. WAUGH: And just to be clear so we know how to modify this, that's referring to the species in the table that is shown under Alternative 1; so for those species we would be tracking the groupings, for those species that are in a group. But if a species is outside of a group and does have an individual ACL, we would be tracking that species' ACL. Thank you.

MR. CURRIN: Exactly.

MS. BROUWER: So if you're okay with what you have for the commercial, then we can move on to recreational, and again you have the same preferred to use the PSE to establish the ACT for the recreational sector.

DR. CHEUVRONT: We have our preferred as being Subalternative 5C, but am I interpreting this correctly that we're saying that we are going to reduce the ACL by a minimum of 50 percent for the recreational sector, because that's kind of the way I read this. It says, "The individual ACT equals individual ACL one minus PSE or 0.5, whichever is greater," so that would tell me that 0.5 is the minimum amount that it would be reduced by.

MR. CURRIN: I see how you how could interpret it that way, but I think the reference to "greater" is the ultimate value after applying one or the other; the larger value. Do you know what I mean? For example, with the dolphin –

DR. CHEUVRONT: I do; it's the opposite of what I just said basically, then?

MR. CURRIN: Yes, it is.

DR. CHEUVRONT: But can you see how I interpreted it that way, and I'm wondering if somebody else would interpret it that way as well. Can we somehow clarify that language?

MR. CURRIN: Have you got some language you'd like to suggest that would –

MR. BOYLES: Myra has got it there. It's suggested to put the bracket after the parentheses and I think that clarifies it for me, anyway.

DR. CHEUVRONT: So our intention here really is to say that it can't be higher than 0.5.

MR. CURRIN: That's correct; that would be the maximum reduction. Roy.

DR. CRABTREE: Do we have a table in here, Myra, that shows these PSEs so we can get some sense of their magnitude?

MS. BROUWER: We currently do not.

DR. CRABTREE: I think we need that in the document before it goes out so that people can look at this. I suspect for many of these species we're setting an ACT at 50 percent or pretty close to it. Then the other question; are we taking any management measures on these species as a basis of the ACT? I guess what I'm getting at is, is the ACT really doing anything?

MR. WAUGH: I think following up on Roy's suggestion, what would perhaps be good is if we could be consistent in this part of the document as we are with dolphin and wahoo. There we

show the PSEs for a range of years and then show which value the council has chosen. I think that would be helpful.

MR. CURRIN: Yes, I agree, and I like the idea of looking at a range of years.

MR. CARMICHAEL: Isn't the idea that the ACT would be what you would use to pick your bags and seasons and such for the coming year; so if we use the example of sea bass where we recently talked about a bag limit, if the catch is 400,000 pounds and that were your ACL; if you applied this, let's say in black sea bass the PSE is about 20 percent, then you'd actually be targeting 80 percent of 400,000 pounds in setting your bag limit. You'd be targeting about 320,000 pounds for your bag limit and the 400.

DR. CRABTREE: But as this document is currently structured we aren't making any adjustments to those management measures; is that correct?

MR. CURRIN: Well, so far we haven't. I mean, they're under some sort of management now and included for the recreational sector under what – I'm talking about these snapper grouper species.

DR. CRABTREE: Right, so this is something that would influence future decisions. What we need to think very carefully about; we have a tendency to be quite conservative when it just affects something off in the future, but then when it's at our doorstep and we have to take it, we start scrambling because we don't want to be that conservative. Think hard about what you're doing here and are you going to be prepared, as John says, when black sea bass comes up again manage to 80 percent rather than to where we are. Otherwise, you set yourself up where you'll be scrambling at some point down the road.

MR. WAUGH: And I think it would be helpful to add some discussion to the document here perhaps with some of the material John put together to show what is going to happen. There is not going to be a decision coming back to the council. What you all are doing is setting up these values and then under your accountability measures you're authorizing the Regional Administrator to publish notices to make adjustments.

Once this comes online in 2012 and then you have the catches – say we're using 2012 for the first year; no, 2011; so once this comes online, how I read it they will look at the 2011 landings and see how they are relative to what you've set as your ACLs and ACTs. Then the Regional Administrator will publish notices to make adjustments according to your AM. This will trigger lots of changes in 2012, but as Roy has just laid out, you all won't have any input into that decision because you're outlining and authorizing the Regional Administrator to make those adjustments.

MR. CUPKA: But an AM won't kick in unless you exceed your ACL. You're using your management measures to try and achieve your ACTs so that you don't get to your ACL. The ACT, if you reach that, is not going to kick in an AM as I understand it; is that correct, John?

MR. CARMICHAEL: You've got it perfectly; well done.

DR. CRABTREE: And all of these adjustments that the Regional Administrator makes are all based on not going over the ACL, and the ACT doesn't play into it at all as far as I can tell, which leads me to wonder what the ACT is doing for us. I think all it does is when you come in down the road sometime and want to make adjustments, that's what you're saying the target adjustment is going to be.

MR. WAUGH: And Roy is right; you all made a decision at a previous meeting not to take the additional step of comparing your ACTs to the landings and adjusting management for any species other than dolphin and wahoo. I think those are the only two that we've done it for. What you would do is in a future amendment change your management measures to based on your ACTs, but that is not being done here.

As I read the wording, look at Alternative 6 – and we need to clarify that this is not your intent, but when this comes on line the 2011 landings will be compared to the ACLs, and the Regional Administrator will determine what adjustments need to be made.

MR. CUPKA: But, Gregg, in terms of running average and all, that's just to compare it to the ACL to see if you've exceeded it. It's not used in any way to adjust the ACL; that's done on a year-by-year basis; correct?

MR. WAUGH: Correct, and I think you want to get rid of this running average here like we did in other places because what that running average does is penalize the recreational sector and they end up paying back more than their overage.

MR. CURRIN: Well, it's a problem, Gregg, in the AMs, but I'm not so sure it's a problem here in determining whether you're over your ACL. Do you see the difference? When you use the three-year running average to determine the payback, then that's a problem. That's where the problem arises, but here it's a value that's smoothed to some degree – and that's the intuitive appeal – to determine whether you have reached or exceeded your ACL over a three-year period as opposed to a single year. Do you see what I mean? Brian.

DR. CHEUVRONT: And to continue on with that logic, though, Mac, let's take wahoo, for example. If one of these species had a three-fold spike one year in landings, the impact of that three-year spike would be felt – I mean, that one-year spike would be felt for the following three years, and that could then trigger in those years that overfishing was occurring or at least the ACT would have been exceeded and then we'd have to look at reductions through the AMs for that for those three years, and would that be something that we really want? I think without having landings and more species-specific information it really is difficult to apply that rule at this point.

MR. CURRIN: Well, there is no question in mind that we need to think about it and try to come up with some kind of method perhaps other than this that will account for some of the variability in the recreational landings in particular, the estimates of those. This may not be the best way to go about it, but I don't think we need to drop attempts to try to find some way to do it. I see your point exactly and Gregg showed us a great example of how it multiplies the impacts.

MR. CUPKA: But that's only if you're using a running average to set the ACL. Actually you're just using it to see if you exceeded the ACL, but you're not using to adjust the ACL, which is what you just said. That was my understanding of it; it would be a problem if you were using it somehow to adjust that ACL, but you're just looking to see if it triggers it.

MR. CURRIN: And that's why that didn't give me as much heartburn in this particular place; but when we're talking about payback and calculating paybacks, it is a problem. John.

MR. CARMICHAEL: I think what the council is saying is there is a desire to use some sort of technique that accounts for that uncertainty in the MRFSS estimates and the year-to-year variability that you see. We've talked about this some and said in the assessments there are different smoothing techniques that have been applied to the recreational data.

This might be something that maybe needs to go to the SSC and have them consider what are some appropriate techniques for dealing with this problem and how the council should deal with the uncertainty. I think there are issues with using this three-year average; and certainly if you get a really high year, perhaps it could have an influence over a number of years when you compare your current to your ACL, if that carries through.

And the same as a low year, you could perhaps mask a problem if you had an exceptionally low year. Maybe for now the council could consider something that just looking at the error bounds around a given year's estimate using the PSE for your year-to-year comparison until maybe in a future action you can take up some more sophisticated technique that might better deal with the data and as we figure out where the MRIP data goes over time.

MR. CURRIN: Well, that's certainly appealing to me and I would be in favor of asking the SSC and you and anyone else that might have some expertise to try to help us out with this problem.

DR. PONWITH: I was going to say something very similar with that with one addition. First of all, there are two things that can create a spike; and one is when it's a low-encounter species where you get a high sample of them, it can create what could be an artificially high spike in the landings with a very large error bar around it.

The other thing that could contribute to a spike is a genuine increase in the encounter rates of a species so that spike is real; so we have a situation, is it real or is memorats. In terms of finding a way to smooth, my thought was very similar to John's and that is rather than looking at the spike itself you look at the stability of the error bar. If the error is very high, it's indicative of the fact that it was indeed a situation where you had a combination of a low-encounter species that turned up in a couple of samples that created the spike, and using that would be I think very informative in the smoothing process.

MR. CURRIN: Yes, and realizing that's coming down the road, I don't know when, before we get this document finished like perhaps and maybe not, we've got to do something in the meantime. What do you want to do as far changing preferreds here or are you okay with where we are? Roy.

DR. CRABTREE: Well, I'd like to just think a minute about what is likely happen with some of these. If you look at something like banded rudderfish or something, a lot of these I suspect is true, the PSEs are very high. The landings can fluctuate from 20,000 to over a hundred thousand from year to year.

I predict we will end up in a situation where we have overshoot the ACL by six or seven times as much as it's supposed to be, which means instead of a 12-month season the next year you'll end up with something like a one-month season for this. Then I think you'll come in and the public and come in and say, "Well, why didn't you do something beside close down; why didn't you lower the bag limit? I think a lot of these are just part of the 20-fish aggregate limit."

So then we'll come in scrambling to do a framework to lower the bag limit rather than shorten the season. Okay, so then when you do your bag limit analysis, you're going to do the bag limit analysis to get to the ACT; but when we do the season closure we're going to do that just to get to the ACL. And then I expect people going to sit here and say, well, we're adding in all these buffers and now the ACT is 50 percent less than the ACL, and there are going to be a lot of issues with that.

My worry is then we come in scrambling that we don't want to do that. That's what I can see coming because we have virtually no regulations on a lot of these species; but because of the nature of the data we're going to get hit with I think a great many closures and some severe truncations of the seasons.

MR. CURRIN: Well, I think that's what the graph John showed us yesterday would indicate. I'm having a hard time trying to figure out what the solution is and how to approach it.

MR. CARMICHAEL: I think part of it is trying to apply very restricted rules apriori when we know we're dealing with uncertain information and we know we're dealing with relatively small values in a lot of cases, but those small values may have big consequences. It almost seems that there are going to be circumstances where you're going to need to judge each species on its own merit.

You're going to need to judge the quality of the data, the amount of the overage, the estimates themselves; and maybe looking at the 90 percent confidence bounds around a given estimate and incorporating the uncertainty in it is one way to set up some rule up front; whether or not that rule triggers action or whether or not that rule triggers more in-depth review, something like you do with some of your shrimp teams and such. It's almost pointing toward the need for – you know, the North Pacific has plan teams, the Mid-Atlantic has their technical monitoring committees that review the data, add it's value and determine whether or not they think you're legitimately over.

That's sort of what this seems to point toward to is that – what if you got a year like the wahoo estimate that we talked about yesterday. I think that's another one, Roy, it could easily point out the PSEs aren't exceptionally high on that and you decide that you're really over, but maybe you're not over that much; and maybe you don't need to be that drastic.

I think these kinds of circumstances – and we know they're going to happen in the data. We just simply know that's a fact. To really get in there and judge it I think you need a group of people who are familiar with it who can compare the private MRIP with the headboat and with the commercial and try to come up with what they think is an acceptable course of action for you and not force your hand so severely in dealing with many of these unassessed and essentially data-poor species. Maybe that's one out for it is categorizing some of these species that haven't been assessed and might lead to some more of these consequences – at least seem more likely to lead to such consequences at this point in time.

MR. CURRIN: Can we even do that? We've got to set an ACL. Unless we put all these things in a group and come up with a single ACL and I don't think we can justify doing that, then we're kind of tied to either small group single ACLs or individual ACLs, and we're going to get some kind of estimate from the landings.

As you indicated and Roy indicated, they're most probably going to be in the next three years way the hell over. We've got to do something and I guess we've got to have something in the plan that tells the regional director what to do and how to deal with it. I don't know what the outcome is. I'm having a hard time figuring out how to deal with it. I'm looking for help. Brian.

DR. CHEUVRONT: I don't know if this is possible or not under Magnuson; and if it's not I'm sure Monica will tell us, but is it possible that we could set up an ACT-type trigger that in the case of some of these species that have a real wide variability in their landings from year to year largely due to measurement error – because the PSEs are so high it has got to be measurement error or at least it has to be a huge part of the outcome that we would get – so I'm wondering if it's possible that instead of having to look at this on an annual basis we could say if it happens two out of three years, then we would trigger something.

Measurement error should happen randomly; and if it happens in one year, that could simply be measurement error but logically it would tell you it would not happen for multiple years in a row. If it looks like you're going over multiple years, then you probably really do have a problem; but if it's up one year and not the next, up one year and not the next two, up the next two years, that could still be measurement error.

I don't know if MSA would let us look at this over a multiple-year period as a way to try to smooth out some of this measurement error, but that's the only thing I can think of that will help us get rid of this problem that really isn't due to fishing behavior, we think.

MR. CARMICHAEL: So, Brian, perhaps something that said if the catch is beyond the 90 percent confidence interval for two years in a row.

DR. CHEUVRONT: Something like that as way of trying to control for some of that measurement error that we can't ignore but we can't control.

MR. CURRIN: Would something like that be acceptable, Monica, Roy, Bonnie?

DR. PONWITH: So it sounds almost like it becomes a binary question; is it over some level two out of three years or some frequency of events; so you draw a line and if a spike crosses it, it raises a red flag; if the spike crosses it again in the second year, then some action would be taken. There is logic to it.

It ties into the discussion that both John and I raised about the issue of the error bars. If you have broad error bars, there is a stronger chance a spike noise rather than signal. My question back to you on this, as we discuss it, is, is it just binary or do you take magnitude into consideration? It's a question for discussion.

MR. CURRIN: Well, I can see the appeal and impetus for considering magnitude, but it greatly complicates the whole process both for us and for the fishing public trying to understand why we're taking action. To me the simpler you can keep it the better it is for everybody around this table as well as the fishing public. I understand the accuracy improves when you start considering magnitude as well. Roy.

DR. CRABTREE: So the problem seems to me to be you decide you went over; so the problem is, okay, how much do you need to adjust next year to keep from going over again? And we know we get these occasional spike years that are really high, but then they don't repeat again for a while. Averaging doesn't work very well because when you average in that high year, everything is high.

What if we said, okay, if we go over, then we'll shorten the length of the next season, but the basis for the analysis to shorten the next season is going to be based on the previous five or six years and we're going to reject the highest harvest year and the lowest harvest year; we're going to do some outlier rejecting, which presumably would leave us with some years that are more representative and typical; and then we base the shortening on what happened then.

If we started getting a trend, then rejecting the outliers wouldn't make that go away, and that would mean you have something real happening and you'd end up making a shortening, but it would allow you just to get rid of these big spike years or these big low years – because of these have years where nothing was caught. It's zero so of them fluctuate from 30,000 pounds to nothing.

I'd be interested to hear John, Bonnie and Monica's comments on that. Because I'll tell you this; I'm being pushed from on high to think outside the box in terms of solutions to these kinds of things and exercise our flexibility, so I'm thinking outside of the box.

MR. CURRIN: I think you did a good job of it just then. It has a lot of intuitive appeal to me.

MS. SMIT-BRUNELLO: Just quickly, the guidelines envision I think basing accountability measures on some sort of multi-year average data, so I think we should take a look at something like this because it makes some sense given all the discussion we've had on the record.

DR. PONWITH: I think tossing outliers as long as you toss high and low is a rational approach and then dealing with the spikes. The one thing that I think would be worth discussing then is

what sort of threshold do you set for how high the error bars have to be, how broad the error bars have to be to fit into the category of species that you treat like this; because, again, I do want to be careful that we do this for species where at least we have some certainty that it's due to the noise in the sampling – you know, it's sampling error versus a true spike in the landings, and that could be tracked by the degree of the error bars.

DR. CRABTREE: Well, let me suggest this; if John and Jack maybe could sit down at some point today or in the morning before we come back to this at full council and develop a language for how an alternative that rejects some outliers would work and maybe one or two examples as to how it would work out from this list of species.

It seems to me if the data is fairly consistent and you through out the outliers, it shouldn't change the outcome very much. Then we could talk about putting an alternative in here at full council but have a little more basis for what we're doing.

MR. CARMICHAEL: And I think in doing that, I think that sounds like a pretty good approach and one thing that also would help I believe is defining how you go over incorporating the confidence intervals. I think that would be critical in it because say you have an ACL of a hundred thousand pounds and one year you get a catch estimate of 120, but you're 90 percent confidence intervals are 80,000 to 140,000, then, well, your lower bound is not greater than your ACL, so you would say, okay, we're really not over and we don't have to worry about this because it's just an uncertain estimate.

That will deal with just sort of the natural variability in the really high PSE species, which is one of the things we want to do. I think using that in combination with this approach as Roy described for when you decide, you know what, we really well over and it's beyond our confidence interval around the estimate in this year and we need to do something, and this is a good way.

DR. CHEUVRONT: This approach has some appeal to it, but I have one concern about species that will have multiple years of measured landings at being zero, because that will artificially reduce what would be the average landings if you're only going to throw out the one – you'd only throw out one zero; but what if you're looking at five years and you only had landings for two years, you're really going to be cutting down your average landings.

And it could simply be because they're such a rare-encounter species that you are artificially lowering the species. My guess would be that for probably every species that we're going to be managing, any year that we would have a zero would definitely be a measurement error. They simply just didn't encounter them.

What I would like to suggest to add, as you guys are talking about this process, keeping the idea what to do about zero years. Is it plausible to throw out all the zero years because that just means that no measurement occurred. It doesn't mean there were no landings. It's just that none of them got capture. Those zero years in some of these species could artificially reduce the target level that we're measuring against.

MR. CURRIN: That's going to require some thought, I think, because then if you remove them all you're maybe artificially pushing it toward the other end as well; I don't know. Roy.

DR. CRABTREE: Yes, and I think with the species we're taking out of the management unit, a lot of those zero-year species are gone, but the ones that will be left I suspect will be a handful of deepwater species that are predominantly commercial, and so we're not taking them out because they do have substantial landings but they have extremely low recreational landings.

I would think golden tile, yellowedge grouper and some things like that would, but it may be that's fairly low number of species. If John and Jack can look at this a little bit, maybe we need a special statement in there that say we do look at the last five years, we need something in there that says if three of those years are zeros here is what we do. I bet that would not occur very often.

Because we have multispecies groupings, I think for most of those deepwater ones that means you're lumping some things together and maybe that smoothed it out a little bit; I don't know. If these guys can work something up for us, we need to get this into the document in terms of alternatives and then we can refine it between here and June and decide what to do with it in June; but when this DEIS publishes, if we're looking at something like that in here, we need to have it here so that we encompass the range of alternatives.

MR. CARMICHAEL: It's kind of a complicated approach here in that we're going to involve outliers and keeping data and throwing out data and making some judgment perhaps. Should we, in putting this together, consider some sort of technical committee of some sort that would review this?

I'm thinking they would review it over e-mail and maybe have a brief conference call, SERO, Science Center, Council, SSC representation, perhaps, that could review this and decide if they think, yes, you know, this is the appropriate approach. They could consider things like the zeros and the low values versus the high values.

MR. CURRIN: It certainly sounds like a good idea to get it vetted to anybody and everybody we can. George.

MR. GEIGER: Yes, I agree, I think that's an excellent idea and good suggestion, John. In addition to you and Jack getting together to talk about the process of doing this, could we have possibly some analysis on what ifs, what if there is – you know, what are the ramifications of having multiple zero years and having it thrown out and what that could eventually do.

MR. CARMICHAEL: I think we could do that. I think we'd want to look at some – take some of those species we anticipate troubles with and see how it would work. I think the wahoo is a perfect example; what if we hit 2007 in wahoo, what we have done; what would this approach lead you to do. I think that will really help.

DR. PONWITH: I think that John's idea of getting kind of special teams together to troubleshoot this and work up some examples would be a very good idea and I would certainly

endorse that. I know that they'll do an excellent job of documenting their analyses and sort of the troubleshooting of this for inclusion.

I think the reason why that's a good idea is I think there is transferability of this idea certainly to other councils because we can't be the only council that have species with very spiky patterns in their recreational landings, so this is a good exercise.

MR. CURRIN: Yes, the Caribbean Council probably could benefit from something like this.

MR. GEIGER: John, and just to clarify, it's a plan to figure out worse case; you know, this is outside the box and it seems like a way that we can get out of this box; but if you don't plan for worse case and understand the parameters or what can happen under a worse case situation you're not prepared really to make a decision. That's basically what I'm looking at, the worse case of what can happen.

DR. CRABTREE: And we just need to bear in mind that I think the plan is to publish a DEIS this month; so if we're going to convene a working group, my suggestion to you is that you convene them next week on the phone and figure something out real fast. We can put some ideas in here and then they can work on refining it, but we need to get at least the skeleton of what we're thinking about into the DEIS. Then the group could meet some more between the next council meeting to kind of refine this and help us understand it, but this is something we need to move quickly on.

MR. CARMICHAEL: Actually I was proposing that part of what Jack and I would put together for you to consider would include that in the future we would have this group that would review these circumstances. So if in 2012 we end up with three stocks where based on the confidence intervals you decide they're over their ACLs, then this group would have three stocks to consider and to look at their data, look at their high/low years, look at their trends, and come up with a recommendation.

MR. PHILLIPS: I like the way this conversation is going and I'm thinking this can be use in some other places like dolphin and wahoo instead of just saying we had a high year and we're going to kick it out, but we could use this as the methodology in something like dolphin and wahoo.

MR. CURRIN: Okay, I'm sensing encouragement to try to get this done and perhaps enable us to get something into this document that can be brought back to us in June for consideration. It's clear what we have now has a lot of problems and is going to create even more because of the level of landings in many of these stocks.

What is the committee's intent as far as management for these – I don't know what to call them – lesser species, low landings' species. I guess we need to determine whether we intend to create some management measures to address these; are we content with the existing level of protection under the bag limits that exist for these? Brian.

DR. CHEUVRONT: At this point I'm not quite sure what to do about changing or considering moving the preferred until we can see some of these other things and the results of what we've talked about. My feeling right now is just leave it as it is knowing that we're going to come up with some other alternatives hopefully that we're going to get into the document for mathematical way of dealing with this problem. If we changed our preferred, I'm not even sure what we would change it to other than we could say that probably change it something else that we would change later. I'm not sure what the utility is in changing it at all at this point.

MS. BROUWER: Right, the question is not whether you should change preferred, but what do you intend to do as far as management measures that will have to be brought into play in 2012; so what I would suggest is that the committee consider making a motion to give staff guidance to add some language to the document that clarifies and basically states that you intend to come back and revisit this at a later time to then look at whatever management measures are appropriate, but right now it's sort of up in the air. We also do have a specification of an ACT that's not tied to any management measures, so we do need to address that.

MR. HARTIG: So, basically, Myra, these species now are covered by the blanket bag limit we have for 20 fish; is that it, Gregg, in the recreational fishery? Okay.

MR. CURRIN: That would certainly be the cleanest way to handle it at this point with the information that we have before us. I assume as we finish this document we'll have to have accountability measures in place so that will trigger some sort of additional management if the ACLs are exceeded as well, so it's not like we're just saying until we get around to it they're going to be under the 20-fish bag limit, I presume.

MR. WAUGH: And I think that the language that Myra has suggested is about the best we can do given where we are in the timing now because DEIS has to file within the next couple of weeks, and then you're going to be voting to send this to the secretary in June, so there is really no time to look at new management measures and analyze them at this stage.

DR. CHEUVRONT: I move what Myra said; so, Myra, if you could help us and put some wording up there, I'll just make sure that we agree with it.

MS. SMIT-BRUNELLO: Mac, I have a quick question while Myra is working on that. Right now the accountability measures for the recreational ACL are that if a certain level is hit, the Regional Administrator closes that fishery the following year or for – it says, If the complex or the individual is exceeded, the Regional Administrator publishes a notice to reduce the ACL in the following season by the amount of the overage"; correct?

MR. CURRIN: Well, the way I read 6B to reduce the length of the following fishing year by the amount necessary to ensure the landings do not exceed –

MS. SMIT-BRUNELLO: And that's fine and that's the preferred, but that's what we have now. We don't deal with bag limit reductions, we don't deal with anything; it's just that particular measure?

MR. CURRIN: That is where it stands right now.

MS. SMIT-BRUNELLO: Right, so there is a measure in place to – an accountability measure for the ACL.

MR. WAUGH: And just to make clear that under that there could be – for some of these species the length of the season will be reduced to zero; just so everybody is aware of that.

MR. SMIT-BRUNELLO: Maybe the discussion in the document, if it doesn't already say that, could say that.

MR. CURRIN: Yes, and I fully expect to see that with some of these things. All right, Brian, can you read your – or would like for me to read it?

DR. CHEUVRONT: I can read it, Mac; you've done enough reading for a while. I make the motion to direct staff to include language to clarify that management measures are not being established in this amendment.

MR. CURRIN: Motion by Brian; second by Duane. Discussion? I know the intent is clear here, but there are some management measures under wahoo and dolphin and perhaps even others. I know everybody understands that, but if you want it clarified a little better, then maybe we should. Brian.

DR. CHEUVRONT: Yes, we can clarify this. Okay, I'm going to read the motion again: direct staff to include language to clarify that management measures are not being established for unassessed snapper grouper species in this amendment.

MS. SMIT-BRUNELLO: I think you should include the word "additional management measures" because you have some management measures in place.

DR. CHEUVRONT: Okay, third time is the charm: direct staff to include language to clarify that additional management measures are not being established for unassessed snapper grouper species in this amendment.

MR. CURRIN: Is there any further discussion of the motion? Any objection to the motion? I see none; that motion is approved. Do you want all want to take a five- or ten-minute break right now?

MR. CURRIN: Let's get everybody back to the table. All right, are we done with that action, Myra, anything else we need to handle there?

MS. BROUWER: No, we can move on to wreckfish. Okay, the first wreckfish action, Action 8, specify allocations, is on PDF Page 330. Your current preferred is to divide the allocations as 95 percent commercial and 5 percent recreational.

MR. CURRIN: Everybody okay with where we are on wreckfish allocation; no desire to change it? Brian.

DR. CHEUVRONT: I think we've had a vote on this already and we lost about setting Alternative 3 as the preferred. I'm still not real happy with that because that 5 percent recreational, that TAC is going to be probably greatly reduced. I'm not sure how we're going to be able to even manage that. I have visions of snowy grouper all over again and this kind of scares me; but when this came up for a vote the last time I sort of voted down. The majority wanted this.

Unless somebody else is willing to speak to it saying that they're interested in changing this preferred, I'm just going to let it go. I just wanted to reiterate that I think having a 5 percent allocation for recreational is going to prove to be problematic for managing.

MR. CURRIN: Well, I don't disagree that it's problematic. Brian, but I think it's no more problematic than occasional recreational anglers encountering one and having to throw it back and not bringing it in. I guess that's the way I rationalize it. Charlie.

MR. PHILLIPS: I'm kind of like Brian. You know, when they dropped the snowies they ended up with a deep-drop fishery on one or two fish; and I think once they can legally have it, there are some people that are going to go target that one or two fish. I have a little bit of a problem with it; and like I say, I don't know how to fix it, but I do think there will be some targeting of those fish.

MR. CURRIN: Well, man, you've really got to want one to get one per boat, to ride that far offshore; I don't know. Myra.

MS. BROUWER: I just wanted to remind you that back in December you gave us some guidance to look into potentially changing the permitting requirements to make it legal for recreational fishermen to possess wreckfish. The regional office looked into it. Currently you need to have a wreckfish permit, a snapper grouper permit, you need to have allocation and all these various requirements.

It's something that is going to be a little complicated and maybe Jack can add to that. Jack, can you remind me? We looked into this, the IPT did discuss it and I think we decided it would be something that we couldn't handle in this amendment. It's something that is going to have to be done perhaps in Amendment 20.

DR. McGOVERN: You're correct, Myra.

MR. CURRIN: So what I'm hearing then is that probably what we ought to do is take the action out; is that the recommendation from the IPT? I mean, there is no sense establishing an allocation if they still can't keep the fish. Brian.

DR. CHEUVRONT: I'd like to make a motion that we remove Action 8 to the considered but rejected appendix.

MR. CURRIN: Motion by Brian; second by Charlie. Discussion? Is there objection to the motion? Are you objecting? Discussion.

DR. CRABTREE: Why would we move it to considered but rejected. If you want to change the preferred to no action, that would be fine, but I don't think you ought to move this to considered by rejected. I think it's all fully analyzed and all, and I'd like to hear Monica's view on that.

MS. SMIT-BRUNELLO: That's one to go. It's certainly simpler for the IPT who are drafting the amendment and making the changes. I guess the rationale would be that you're going to look at this on a global scale when you deal with the Wreckfish ITQ Program in Amendment 20; correct?

MR. CURRIN: That would certainly be my intent. It's an issue I don't want to drop. It's not that I'm against having an allocation for the recreational sector. I think they need one to prevent the discards, so it's an issue that I would like to see kept alive. George.

MR. GEIGER: Yes, and that's exactly why we put this in was to allow some catch or to bring in fish that were caught as bycatch to preclude throwing fish back dead. I've heard council members speak ad nauseum to their hesitancy and their disgust with throwing back dead fish. When these fish are encountered – there is a fishery for them already for the people who do meet the permit requirements in the for-hire sector.

However, there are recreational people who do encounter them; and when they do, if they have to discard it it's going to be thrown back dead. I don't why you have to have any permitting actions if you have an allocation for the recreational sector of a percentage and people are allowed to bring them in if they encounter one.

Set a boat limit if we have to, whatever it takes to allow somebody – if they catch one, obviously there is going to be more there, have them move. Hopefully they would move, but it precludes from throwing back those fish as regulatory dead discards. I speak against it; I think we should leave – and that there should be a recreational component in this fishery.

DR. CRABTREE: I understand what you're saying, George, but I would just point out, though, because the amount of fish that's allocated is so low I think where we left it in the management measures was it open one wave. It may reduce discards during that one wave but it wouldn't do anything the rest of the year. It may improve the situation somewhat but it's certainly not going to be all that effect I don't think at reducing discards.

MR. GEIGER: Well, it may not be all that effective; it's all determined upon your perspective. Any elimination of regulatory dead discards is positive; and if we get one wave out of it, you get one wave out of it. It's better than nothing.

DR. CRABTREE: And I'm not going to take a position on this one. It's whatever you all want to do. I'm just encouraging you rather than moving this to considered but rejected; if you don't

want to allocate anything to the recreational fishery, I think you'd be better off to just choose Alternative 1, no action, as the preferred but leave it in the document.

MR. CURRIN: Well, I don't think that's the choice that we were given. We want to allocate some for – or at least the majority want to allocate to the recreational community, but the guidance we've gotten is that it's way too complicated to pull it off in here because of the permit requirements and all of that. I don't quite understand all that.

DR. CRABTREE: Well, I don't either, really, so I guess if that's the guidance and you want to pull it out, so be it.

MR. CURRIN: I don't know what the difference is. Gregg.

MR. WAUGH: And to follow up on that, maybe it's just me still a little thick this morning, but I understand the situation that is in place now, we have all those other regulations, but what you're talking about doing now is consciously creating an allocation to the recreational sector and you've given them a one-wave season. I don't understand then why we would have to then have actions to change all the previous regulations that apply. We've never done that before.

When you increased the black sea bass size limit from ten inches to eleven inches, we don't have an action that gets rid of the ten-inch size limit. I guess I'm not understanding why if you're creating an allocation of wreckfish for the recreational sector and you're giving them a two-month season – and I believe that we have possession limit of one – and then why you have to go and undo all previous regulations. We've just never had that situation before to my recollection. But wreckfish is different.

MR. CURRIN: Monica, maybe you can enlighten us some.

MS. SMIT-BRUNELLO: Well, I was discussing a couple of other aspects of wreckfish with Myra, so could you sum up what Gregg just spoke to real quickly and then I'll answer it, or Gregg can sum it up. What was the previous discussion which led you to just make those comments?

MR. WAUGH: I guess I am thick because I don't understand what you're asking.

MS. SMIT-BRUNELLO: I'm telling you that Mac just asked me what I thought about this, and I would like you to restate what the issue is because I was talking with Myra and I didn't hear the discussion.

MR. WAUGH: Okay, what the council is doing in this amendment is creating an allocation for the recreational sector of 5 percent and putting in a two-month season and a one-fish bag limit, and that's their action. That should replace all previous management towards the recreational sector. We have never in the past – the example I used is when we increased the black sea bass size limit from ten inches to eleven, we didn't have an action that got rid of the ten-inch size limit.

We just said here is the new size limit and that replaced the previous regulations, and so it should be the exact same thing here. We shouldn't have to go through and undo all previous regulations that apply to the recreational sector because we're saying here is what we want to apply to the recreational sector. They have a 5 percent allocation, a two-month season and a one-fish bag limit. That's the new regulations for the recreational fishery, period.

MS. SMIT-BRUNELLO: Well, there really weren't regulations that applied to the recreational wreckfish fishery, right, other than they were somehow caught up in the aggregate bag limit. I tend to agree with you; what we would be doing, if you want to go ahead with this allocation and then with the other measures in terms of the bag limit and the season, then those would be added to the regulations.

There would have to be some adjustments made, and you're adjusting the ITQ Program, the Wreckfish ITQ Program when you do this, so there would have to be some changes made to the other regulations, because as Myra said initially you need a wreckfish permit, you need to be a shareholder and you need to have a commercial snapper grouper permit to possess a wreckfish. So we would say for the recreational sector you don't need those things. It's just like right now all the regulations pretty much say for commercial fishing to be exempt from the bag and the possession limits, you need a commercial permit for a variety of species, so we would deal with it in the same way. Am I missing the question?

MR. CURRIN: Well, no, I think you've got the question correct. My question is why is it so difficult? I mean, when I read regulations and laws and all of this, this, this, this pertain except that; so to me it's a simple matter to change the regulation and not diddle with the wreckfish permits, the ITQ Program, but just say except that recreational anglers will be allowed some allocation and some bag limit so and so. Is that undoable in that approach?

MS. SMIT-BRUNELLO: No, I agree with you, I think we could do it that way; and when you get ready to take final action in June you will have codified text in front of you, you'll have draft regulations in front of you, and you'll be able to see how all that plays out. No, I tend agree with you.

MR. GEIGER: You know, just to arbitrarily say we're going to have a two-month season I think is a bit precipitous, too. I'd say you don't know what it's going to be. This is a bycatch fishery. One thing that is for certain is they're encountering wreckfish in a lot more places than just the traditional commercial wreckfish locations, and that's one of the problems, that these fish are being encountered in other places now with more regularity. So, it might be a two-month season, but it may not, it may be longer.

MR. HARTIG: Well, down the road we need to find a way, George, to allow these recreational fisheries to occur. We need to have some kind of permit or whatever, some kind of way to identify those people who want to take part in the wreckfish fishery, the golden tilefish fishery and the snowy grouper fishery. We need to identify those people – it's not a very big universe currently – and go down the path and have a deepwater recreational permit possibly.

MR. GEIGER: A quick response, I don't have any problem with that; I think that's an idea.

DR. CRABTREE: With the preferred alternative right now is a two-month recreational season, July/August. That's when it's open.

MR. CURRIN: And at this point I would be fine with that and we could see how it goes and adjust things in the future, but let's deal with this motion that is before us, and that is to move the action to the considered but rejected file. In view of our recent conversation, I would not support the motion.

It seems to be more doable now than I was led to believe earlier. **All in favor of the motion raise your hand, 3 in favor; all opposed, 8 in opposition. The motion fails.** I guess if we want to keep this in, which would be my preference, then perhaps another motion to ask for development of regulations to exempt recreational anglers from the existing permits. Monica, help me out with the wording.

MS. SMIT-BRUNELLO: I don't think you need to ask for that because that will be done. I mean, if you specify that the recreational fishermen can have a certain amount of these fish, then the regulations will be drafted that way.

MR. CURRIN: Okay, so you're fine and staff is fine with where we are right now and we're going to move forward with what we thought we were moving forward with up until ten minutes ago. All right, anything else on the wreckfish? Roy.

DR. CRABTREE: One thing we need to do – and I don't know that we do anything now, but we vote this up in June, we need to very quickly start figuring out what are we going to do with the IFQ Program in the short term because we're going to need to be prepared to take some sort of action in the fall to deal with this. I think for a future agenda we're going to have to look at some alternatives for potentially an emergency rule or something to prevent the IFQ Program from essentially shutting down after these ACLs go into place at the end of the year.

MR. CURRIN: Well, I'm kind of hoping the SSC will take another very hard close look at the ACL they have established for wreckfish and consider some things other than just the median landings there as they have with some of these other species and perhaps adjust that. It never has made sense to me, but I agree with you, Roy. David.

MR. CUPKA: Yes, and that would be my hope, too. I think an action that we took earlier today may have some impact on that, but this kind of reminds me of the golden crab situation where they looked at additional information and which we do have on wreckfish in terms of average catches, sizes and things like that. It is kind of a special case and I hope they'll look at all that at the SSC when they meet in April, John.

MR. CARMICHAEL: Actually, the SSC looked at wreckfish, I believe it was in November – was it August when they looked at wreckfish – and they looked at the assessments that were available and they looked at the various estimates of MSY that had been done, and they felt that in some of the earlier years of the time series of landings and looking at the assessment values from those times, they thought overfishing possibly had occurred, and so they picked a period of

recent years after which the landings had come down from that previous high. So they have looked at wreckfish in detail and I guess if you asked them to look at it again, they can, but it isn't one that has fallen under the default rule, actually.

MR. CUPKA: The problem is now that the ACL is so low and it has to be spread among all the shareholders, and you've got people who aren't fishing in that fishery right now that are just sitting on their shares. That's going to have a tremendous impact as we heard last night on the boats that are fishing.

MR. CARMICHAEL: Right, and when the SSC first looked at wreckfish they discussed that and they were quite aware of that. Remember at one point they tried to avoid setting an ABC on that and they recommended that the council set the ACL because they had a very long discussion about the relation between ABC and TAC and the ITQ Program that you have in place.

That approach was sent back to them and said, no, they need to set an ABC, so then they looked at the assessments and they set what they think was an appropriate biological ABC and it's higher than the landings of the last couple of years, but it does create a problem within the ITQ situation, so we have an issue here where the SSC has set what they think is the appropriate biological limit; but because of the nature of the program that you have, it has perhaps much different consequences with regard to the management. And when they first discussed wreckfish, they spent like four hours discussing wreckfish and discussing that quandary and some felt that they got too far into perceiving the management and how the management should go, and they were directed to focus simply on the biological recommendation, which is what they gave. There is a management problem, but the ABC to them is an appropriate biological ABC.

MR. CURRIN: And that I guess emphasizes the important of doing what Roy just suggested very soon and looking at the whole ITQ Program for a short term. Roy.

DR. CRABTREE: Yes, because I would be very surprised if the SSC moved enough on this that we don't have a problem, so I think we are going to have a problem that we're going to have to address.

MR. CURRIN: Okay, so it sounds like it would be at least redundant to toss this back at them again when they've looked at it more than a couple of times. Gregg.

MR. WAUGH: Well, it might be worth posing a question to Bonnie; is there any information that the Center could provide to the SSC in terms of giving them some information that they may be able to use in April to address an OFL. It's not the SSC. I don't know if, Bonnie, they would be able to provide something, but that's one avenue.

DR. PONWITH: Well, I don't know the answer to that off the top of my head, but I'm certainly willing to look to see if new information is available that we could make available to the SSC in time.

MR. CURRIN: That would be great if you can devote a little bit of time to that to see what you might have. Okay, Myra, where are we?

MS. BROUWER: Moving on to Action 9, that would be to establish the ACL and OY for wreckfish, and again your preferred is to set it at the same level as the ABC.

MR. CURRIN: Everybody comfortable with that preferred? Okay.

MS. BROUWER: Action 10 on PDF Page 335 is to specify AMs for the fishery, and this is a recommendation from the IPT to change the language in the no action alternative. If it's okay with you, we'll go ahead and make that change in the document.

MR. CURRIN: Everybody okay with that change?

MS. BROUWER: And here we have the same issue we were just discussing under snapper grouper AMs, what to do about your current methodology for using the average and comparing that to the landings.

MR. CURRIN: Yes, and I'm not sure we can answer that question right now specifically because we've asked for some additional analysis on it, but I think the recommendation is that the committee also choose Alternative 2 as the preferred; is that correct?

MS. BROUWER: Right and this is something that should be done consistently throughout the document. When we went over dolphin and wahoo yesterday, Gregg clarified that the main alternative also applies to the various AM subalternatives, and we just need to make that clear. The best way to clarify in my mind is to also pick it as a preferred.

MR. CUPKA: A motion to make Alternative 2 also a preferred.

MR. CURRIN: Motion by David; second by Duane. Discussion? Any objection to that motion? I see none; the motion is approved.

MS. BROUWER: And if you don't mind also giving us guidance to do that throughout the document just for consistency sake.

MR. CURRIN: If you're okay with the guidance as opposed to a motion; everybody else okay with that? I'm seeing heads nod so not a problem.

MS. BROUWER: Action 11 is to establish AMs for wreckfish; it's on PDF Page 338. Again, the IPT made some changes to the language of the alternatives. Here we have some questions as to whether the council would want to retain wreckfish in the 20-fish aggregate bag limit.

MR. CURRIN: With the recreational allocation, I don't see any problem with retaining it in the 20-fish aggregate; does anyone else? Is there a conflict in the wording in this with referring to the 2 million pound commercial quota that I presume will also be changed in this document as well, so guess we need to at some point clarify that so that them seem to in conflict or is that a problem or not a problem?

I'm just referring Myra to the reference to the 2 million pound commercial quota, which I know is in effect right now, but that is going to be modified, is it not, in this document; so for consistency sake I'd – maybe it's not a problem. It's what is in effect I guess until this document becomes effective so maybe there is no problem.

MS. BROUWER: Right, I agree with that and will be consistent with the no action alternatives for other species as well where we have just stated the current regulations until the Comp ACL is implemented.

MR. GEIGER: I don't hear any discussion about changing the preferred; but if we move down to new Alternative 8 and that language, based on our previous discussion does that need to be included? I don't think so.

MS. SMIT-BRUNELLO: George's question kind of goes to one that I was going to ask. For IPT members that are listening to the meeting, some questions arose earlier on, even, about all the measures right now that are in the regulations that apply to the wreckfish fishermen in terms of how they offload, the coupons they use, all that sort of thing that goes with the ITQ Program, I assume that you would not want any of those things to apply to the recreational fishermen who harvest these so that they don't have to offload them at a certain time, call enforcement and all those sorts of things. Those would strictly be for the commercial fishermen and not the recreational fishermen.

MR. GEIGER: That's correct.

MS. SMIT-BRUNELLO: Okay, I think that clears up a lot of issues that people had when they were trying to draft – the NMFS personnel trying to draft text to accompany this amendment, and they ran into lots of questions along those lines, so I think that should clear most of them up.

MR. CURRIN: So your suggestion then would if that's our intent, to adopt new Alternative 8 also as a preferred?

MS. SMIT-BRUNELLO: Well, I don't know. I mean, it certainly should be in the discussion because you don't require any other recreational fishermen in the Snapper Grouper FMP to do all those things, so I think it's understood, but if you want to keep that in there, you can keep it in there. Otherwise, I would have it in the discussion.

MR. CURRIN: Everyone okay with just recommending that verbiage and intent of new Alternative 8 just be incorporated into the discussion?

MR. GEIGER: Yes, with the exception of moving it to another document.

MR. PHILLIPS: George, do you have an idea of would you want to put some requirement that when they catch one, that they report it to somebody somehow so that Roy and his people would have a way of tracking them since it's a bycatch. From the conversation, they're going to have a really hard time tracking them; so if we require them to report that fish, it may help.

DR. CRABTREE: I don't think we can pull that off in this amendment, and I don't know who they'd report to. I don't have anyone for them to report it to so we'd have to work that sort of thing out, and I suspect you would have huge compliance problems and that kind of thing. I think that's something we could come back to down the road, but I don't think we could get all that worked out right now.

MR. CURRIN: All right, so is that sufficient, Myra, then just to discuss this in the document as opposed to having an alternative?

MS. BROUWER: Right and your current additional preferred alternatives are to implement a one wreckfish per vessel per day bag limit and to establish a July/August recreational season.

MR. CURRIN: Everybody okay with that at least for the interim of getting this thing started? All right, I think everybody is okay.

MS. BROUWER: The next set of actions have to do with black grouper. The first one is to establish jurisdictional allocations, and that's on PDF Page 342. Your current preferred is to assign 47 percent of the ABC to the South Atlantic and 53 percent to the Gulf.

MR. DeVICTOR: Just a question; you can see on PDF Page 343 where the council has decided in the past that set ABCs for five years, but then the question becomes the catch limits, which is the next action, are you going to set that for three years, one year or five years? Red grouper you've set for three years in the future, so I think it's important to make it clear to the IPT and the people that write the regulations what should we put. You can see that according to the projections you have the increasing allowable catch – and again that's on PDF Page 343.

MR. CURRIN: What is the committee's desire here?

MS. BROUWER: The guidance that I heard you gave us for gag grouper was to go ahead and look at several years, so I'm just reminding you that it would be good consistent.

DR. CHEUVRONT: Yes, Myra, I think that's right; and I think if we have this scenario for any other species coming up, I think it pretty much ought to be the guidance from the council to the staff to look at those additional years.

MR. CURRIN: So is it recommended then to be consistent at the three-year – is that what you guys think would be most desirable, Rick, and have them all consistent at three years?

MR. DeVICTOR: Yes, I think that's best because that's what we're doing for red grouper. Just to clarify, for black grouper and gag the regulations would have the catch limits for three years into the future.

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

DR. CHEUVRONT: I would like to make a motion then that we consider calculating the ACLs three years into the future. Is that generic enough?

MR. DeVICTOR: And then, of course, in the third year you hold it until modified through future regulations is kind of how we word in the regulations.

DR. CHEUVRONT: That's fine; I'll take that as a friendly suggestion because we have to do something for beyond three years in case the council doesn't get to it.

DR. CRABTREE: I think somewhere in here it needs to spell out that those increasing ACLs are contingent upon not exceeding the ACL in the previous year; because if we have a big overrun, it's hard for me to see how we would justify increasing it the next year. I think, John, these projections are contingent upon staying at or below the ACL to do it, so I think just in the text we need to put in that contingency.

MR. CURRIN: Yes, I would presume that the AMs would trump that, but, yes, spelling it out so it's clear might be a good idea. Brian.

DR. CHEUVRONT: We're still missing the part that Rick mentioned about the third year ACL would remain in effect until changed by the council.

MR. CURRIN: Does that get it, Rick? All right, Brian, do you want to read that or do you want me to?

DR. CHEUVRONT: No, I can read it: specify ACLs for black grouper and gag for three years; the ACL established in the third year would stay in place until modified with a note that increasing ACLs are contingent upon not exceeding annual projected harvest levels.

MR. CURRIN: Second by George. Discussion? Is there any opposition? I see none and that motion is approved.

MS. BROUWER: Okay, the next action would specify sector allocations for black grouper. Your current preferred is to have 65 percent assigned to the commercial sector and 35 percent to the recreational sector.

MR. DeVICTOR: If you look on the last sentence of the subalternatives I would think that we would have to take those sentences out according to the last choice that you all made.

MR. CURRIN: I assume everyone is okay with that; direction to staff okay to handle that?

MS. BROUWER: The next action would establish ACLs and OY for black grouper and it's on PDF Page 351. Your preferred is to again set it at the same level as the ABC. This is where I think we need to talk about what you would like to do with the aggregate ACL that is currently in place for gag, black and red.

MR. CURRIN: All right, everybody understand the problem here? Brian.

DR. CHEUVRONT: While Myra is bringing that up, as I recall this whole thing, we set an aggregate bag limit for gag, black and red grouper simply because we didn't have assessments at the time for black and red grouper; and now that we do have assessments for all three species, I think it makes a whole lot more sense to separate – basically get them all out of the aggregation and just treat each of them as individual species. Whatever is going to get us to that point I think is really what I would prefer to be our final action here.

MR. CURRIN: Yes, I think the only problem we have is where to do the red. Gag is set and we're taking care of the black here. Red is scheduled to go in a separate amendment, but the timing of this is a problem.

DR. CHEUVRONT: Yes, and I believe Roy addressed this issue the other day and that we could keep it in the aggregate now to meet our statutory guidelines or requirements that we have to get to for January 1st, but then somehow get them disaggregated in that six-month period before we have to have the red grouper amendment done, and we can disaggregate at that time. What I was saying is I just think our final goal in dealing with this should be to disaggregate them altogether. I think it's just a procedural issue of how we're going to get there and make it happen.

MR. CURRIN: To me it would be preferable to get it taken care of as soon as possible, but I don't know what that does to screwing up Amendment 24. Rick.

MR. DeVICTOR: Yes, I think you would have to do it in Amendment 24; because if you did it in the Comprehensive Amendment you would be left without a red grouper ACL. Again, Amendment 24 will put in the red grouper ACL individually.

DR. CHEUVRONT: Yes, that might be the best place to do it and we'll just disaggregate it all there, but I think it is the council's intent, at least from my understanding, is that we want to disaggregate it; so if it has to happen in Amendment 24, that's fine, to meet our requirements. I'm cool with that.

MR. CURRIN: Is everybody okay with that approach? It makes sense to me. All right, is that clear? Is that sufficient without a motion?

MR. WAUGH: Just to be absolutely clear, then the aggregate ACL will remain in place with the Comp ACL; when that's implemented, then you'll have the aggregate and you'll have a gag ACL and black ACL. And then when Amendment 24 is dealt with, that's where you will then specify a red, and at that time it will get rid of the aggregate ACL? Okay, thank you.

MR. CURRIN: Everybody clear and that's what you want to do?

DR. CHEUVRONT: I think that's the only course of action that we can take really right now to make sure that we have an ACL that includes red grouper. Unless somebody comes up with a better or a different idea, I think that's what we have to live with.

MR. CURRIN: I guess the only question I have is will the establishment of these new individual ACLs for black and gag change the aggregate that was established previously, so that's just

going to remain in place? We've got some kind of conflicting numbers going on here I guess except that the aggregate takes precedence because it's in place; realizing that it's going to occur in the future sometime, near future.

MR. WAUGH: Right and your management response would be triggered if either the aggregate or one of the individual ACLs are met or projected to be met.

MR. CURRIN: All right, that's clear.

MS. BROUWER: The next action, Action 15, is on PDF Page 353, and it's to establish accountability measures for black grouper. Your preferred is to not establish a commercial sector ACT. There are a couple of editorial changes the IPT has made to the language in the alternatives. There is a note here that one IPT member questions the rationale for choosing to implement an ACT for the recreational sector when no AM action is triggered until the ACL is exceeded. This goes to what you've already discussed in relation to wreckfish and snapper grouper.

MR. CURRIN: Yes, I guess it kind of begs the question of the utility of ACTs in general and what we're actually getting out of establishing those if no action is required until the ACL is met.

DR. CHEUVRONT: And I've thought a little bit, Mac, about some of this issue, and if exceeding the ACT is not going to trigger any action, it makes me wonder why are we adding this layer of bureaucracy to the management of these species. Until such time as the council is going to have an ACT that triggers some kind of management and we decide that we need to do that, I don't see the utility of having ACTs.

But my question is before I can make a motion; do we have any ACTs in this amendment that actually do trigger management measures? I don't want to offer a blanket motion if it's going to undo some management measures that we have already put in place, so we need to be very careful how this would be worded.

MR. CURRIN: Yes, Myra and Gregg just whispered to me that the only place that's in existence right now is with dolphin and wahoo.

DR. CHEUVRONT: So if we did it just for the snapper grouper species we would be okay?

MR. CURRIN: I think so. Gregg.

MR. WAUGH: Just one point to consider; in hindsight you should have gone the additional step and looked at management measures. Our plate was overflowing. We couldn't finish red snapper so we're just getting now to really looking at the Comp ACL in great detail. You need the ACT in order to adjust your management measures.

If you leave the ACTs here, then you can use your framework in the future to adjust your management measures. If you pull the ACTs here, then you're going to have to in a future regulatory action establish those ACTs. I think it just helps you to leave them in here because

then it puts people on notice that here is the target that you're setting; that's what you're going to come back in a future regulatory action and adjust your management measures to aim for that target.

DR. CHEUVRONT: Okay, that's a perspective of it that I hadn't thought about in my own deliberations. What I think I would like to do then is just say thanks for the nice discussion; no motion at this time.

MS. BROUWER: One point of clarification that we would need is you have both Subalternatives 6A and 6B as preferreds. 6A would reduce the ACL in the following season by the amount of the overage should the ACL be exceeded; and Subalternative 6B would reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the ACL the following fishing year. Was it your intent to have both of these as preferreds?

DR. CHEUVRONT: I think the intent was to have some combination of these things available, but certainly not necessarily requiring both. I think there are other places – don't we have somewhere in the amendment where we say either shortening the season or reducing bag limits? I know we had this issue come up before and I'm just trying to figure out how we dealt with that. How did we deal with it in dolphin and wahoo, I guess?

MR. CURRIN: I think we gave explicit direction in most places. I'm not saying that there is not a place where we approached it this same way. I guess it leaves the discretion up to the regional director, but I would presume that there might be some conversation if and when circumstances occurred where it might get an indication from the council members about what they'd rather see. If we want to make a decision on we know which way we'd like to go, it would be cleaner and clearer to –

DR. CHEUVRONT: Because my concern, Mac, is that the way we have it now we are telling him to do both, and I'm not sure we want to say you must do both if this is exceeded. I would want to avoid that. I would like to have a little more discretion in figuring out what is the best thing for fishery given the characteristics of the fishery.

MR. HARRIS: I think it kind of depends on the way the regulations are written; how would the regulations be written in a situation like this? Would they give the RA the flexibility to do one or the other or to do both or do you need this made explicit so that it does give Roy that flexibility?

MS. SMIT-BRUNELLO: Well, I think Brian is right; it kind of reads like it's both. If that's not what you want to have happen, you should put that in there. I'm going to tell you that I guess for NEPA purposes and that kind of thing you want to leave the Regional Administrator very little discretion in terms of how you want him to implement these kinds of things. You could put an "or" in and get public comment when it goes out on the DEIS and see if you get any public comment there and then decide in June. I'm not sure what Myra thinks about that.

MR. CURRIN: Well, just for clarification and looking at the way we've treated it in other circumstances, we have chosen to reduce the season with other species; is that correct? Yes, for the non-overfished species, correct.

DR. CHEUVRONT: Roy might not like this because he probably would like something a little more specific, but couldn't we merge Subalternatives 6A and 6B and insert an "and/or" between the two, which would give the flexible leeway to either reduce the bag limit or reduce the season or both if somehow that was the appropriate action. I think probably Roy would prefer something more directive from the council; I'm not sure.

MR. CURRIN: Well, I think the choice is here to reduce the ACL by the appropriate amount or to reduce the season by the appropriate amount.

DR. CHEUVRONT: So, okay, reducing the ACL, but either way.

MR. CURRIN: Yes, we have had instructions on bag limits where we had higher bag limits.

DR. CRABTREE: Well, I missed some of the discussion here so can you fill me in on –

MR. CURRIN: Yes, we currently have two preferreds for accountability measures in the recreational sector for the black grouper. One of them instructs the – it's PDF Page 356, Subalternative 6A and 6B. One says we give the RA latitude or authority to reduce the season; the other one says we would give you the latitude to reduce the ACL by the amount necessary to prevent it from being exceeded. The question is whether we want to give you that choice or discretion or combine the two or whether you would be more comfortable I guess with just having one choice.

DR. CRABTREE: I thought what we had been doing was not putting paybacks in unless a stock was overfished. This stock is not overfished so it's not clear to me why – I mean, you can if you choose to, but I personally am not sure why we would do a payback here.

MR. CURRIN: Well, currently we have two different approaches to paybacks. Roy questions why we're doing paybacks at all.

DR. CRABTREE: If I could, Mac, I don't think you have two versions of paybacks. Alternative 6A is the payback where the overage is deducted off. That's optional and I don't think we've normally done that for stocks that weren't overfished. 6A is shorten the season to prevent overruns from occurring again.

MR. ROBSON: Well, given that and the fact that this is not an overfished species; do we need 6A? **I would make a motion that we remove Subalternative 6A as a preferred.**

MR. CURRIN: Motion by Mark to remove Alternative 6A as a preferred; second by Duane. Discussion? Any objection to that motion? I see none and that motion is approved.

MS. BROUWER: The next of actions we've already dealt. They're for dolphin and wahoo. This is perhaps where we need to talk about yellowtail because it would necessitate an action to establish jurisdictional allocations if that's the way the council would like to go. The regional office did some calculations to look at what those jurisdictional allocations would look like, so let me pull those up real quick.

This is not in the document. These alternatives were put together to show you during this discussion. The issue, as I mentioned yesterday, is that the Gulf Council has requested that the South Atlantic consider taking over management of yellowtail and mutton, but we currently don't have a split between the two councils.

There would be some issues to consider dealing with permitting that the South Atlantic Council would have to address if indeed they chose to take over management for these species. As I said, the regional office has put together a suite of alternatives for you to consider to specify allocations for yellowtail.

DR. CRABTREE: And we have a letter from the Gulf Council that they would like us to take over management. As I recall, Myra, the complication with that is the permitting issue and only the permitting issue; is that correct?

MS. BROUWER: That's how I understood it, yes.

DR. CRABTREE: So I guess I'd ask Monica, but right now to fish yellowtail in the Gulf of Mexico you've got to have a Gulf reef fish and to fish it in the South Atlantic you have to have a South Atlantic Snapper Grouper; so the South Atlantic portion, that remains unclear. Monica, if we took over management of this fishery could we require that in the Gulf you have to have the Gulf of Mexico reef fish permit, and that would pretty much maintain the permit situation as it is.

MS. SMIT-BRUNELLO: Well, we could try that. It's a little bit different because yellowtail wouldn't be under the Gulf Reef Fish FMP, but this would be something this council is doing. To be truthful, I'm not sure. I'll try to get you an answer by full council, but we could try it that way. That seems to be the simplest way if it's legally possible to get this done.

DR. CRABTREE: And I think we need to add these jurisdictional allocations in case the answer to that is, no, it won't work; but when you look at it, it's 98 percent of it is in the South Atlantic. I think the sensible thing here to do is go ahead and have one ACL and have the South Atlantic manage that fishery. Mac, I think we would add this action in, but then I think we ought to see what Monica's advice. If her answer at full council is, yes, we could do that, then maybe we could add another alternative in here that extends our management over into the Gulf and sets up what the permit requirements are. Maybe we could work up also, Myra, some language on another alternative that would handle that and then come back to it.

MR. PHILLIPS: And I'm assuming that those landings out of the Gulf don't have dual permits for the South Atlantic and the Gulf. We couldn't be that lucky.

MS. BROUWER: No, and there is also an issue with the recreational because both yellowtail and mutton are included in the aggregate bag limit for the Gulf and also in the South Atlantic so that would have to be resolved as well.

MR. CURRIN: I guess my only reservation is that we haven't horse traded something with the Gulf on this, Bob. We're taking this over but we're not getting anything in return, so I would think we would need some kind of payback. We've got them something or take something else away. I'm being facetious, of course.

My only real concern is how complicated and involved this is going to be to pull it off in this amendment and question whether it might best be approached in some later amendment. I don't feel strongly that way if the staff and everyone else thinks it's doable. Myra.

MS. BROUWER: I just wanted to bring your attention to what has been suggested by the IPT and the Gulf Council staff. To do deal with the commercial, as we just discussed, one possibility might be to allow yellowtail and mutton to be caught in the Gulf under a reef fish permit, but otherwise be subject to the South Atlantic regulations.

For the recreational, for charter and headboat operations, we could do the same thing as suggested for the commercial permits. As I mentioned, the issue with the aggregate bag limit, one solution would be for the South Atlantic Council to take them both out of their respective – of the aggregate snapper limit and give them each an individual bag limit. We would need actions for these various things to happen in the Comprehensive ACL Amendment if you choose to go that route.

DR. CRABTREE: Well, for one thing I think yesterday we decided to take mutton snapper out of the management unit.

MS. BROUWER: That's correct so this would be just for yellowtail.

DR. CRABTREE: Yes, and, Mac, I have tended to agree with you and that still may be the case that it becomes too complicated, but I sure don't like the notion of having 2 percent ACL to deal with in the Gulf either. If there was a solution that we could just keep the current permitting requirements and fix the bag limits and do it, I'd like to try and pull it off, but I don't know if we can or not.

MR. CURRIN: I guess where we are right now is Monica is going to take a look at this and maybe a little bit later at full council inform us as to how complicated it is, and at that point we can decide whether we want to try to move forward in the Comprehensive ACL or defer this to a later action where we can spend a little more time with it and make sure we get it right, which is important as well. Everybody okay with that approach? We'll just see what Monica has to say and what she can come up with as a reasonable approach.

MS. BROUWER: Okay, jumping over to Action 26 on PDF Page 428, this is to establish ACL and OY for golden crab. Your current preferred is to set at the same level as the ABC which has been recommended by the SSC to be 2 million pounds.

MR. CURRIN: Everybody okay with that? I'm seeing heads nod.

MS. BROUWER: The next Action 27, establish accountability measures; we do recommend a change in the wording for the no action alternative; and if that's okay with you, we'll proceed with that change. Your current preferred is again after the ACL is met or projected to be met, all harvest, purchase and sale of golden crab is prohibited. And then if the ACL is exceeded, the RA shall publish a notice to reduce the ACL in the following season by the amount of the overage.

MR. CURRIN: Everybody okay with that?

MS. BROUWER: Here I just noticed that we have ACL or ACT, so if it's okay with you we'll remove "or ACT" from that language.

MR. CURRIN: That makes sense.

MS. BROUWER: That's the end of the Comprehensive ACL Amendment.

MS. SMIT-BRUNELLO: I just note that right before the golden crab, sandwiched in between wahoo and golden crab, there is sargassum. It's not an action and I agree it doesn't have to be an action. I read the minutes and I think I skipped around on that issue. I agree it doesn't have to be an action, but what you're essentially doing is saying that the measures – what you have in place right now for sargassum is equated to an ACL and accountability measures for sargassum, and so you're just noting that is what you're doing and that will be reflected in future Sargassum FMPs.

MR. CURRIN: All right, done, good job, thank you all for that. We've got one more item of business on the snapper grouper agenda and if we work efficiently I think we can finish by 10:45. Roy.

DR. CRABTREE: Just a question and maybe it's for David; when do we plan to come back to the Snapper Grouper Committee Report? I think on the agenda it's this afternoon; is that what we're going to do or are we going to do the snapper grouper tomorrow?

MR. CURRIN: I would hope we do it tomorrow or at the very least very late this afternoon. We've got to give the staff time to put together a report.

DR. CRABTREE: Yes, my preference would be in the morning if we can do that, David.

MR. CURRIN: David, Roy's question was when do we plan to do the Snapper Grouper Committee Report to the full council? It's scheduled for today, but he expressed a preference and I would agree that if we could do that the first thing in the morning it would allow staff more time to get a report together.

MR. CUPKA: That was my intent, Mac, to move it back and give staff – there is still a lot of work and things we need to do on that.

MR. CURRIN: All right, thank you very much. Brian.

DR. CHEUVRONT: I thought you were getting to other business.

MR. CURRIN: No, we've got Amendment 24 to deal with, the red grouper amendment.

MR. DeVICTOR: What we were going to do is talk about MSST – the Science Center was going to give a presentation on that – and also talk about a rebuilding projection that they have forwarded to us. It's already an alternative in the document. That's all we had to go over with Amendment 24. Again, that was taken out to scoping and all those comments are in the briefing book. We were going to get a couple of presentations from the Science Center.

MR. CURRIN: That's great and I think Bonnie also had some preliminary information on the longline study that she wanted to share with us and share with the public the results of some of that. I'll just turn it over to you guys and let you roll it any way you want to.

DR. PONWITH: First of all, I want to express my gratitude to the fishing industry, both the commercial and the for-hire headboat people. All pitched in and helped basically to pose a hypothesis. We sat around the table at Jekyll Island; we talking about this at length in several phone conversations and meetings.

It helped us to prepare a study design to go out and test this hypothesis, and that is is there a cryptic biomass of relatively old and large fish in the Southeast United States Continental Shelf Break. Specifically what we were looking for is, is there a difference in the age structure, size structure or the CPUEs of fishes caught in the more heavily fished shallow waters relative to the shelf break which we hypothesized was less accessible to the fishing industry because of the high currents there.

Again, here are the objections. I won't read them through to you but you can see the study area and you can see the objectives of the study based on these discussions that we had. This also gave us an opportunity to see what longline sampling did in terms of a gear type for the longer-term fishery-independent stock assessment information we're collecting.

Again, the study area comprised the center of red snapper abundance in the area. The survey study design was discussed at length with the fishing industry, so we really tapped into their expertise and experience in this. We established three depth strata, eight latitudinal bands in the area and set four longline sets in each of 24 sites.

We put out a request for proposals so the vessels that we chose to work on was as a result of a contract bid. Part of the stipulation they had to have a proven track record using this gear in these areas. We wanted to make sure we had expertise in that. The surveys were all accompanied by a fishery observer, and their role in this was to actually do the data recording.

The fishes ages were determined by extracting the otoliths from each of these fish. I do want to pause now to commend the staff who worked really diligently on getting those otoliths processed

quickly enough so we could talk about this at the meeting this week. The results are to the right there. You can see that we had 96 sets made shown at the right. This is the combinations of depth strata and latitudinal bands.

Over these 96 sets we caught 218 red snapper. You can see the distribution of those red snapper in three subcategories of depth; the shallow, the middle and the deep waters. The age range ranged from three years to fifteen years for the 218 fish that were caught. You can see the size range stretched from 48 to 96 centimeters. The largest number caught in one set was 19 and 57 percent of the sets had zero red snapper in it.

In terms of catch-per-unit effort you can see the catch-per-unit effort to the right based on the size of the dots there in each of those strata grids. The mean catch-per-unit effort didn't vary significantly by depth or by latitudinal band. We didn't see a clear trend in those categories. We didn't see evidence of greater abundances in terms of catch-per-unit effort in the shelf break waters relative to the deeper waters.

Then looking at the age by depth strata, you can see the age broken down by their proportional representation. And, again, comparing the shallow to the middle to the deep, we didn't see strong evidence of older fish being found in the deeper waters. When we take a look at the relationship of the age again by depth, we didn't see strong evidence of a pattern showing a differential between the shelf area versus the shelf break.

The same is true is for the mean length per longline set as a function of depth. We didn't see strong evidence or evidence of a pattern there of larger fish being caught on the shelf break relative to the shallow waters. Our conclusion – and again this is one year of data, but the conclusion based on the patters that we saw were that the hypothesis that there was a cryptic biomass in the deeper waters wasn't supported by this one-year study.

Now, this is true in terms of catch-per-unit effort of the age and of the size of these fishes. I've had people ask the question, well, one year's worth of data, is one year enough? Sampling more is always better, but this is a strong indication. I've had people ask the question should you have been fishing in the summer versus the winter.

Well, it's possible that we would have gotten higher numbers of fish, higher catch per units of effort in the summertime than in the wintertime, but the last time we sampled in the summer the hypothesis was that fishes from the shelf break coming into the shallower water to spawn in the summertime; and actually sampling in the summertime might confound the study.

In other words, you'd have a more homogeneous distribution of fishes in the summertime because those fish were moving into spawn; and so if you were going to see a difference between the shallow and the deep water, the time that you would expect that to be the strongest is in the wintertime. As is true of any study, every study you do generates a new suite of additional questions.

One of the questions that I've been asked is are you going to continue the bottom longline sampling into the future. This is a really tough question because I think the longline data are

certainly valuable. They have lent us insights this year that we didn't have last year because we didn't have these data. The question that we're faced with is with limited amounts of money for fishery-independent data what sample design, what sampling gear, what regime gives us the biggest bang for the buck.

We've been looking at these preliminary data very heavily and conclusion right now is that for this year we'd like to roll the money that we used for the bottom longline sampling into enhancing the coverage and the density of coverage in the video trap sampling to give us higher confidence intervals for that level of sampling for this year.

And, again, we intend the sampling program to be adaptive as we learn new things, as we come up with new hypotheses, to be able to make these adjustments, but the purpose of this is by taking that money and rolling it into the video trap sampling it will enable us to double the number of days at sea for that. As you can imagine, it's a non-trivial adjustment to video trap sampling. This should give us good data not only for red snapper but also other key species of keen interest such as black sea bass and some of the other reef fish species. That concludes my presentation if there are any questions.

MR. CURRIN: Thank you, Bonnie, very much, very instructive information. Duane.

MR. HARRIS: Bonnie, who made the decision as to exactly where to make the longline sets; scientists or fishermen?

DR. PONWITH: Those decisions were made by the fishermen.

DR. CRABTREE: Bonnie, you had a slide that showed the proportion of different ages at depth, and it looks to me like that of the 200 and something fish that were caught, the vast majority of them were age six or less. I think this is consistent with a very large year class out there and a truncated age distribution, but I'm not sure it's very informative really in terms of do older fish tend to be more abundant out there or not because there were so few old fish caught, that I think it's hard to reach much conclusion.

I'm guessing that 80 percent of the fish you caught were age six or less, six or seven or less, and that only leaves you with a handful of older fish. I think, yes, this may address the question of cryptic biomass, but I think the bigger question in terms of the assessment is selectivities, and I'm not sure this really is all that illuminating in terms of what the selectivities are because so few older fish were encountered anywhere.

DR. PONWITH: Yes, that's a good point. One of the things that we're doing – again, these are fresh-off-the-press data, and so we're still doing evaluations on these data and comparisons of these data to our other data sources and questions of interest are how do the patterns in age composition of these data compare to the fishes that we're catching in the fishery-independent data using the video traps and then also how do these patterns compare to the actual landings' data.

I think looking at these questions will help tease out additional information; but, you're right, there aren't old fish and so basically by not having old fish in the shallow water and not having old fish in the landings in the deep water, it basically reiterates that this corroborates that the old fish are scarce or we would have had more encounters of them and does make the comparisons difficult.

DR. CHEUVRONT: If I'm understanding this correctly, this doesn't negate the fact that the fishermen are telling us they're seeing a lot of big fish out there. If I'm not mistaken, red snapper are a highly variable size at age, and so they still are seeing those really big fish, there is a lot of fairly sizable fish out there. The issue still is that there aren't old fish.

DR. PONWITH: I think that's safe to say. Again, these are preliminary data and I would like to look at the spread of age distribution by – or weight distribution by age and length by age to see how wide those are, but the general thinking is absolutely we are seeing large fish out there. This is a good thing. We can continue to see that high pulse of that very strong year class, and this is a good thing, but we aren't seeing those older fish that we would expect to see in a really healthy, rebuilt stock.

MR. CURRIN: Mr. Chairman, just for your information, we have a couple of things I've been notified by committee members they'd like to take up under other business; so if it's okay with you after the public comment period if we could go back into the Snapper Grouper Committee for what I hope will be a short while and then we will be through with that.

MR. CUPKA: It's not a problem; we can reconvene. Let's take a short break so staff can finish setting up for our public comment period.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Sea Palms Resort and Conference Center, St. Simons Island, Georgia, Thursday afternoon, March 10, 2011, and was called to order at 2:30 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: We're on Amendment 24 and those are not going to be ready. We'll see those in June, I presume, and some discussion on MSST also may occur in June or sometime soon. That brings us on our agenda to other business and I've have a couple of council members indicate that they had something they wanted to bring up. Brian, I'll let you bring your issue forward.

DR. CHEUVRONT: Mac, I just wanted to bring something to the attention of the council that I was requested by the North Carolina Marine Fisheries Commission to bring an issue before the council. A letter was sent from the commission that I was received I know earlier this week by Chairman Cupka.

In this what we have asked the council to do is to consider limiting the use of bangsticks in the EEZ off of North Carolina for purposes other than personal protection or for the harvest of greater amberjack. Our concern largely has to do with potential localized depletions. We had a couple of instances last summer where people were landing many, many pounds of grouper and they were targeting the larger fish and they were hermaphroditic.

Basically what they were doing is in one location removing large numbers of one sex of the fish. The state became very concerned about this and we looked at, from a legal perspective, what could we do at the state level, and really there was nothing because we couldn't come up with any kind of regulation that we could enforce because we don't have jurisdiction in the EEZ.

What we would like to do is to ask the council to consider such an action probably in CE-BA 3, which would be starting this fall. I had talked with Gregg about this and he had suggested that as a potential place to put this. I would be happy to work with the council. I wrote an issue paper for our commission regarding this that I can share with the rest of the council.

The council might even want to consider this in other places or something as well. There already is a prohibition for using this gear off of South Carolina that went into place I think in Snapper Grouper Amendment 6 or 7. When it first came up in North Carolina, I contacted the council and Gregg had suggested that I try to see if we could make it work like they did in South Carolina, and we discovered that we couldn't legally within the state of North Carolina.

I'll be glad to share that paper with the council and perhaps I'll submit and they can decide when we start getting ready for dealing with CE-BA 3 and they might want to include with the materials for that amendment. I just wanted to bring that to everybody's attention that you're probably going to see a request from North Carolina to do this. I'd appreciate it if we could get some help there. Thank you.

MR. CUPKA: I would just point out that letter was I think sent out to everybody by Mike along with another group of e-mails last night, so everyone should have a copy of that request from North Carolina.

MR. PHILLIPS: And when you get through with that, I've got something I'd like to bring up at the appropriate time.

MR. GEIGER: And, Ben, help me here, bangsticks are illegal in Florida state waters. I was approached by a number of fishermen and have been since I've been on the council about this very same issue with spawning aggregations of fish and their vulnerability and the large number of landings during those cold water upwelling events that occur in midsummer when the divers take really significant advantage of those non-maneuverable fish. I don't know; why couldn't we look at this as a council-wide prescriptive?

MR. CURRIN: I see no reason we can't if the council wants to move forward with it. That may affect the placement of it, but I don't see why we can't sometime in the future. Anything else on this issue, Brian?

DR. CHEUVRONT: Yes, what I'll do is I'll submit that paper to council. Actually I think I sent a copy of it to Gregg and asked him not to distribute it yet until I had a chance to speak here, but I'll leave it up to council staff to decide when they would like to distribute it to the rest of the council and up to the chairman to decide when it gets on to the agenda. Thank you.

MR. CURRIN: All right, thank you. George, I think you had something you wanted to bring up as well.

MR. GEIGER: Mr. Chairman, I would like to make a motion. My motion is relative to Amendment 21. **My motion is to suspend staff effort in Amendment 21 relative to the future development of catch shares. And as a note, it would be with the exception of the continued development of Golden Crab and the development of the Wreckfish Catch Share Programs.** I'll be happy to discuss it if we get a second.

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

MR. GEIGER: I guess the majority of my comments evolve around the fact that since I've been on the council we've had enumerable public hearings and opportunities for the public to address the council. For the most part we've received comments that for the most part the council has not been able to take action on because they weren't in accordance with the law that we're duty bound and required to follow.

We've received a lot of criticism over the fact that we have not ever listened to the public and do what they request. In this particular case we have an opportunity to listen to the public. I think it's irrefutable that the vast preponderance of the telephonic, electronic and public hearing comments concerning catch shares have all been negative.

I know that there is a discussion, well, a lot of these people are voting for things that they don't know what a catch share program would look like, but I maintain that I'm not sure that it would matter because the comments that I'm hearing and the way people are speaking it's a philosophical and principled rejection of the catch share philosophy as opposed to what a catch share program would look like or what it might contain, and I think that's significant.

I don't think, because of that philosophical difference and the widespread nature of that refusal of the catch shares' philosophy, that you're ever going to get anybody to recognize it. In addition to that the council has significant work to do in a number of areas; and to move forward on such an unpopular issue, an issue that we've heard uncouneted rejections of, is to me just not a prudent way to move forward. We have plenty of work to do.

There are plenty of things in Amendment 21 to keep that amendment full. We're continually looking at ways to keep amendment sizes low or smaller, to keep them less complicated, and certainly a catch share program in the midst of Amendment 21 is going to make that a very, very complicated and large document. That's basically the two legs on which I am making this motion.

MR. CURRIN: Myra said she needed some clarification. Make sure that the motion as it's written is what you intend.

MS. BROUWER: Is your intent to suspend development of the whole amendment or exclude –

MR. GEIGER: No, no, let me read it again: **terminate all South Atlantic Management Council staff work relative to catch share development in Amendment 21 with a note that we would continue on catch share development for the Golden Crab Fishery and for Wreckfish.**

MR. PHILLIPS: George, I've listened to the public, too, and with all due respect I'm going to have to strongly say no to your motion. My reasons would be – there are several reasons. One, we've just voted to do trip limits. We hope that they're going to do what the fishermen say they will do and that we're not going to be on the same road that the fishermen in Gulf were that did it ten years ago. We might and we might not be.

Secondly, there are a lot of different ways of doing catch shares that are not what the fishermen see as giving a share to a person, and that's that. We can have catch shares between states, between regions, and I'm not saying develop anything right now, but I would not take a tool out until we've got our stuff fixed, and it's not fixed yet. It's not close to being fixed.

The stuff that we know we need to develop, we know we've got interest in, yes, develop that, but just to say we're not going to have any catch shares other than those two of any kind, because it's a huge, broad thing. You know how many people have asked about regional and state; that's all catch shares; that falls under that definition. I'm going to vote against the motion on those grounds.

MR. GEIGER: Charlie, again let me read the motion; terminate all work relative to catch share development in Amendment 21 – Amendment 21. It doesn't say terminate all future work on catch shares; it says development in Amendment 21 and continue with catch share development for golden crab and wreckfish.

DR. CHEUVRONT: One of the things I believe that we did at the December meeting or perhaps at the September meeting is we developed an alternative or an action with an alternative to have a referendum on catch shares. George, I'm hearing the same messages that you are. I'm hearing very few people who are actually coming out in favor of what we're calling traditional catch shares. I'm a little bit concerned about just completely terminating it here without having a referendum that tells us the fishermen really are not interested in having a catch share program.

There are some other things that are in Amendment 21, things like regional allocations and things like that, which, George, I'd like clarification. You're not talking about throwing those things out as well; are you. Right, because Charlie was equating catch shares – regional allocations as being similar to catch shares, but I don't think we're talking about getting rid of those things. If the council wants to go ahead and vote in the affirmative on this, I could live with it, but I would prefer that we do the referendum first.

MR. CUPKA: I have a question that maybe Kate can answer, but my understanding was part of the reason we were doing an Amendment 21 was to compare several different approaches; and if we take one out, we're not going to get that comparison that I think some of the fishermen wanted us to look at and evaluate.

That's not speaking for or against catch shares, but it's my understanding that was one approach of a series of approaches that we were going to look at and compare them because some of the fishermen had questions. Maybe Kate can give us some clarification that, but that was my understanding.

MS. QUIGLEY: Yes, Amendment 21, from what I recall, was proposed so that – back in September of 2009, I think it was – so that there could be this comparison between trip limits and catch shares. Amendment 21 right now contains trip limits, regional quota allocations, catch shares of all kinds, including to regions and to communities and to individuals.

MR. BOYLES: Mr. Chairman, can somebody walk me through what a referendum looks like. Do we have to have an amendment in development to have a referendum among the commercial snapper grouper permit holders in the South Atlantic?

MR. CUPKA: Well, I may be speaking out of turn here, but I don't think there is anything that would preclude it. There is nothing in the Act I think that requires it, but we've always said that we do one. The big question in my mind is how do you do it?

Does that mean everyone that has a permit gets one vote or do you try and weigh them like they did in the Gulf? I think a lot of fishermen had a problem with that approach. To me the hard thing would be deciding exactly how you're going to do that referendum and what the results are going to mean.

MS. SMIT-BRUNELLO: Well, Roy can speak to this, too, but I believe in the Gulf they had a ballot that went out to all – at that time, let's see, there was a Gulf reef fish permit and you needed a red snapper endorsement although – no, it evolved into a Class 1 license and a Class 2 license; the difference between as to how much pounds you were allowed to each harvest on each trip.

A ballot was sent out to all those license holders and I believe they were weighted as to how the numbers of pounds I think that an individual license holder had landed, but you do it by certified mail, all that kind of thing. David is right, there is nothing that says you have to do it. There is nothing I think that would preclude you from doing it. I can come back at the next meeting with all the ins and outs of what you could possibly consider and ways you could do the referendum.

MR. BOYLES: Is this something the council would do, that the service would do?

MS. SMIT-BRUNELLO: I think this was what the service did, but it was done I think at the council's direction. I believe the Act said at that time that before you implement this in the red snapper fishery, congress mandated a referendum. And there may have even – was there any discussion in the Act about weighting the votes or anything?

DR. CRABTREE: Yes, we've done three referenda. With red snapper we had to do two, and the Act specified how the votes would be weighed. Then after the reauthorization we did the grouper tilefish and that was subject to the Magnuson requirement to do a referendum. What the statute says now is people who substantially participate in the fishery get to vote.

The Gulf Council evaluated alternatives and made a decision based on landings as to what constitutes substantially participated, and then we figured out who that was and they got to vote. But in every case the vote was held after the IFQ Program was designed and ready at the DEIS stage, so we're nowhere close to doing a referendum right now because the referendum is on a specific IFQ proposal or a catch share proposal, which we don't have yet.

MS. SMIT-BRUNELLO: And I think one of the reasons it was developed that way at the DEIS stage is I think people wanted to have an indication as to whether they would benefit – how they benefit under a referendum; benefit or not benefit, depending on your point of view.

MR. BOYLES: I'm conflicted on the motion. I mean, George and I talked about this a little bit. I have heard a lot of comments. I think we all have heard a lot of comments from industry with concerns over a catch share program. Conversely, we've heard some very compelling comments from a smaller number of folks. At least I've heard from a smaller number of folks who are very interested in us pursuing this.

You know, on the one hand it's a tool that I think whose time may come, and I would hate to lose ground as we continue to face these challenges in managing these fisheries fairly and equitably. On the other hand, there is a lot of anxiety, clearly, and we have evidence of that today. There is a lot of anxiety I think that's directed about a catch share program that I think is not helpful. It's not helpful as the council deliberates where we go. I think it's distracting because the industry faces a lot of challenges. George, I'm conflicted; I'm not really sure how I feel about it.

MR. GEIGER: Well, again, back when we created the LAP Committee or AP or whatever that was, we were very emphatic, and we're on the record more than once – I'm not going to state how many times, I don't know, but I know it's more than once, probably less than the breadbox – that we wouldn't do it unless the fishermen wanted it. We weren't going to force anything on the fishermen that they didn't want.

I personally listened to every verbal testimony from all four states; I listened to it all. In this particular case where we're not required by law to do something, to me I heard from the public and it was a philosophical objection to catch shares. I'm sure what you designed would be a satisfaction to anybody based on this philosophical objection to catch share programs.

I was in the meeting in Sebastian, Ben was there; I mean, the fish don't want it. I don't know what you all are listening to or what you're hearing that I'm not, but this is an opportunity to do what the public is requested us to do based on public hearing testimony that we don't very often have an opportunity to follow.

Now, if we want to ignore that public testimony and you continue on catch shares, the question begs to me why have public hearings? If we're not going to take action on something that they want that we legally can, then this is not a good thing. I'm going to call the question.

MR. CURRIN: I had two people on the list that I'm going to allow to speak. Charlie.

MR. PHILLIPS: To that point, George, yes, I believe we definitely need a referendum, but we've got things on the table like endorsements. Endorsements are a form of catch shares. If we're going to look at endorsements, we've got to look at how we're going to let new entrants in. Like David said, it's something to look at versus the other options.

When we get through with this, I'm going to make a motion that we start working on the things the SSC wanted us to do is get a universe of our fishermen, what they're doing, how they're doing it, and then get the fishermen together so we can see where we want to go with our strategies and our fisheries. But for now I'm not willing to take tool, especially a tool that is so vague – the fishermen see a very narrow description of catch shares.

You give somebody a share; they can sell it; they sit back, the perception is there is somebody smoking a big cigar and getting a check in an office. I don't think that's the way it works. I'm not saying do it, but I am saying don't leave that and all the other options for catch shares and just snatch them off the table. Let's leave them in there so fishermen can look and see what their options are and then we can do a referendum and then see how we want to go.

MR. GEIGER: Again, Mr. Chairman, I've got to correct. We're not snatching everything off the table. We're talking about a catch share provision –

MR. CURRIN: Your motion is clear; your motion is very clear. I think everybody understands that. Mark.

MR. ROBSON: And I will speak in favor of the motion. I agree and I do think that we always want to have catch shares or any other type of effort management program in the toolbox, but in this case we're doing this in a very general sense without specific purpose for a specific fishery. It has been very clear, as George has said, that right now the consensus of the fishermen is that they don't even want to really talk about it for the most case.

We have said that this would be something that has to be done with the affected fishery support and we don't have it. I think we're leaving on the table the things that we do have that support or they're already in the process. It's clear we still are using it and looking at it as a tool for wreckfish or for golden crab and if there are other specific fisheries, very specific cases where we can look at it, we should. I have to agree; I think there is just overwhelming testimony that we're hearing that there is not support for it in this general kind of philosophical approach we're taking. I'm going to support the motion.

MR. CURRIN: Well, I get the last word and then we're going to vote. Robert, I'm kind of where you are on this whole thing. We have heard from no doubt, George, a lot of fishermen and we continue to hear from a lot of fishermen. I don't think all of them are commercial fishermen. We hear from a lot of the for-hire sector that are opposed to catch shares, and that's not something at least at this point that I would even care to consider and certainly not in the recreational fishery.

I've also heard from a number of people from North Carolina who are quite interested in taking a look at what a catch share would be. I hear also from a lot of people in North Carolina that have

that philosophical problem with catch shares, and I think it stems from a feeling of the potential to lose communities and lose individuals within the fishery because no one can deny that when catch shares go in place almost invariably there are people who are currently participating in the fishery that will no longer be allowed to or it won't be economically feasible for them to.

I think that sense of loss of the community and the life that people have known for so many years my perspective is the basis of the philosophical concern that a lot of people have about catch shares. The last thing I'm going to say is that's one way to look at it, but in talking to an individual yesterday, who really is interested in this, he said, "You know, these guys aren't looking at it as a business."

Commercial fishing is a business and being able to know what I've got and being able to plan for that – not dissimilar from the comment from Zack Bowen today about having a fishing year that he knew when it was it going to start and knew when it would end, he was going to have some means of establishing a business plan to allow him to work. I'm very torn on this whole thing and I'm concerned that we're not quite far enough along to be putting a thumb on top of it. All in favor of the motion –

MR. GEIGER: Point of order; I'm requesting a roll call vote.

MR. CURRIN: You want to request a roll call vote? I guess that's in order; a parliamentarian is going to have to answer that question for me.

MR. MAHOOD: I will point out this is a committee meeting, correct, so Red Munden is also a member of this committee.

MR. CURRIN: That's correct.

MR. MAHOOD: And will be able to vote. Mr. Cupka.

MR. CUPKA: No.

MR. MAHOOD: Dr. Chevront.

DR. CHEUVRONT: Yes.

MR. MAHOOD: Mr. Boyles.

MR. BOYLES: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. McGOVERN: Abstain.

MR. MAHOOD: Mr. Geiger.

MR. GEIGER: Yes.

MR. MAHOOD: Mr. Harris.

MR. HARRIS: No.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: No.

MR. MAHOOD: Mr. Robson.

MR. ROBSON: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Mr. Munden.

MR. MUNDEN: Yes.

MR. MAHOOD: Chairman Currin, if you'd rather not, you don't have to. **Well, that's your vote; it passes nine to three with one abstention.**

MR. CURRIN: I'm not going to vote unless I have to.

MR. MAHOOD: Okay, you won't make any difference.

MR. CURRIN: All right, thank you, and this is understood to be a motion that will be passed to the full council and will be considered there as well. Charlie, if you can wait on your discussion of your recommendations to deal with the SSC to some later time, I would appreciate it. We can bring it up at full council. Is there any other business to come before the Snapper Grouper Committee? I see none and so we will adjourn the Snapper Grouper Committee.

(Whereupon, the meeting was adjourned at 3:06 o'clock p.m., March 11, 2011.)

Certified By: _____ Date: _____

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April 2011

INDEX OF MOTIONS

PAGE 8: Motion to ask in the upcoming black sea bass assessment to take a look at the F-rebuild or constant F approach and a constant catch to rebuild by the end of the ten-year rebuilding period, which ends in the fishing year 2015/2016. Motion carried on Page 8.

PAGE 15: Motion to reduce the black sea bass recreational bag limit to seven fish. Motion carried on Page 15.

PAGE 18: Motion to reconsider the motion of selecting a seven-fish bag limit. Motion carried on Page 18.

PAGE 18: Motion to rescind the earlier motion to reduce the black sea bass recreational bag limit to seven fish. Motion carried on Page 18.

PAGE 18: Motion to move Subalternative 13A through 13E into Regulation Amendment 9. Motion carried on Page 18.

PAGE 32: Motion to make Alternative 4 of Action 16 the preferred alternative for dolphin. Motion withdrawn on Page 33.

PAGE 34: Motion to change the preferred alternative to Alternative 2 under Action 16. Motion carried on Page 34.

PAGE 36: Motion to change the preferred alternative to no action and not change the allocation and maintain the current 13 and 87 percent. Motion defeated on Page 36.

PAGE 40: Motion to change the preferred alternative to Subalternative 2B. Motion carried on page 41.

PAGE 41: Motion to modify Alternative 3 to change the word “ACL” to “ACT”. Motion carried on Page 42.

PAGE 43: Motion to change the preferred alternative to Subalternative 5A. Motion carried on Page 43.

PAGE 52: Motion to select Alternative 1, no action, as the preferred alternative for black sea bass trip limits. Motion withdrawn on Page 53.

PAGE 54: Motion to select Alternative 3 as the preferred. alternative. Motion defeated on Page 55.

PAGE 55: Motion to select Alternative 6 as the preferred alternative. Motion carried on Page 56.

PAGE 57: Motion to select Alternative 7 as the preferred alternative. Motion carried on Page 57.

PAGE 60: Motion for both sectors any unused quota at the end of the 2011 fishing year would be added to the first half of the following fishing year beginning January 2012. Motion carried on Page 60.

PAGE 63: Motion to select Subalternative 12A; implement a March 1 to April 30 spawning season closure for black sea bass for both sectors as the preferred alternative. Motion carried on Page 65.

PAGE 65: Motion to move Alternative 13 and all of its subalternatives into Regulatory Amendment 9. Motion carried on Page 66.

PAGE 66: Motion to select Alternative 13B, a five-fish bag limit, as the preferred alternative. Motion carried on Page 67.

PAGE 67: Motion to change the preferred alternative to Alternative 1, no trip limit.

PAGE 70: Substitute motion to adopt Alternative 3 to establish a 1,500 pound gutted weight commercial trip limit for vermilion snapper. Motion carried on Page 70.

PAGE 72: Motion to change the preferred alternative to Alternative 1, no action, retain the commercial current regulations for greater amberjack in the South Atlantic. Motion defeated on Page 73.

PAGE 73: Motion to forward Regulatory Amendment 9 to the secretary for approval. Motion carried on Page 73.

PAGE 80: Motion regarding Regulatory Amendment 11 is to provide Regulatory Amendment 11 presentations and issue papers to the SSC for their review at their April meeting. Motion carried on Page 81.

PAGE 83: Motion to establish alternatives for blueline tilefish, besides no action; one, open blueline tilefish in the South Atlantic in the deep water seaward of 240-foot depth contour; Alternative 2, open blueline tilefish off North Carolina in the deep water seaward of 240-foot depth contour; and 3, to open blueline tilefish off North Carolina north of Cape Hatteras in the deep water seaward of 240-foot depth contour. Motion carried on Page 83.

PAGE 84: Motion to add a fourth alternative to open blueline tilefish south of Cape Canaveral in the 240-foot zone as an extra alternative. Motion carried on Page 84.

PAGE 89: Motion to include an option to open the closed area in the South Atlantic seaward of 500 feet. Motion carried on Page 89.

PAGE 89: Motion to establish alternatives for snowy grouper, besides no action; one, open snowy grouper in the deep water of the South Atlantic seaward of the 240-foot depth contour; open snowy grouper off of North Carolina in the deep water seaward of the 240-foot depth contour; and open snowy grouper off North Carolina north of Cape Hatteras in the deep water, which is seaward of the 240-foot depth contour. Motion carried on Page 89.

PAGE 91: Motion to add an alternative to exclude snowy grouper from the deepwater closure south of Cape Canaveral. Motion carried on Page 91.

PAGE: 95: Motion to reconsider the motion that changed the preferred alternative on the ABC Control Rule from Alternative 3C to Alternative 2. Motion carried on Page 89. Motion reconsidered and carried on Page 95.

PAGE 96: Motion to reconsider the previous motion. Motion defeated on Page 96.

PAGE 97: Motion to select Alternative 3 as the preferred alternative. Motion carried on Page 97.

PAGE 97: Motion to change the preferred alternative to Subalternative 2A for Action 19; do not specify a commercial sector ACT. Motion carried on Page 97.

PAGE 100: Motion to select Subalternative 5C as the preferred alternative. Motion carried on Page 101.

PAGE 104: Motion to select Alternative 2 of Action 20 as a preferred alternative. Motion carried on Page 104.

PAGE 104: Motion to select Alternative 3 as a preferred alternative. Motion carried on Page 104.

PAGE 104: Motion to select a recreational bag limit of nine dolphin per person, Alternative 8, as a preferred alternative. Motion defeated on Page 105.

PAGE 110: Motion is for dolphin and wahoo provide guidance to the SSC that based on the biology and productivity and no overfishing/overfished status, the council is comfortable with using mean landings over the last ten years plus one standard deviation to set the ABC. Motion carried on Page 110.

PAGE 117: Motion to calculate the reduction in harvest for wahoo using landings for years 2005-2009, excluding 2007. Motion carried on Page 118.

PAGE 118: Motion to change the preferred alternative to Alternative 1, no action. Motion carried on Page 118.

PAGE 128: Motion to modify Alternative 4 to remove mutton snapper from the Snapper Grouper FMU along with the other species listed in Alternative 4. Motion carried on Page 129.

PAGE 130: Motion to modify Alternative 7 to remove species with state and federal combined landings that are less than or equal to 100,000 pounds with the exception of cubera snapper, Warsaw grouper, lesser amberjack and speckled hind from the Snapper Grouper FMU and continue to have Alternative 7 as the preferred alternative.

PAGE 135: Substitute motion to add a new Alternative 8 to remove tomtate, knobbed porgy, jolthead porgy and whitebone porgy from the fishery management unit. Motion carried as the main motion on 136.

PAGE 136: Motion to make Alternative 8 a preferred along with the other preferreds. Motion carried on Page 136.

PAGE 137: Motion to remove Action 2 to the considered but rejected file. Motion carried on Page 137.

PAGE 145: Motion to change the preferred alternative to Alternative 1. Motion defeated on Page 145.

PAGE 147: Motion to modify Alternative 5 under Action 4 for assessed species establish ABC based on the SSC control rule; for unassessed species establish ABC equals median landings from 1999-2008 and OFL is unknown until the SSC control rule is fully applied and also select as the preferred alternative. Motion carried on Page 147.

PAGE 164: Motion to direct staff to include language to clarify that additional management measures are not being established for unassessed snapper grouper species in this amendment. Motion carried on Page 164.

PAGE 165: Motion to remove Action 8 to the considered but rejected appendix. Motion defeated on Page 168.

PAGE 170: Motion to make Alternative 2 also a preferred alternative. Motion carried on Page 171.

PAGE 173: Motion specify ACLs for black grouper and gag for three years; the ACL established in the third year would stay in place until modified with a note that increasing ACLs are contingent upon not exceeding annual projected harvest levels. Motion carried on Page 173.

PAGE 177: Motion to remove Subalternative 6A as a preferred alternative. Motion carried on Page 177.

PAGE 186: Motion to terminate South Atlantic Council staff effort in Amendment 21 relative to the future development of catch shares with the exception of the continued development of Golden Crab and the development of the Wreckfish Catch Share Programs. Motion carried on Page 193.

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2010 - 2011 Council Membership**

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~~FINEL COUNCIL~~ - ROLL CALL VOTE

Date: March 7-11, 2011

Meeting Location: St. Simons Island, GA

Issue: MOTION: TERMINATE ALL WORK RELATED TO CARK SHARE DEVELOPMENT IN AMENDMENT 21

	YES	NO	ABSTAIN	
CUPKA		✓		+
DR. CHEUVRONT	✓			-
BOYLES	✓			+
BURGESS	✓			-
DR. CRABTREE			✓	+
CH. CURRIN				0/0
GEIGER	✓			-
HARRIS		✓		+
HARTIG	✓			-
HAYMANS	✓			+
PHILLIPS		✓		+
ROBSON	✓			-
SWATZEL	✓			-

MR. MUNDON

✓

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 GROUPPER COMMITTEE MEETING

March 8, 2011

St. Simons Island, GA

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

FRANK HEILES GSAA

813-286-8390

TAMPA, FL

Tracy Hudson ASF

386-239-0948

32120-9351

SEAN MCLEOD

NCFCA

Laura Williams

320-313-444

Michael Kalkes

CGA - 561-615-8311

South Atlantic Fishery Management Council

4055 Faber Place Drive, Suite 201

North Charleston, SC 29405

843-571-4366 or Toll Free 866/SAFMC-10

PLEASE SIGN IN

If you haven't already!

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

March 10, 2011

St. Simons Island, GA

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Angela Boehn	(305) 451-3910	500 Gager Cr. Key Largo FL
Cap George Steatr	(904) 241-4111	331092 ATA Beach FL
Rebecca Ashley Barabie	(912) 506-1254	111 Peachtree St, 31522
Bob Flocke	904/819/0360	15 Gaurer Ave St Aug 32084
Randy Elliott	(843) 243-8662	3370 Harts Little River SC 29566
Angela Selby	843-450-6913	NMB
Bob Taylor	843-249-2049	Little River SC 29566
Chris Walter	910-575-0017	Calabash, NC 28467
	305-942-7039	Long Key FL 33001

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SNAPPER GROUPEE COMMITTEE MEETING

March 9, 2011

St. Simons Island, GA

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

FRANK HARRIS CSAPP

813 286 8320

Tampa, FL

SEAN MCKEON

NCFE

Moorehead City, NC

JOHN MCCOY

321 960-4885

Merritt Island FL 32953

CHRISTOPHER MERRIFIELD WILDEMAN

321 269 1116

Titusville FL 32780

KERRY FELT

910-621-5847

Southport NC

CHRISTOPHER ANDERSON

386-239-0948

32120-9351

MICHAEL GORMAN

843 881 9735

Charleston, SC

SAMANTHA FORT-MINER ^{Ocean} _{Coast}

787 482 2368

St. Petersburg, FL

DICK BLANE

410-544-5245

WILMINGTON, NC

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SNAPPER GROUPEE COMMITTEE MEETING March 9, 2011 St. Simons Island, GA

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	P.O. BOX/STREET CITY, STATE & ZIP
<i>Luella Williams</i>	<i>82-62913447</i>	<i>Austin, TX</i>
<i>Jack Cox</i>	<i>252-728-9348</i>	<i>Morehead City, NC</i>
<i>Jimmy Johnston</i>	<i>252-515-4632</i>	<i>Morehead City, NC</i>
<i>Mike Kennedy</i>	<i>912-266-4446</i>	<i>St. Simons Is, GA</i>
<i>Don Kent</i>	<i>912-717-3670</i>	<i>St. Simons Island, GA</i>
<i>Edward Hawie</i>	<i>912-634-4664</i>	<i>St. Simons Island, GA</i>
<i>Dawn Franco</i>	<i>912-266-4156</i>	<i>Brunswick, GA</i>
<i>Ellen Dougherty</i>	<i>843-848-7591</i>	<i>Charleston, SC</i>
<i>Rita (Bobby Cardin)</i>	<i>772-376-4163</i>	<i>5106 Palm Dr. 34982</i>

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SNAPPER GROUPER COMMITTEE MEETING

March 29, 2011

St. Simons Island, GA

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Susan Shapiro	912-638-1349	920 Rose Cottage Rd SSI 31522
Nick Nichols <small>The Brunswick News</small>	912-265-8320	3011 Altana Ave Brunswick GA 31525
Shanessa Fakour	912-265-8320 ext. 323	" "
Oliver Buemelt	843-559-0858	2784 Cherry Point Rd Mableton GA 31525
Keith Stephenson	912 399 0023	13 Black Banks Dr. SSI, GA 31522
Scott Owens	912-270-7300	113 Pleasant Dr. Brunswick GA 31525
Ashley Farnelle	912-617-3474	111 Peachtree St SSI, GA 31522
Scott Whitaker	803-865-4164	GA SC
Chris Hawley	843-485-0371	GA SC

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SNAPPER GROUPER COMMITTEE MEETING

March 10, 2011

St. Simons Island, GA

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	P.O. BOX/STREET CITY, STATE & ZIP
Savannah Port-Minerva Oceanside	727-482-2368	33701
FRANK HELLES GSAP	813 286 8390	Tampa, FL
Kenny Fox SHAP	910-680-5847	Southport, NC
Christopher Desjardis Wild Ocean Mgt.	321 269 1116	Titusville FL
Josh McCoy	321 960-4885	Merritt Island FL
Jimmy Hill	(386) 547-1254	Ormond Beach FL
David Garbbs	386 527 5588	Port Orange FL
Pendy Anderson ASF	386-234-0948	32120-9351
Scott Janey	386 871 9549	Port Orange FL 32129

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SNAPPER GROUPER COMMITTEE MEETING

March 10, 2011

St. Simons Island, GA

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	P.O. BOX/STREET CITY, STATE & ZIP
Paul Nelson	386-6824944	736 Merrimack, N. Fort Lauderdale FL 33312
Pore Surrency	904 759-2057	6652 Shady Oak Dr Jacksonville FL 32277
Chais Corbett	386.760-0720	5743 Stewart Ave. Port Orange FL 32129
David Newman	212-727-4557	70 W. 11th St. 40 Brooklyn NY 11201
John Barber	407-587-9860	1331 Boyer St Longwood FL
Jeff Page	407-856-7833	11220 CRENO CT Ocala FL
Melilonderee RFA	407-399-9249	PO Box 1790 Unatilla, FL 32784
Laural Williams	520 6913447	Austin, TX
Ed Weiss	904 564 7664	USCG Sector Jacksonville

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SNAPPER GROUPER COMMITTEE MEETING

March 10, 2011

St. Simons Island, GA

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	P.O. BOX/STREET CITY, STATE & ZIP
Scott Whitaker	803-865-4164	CCA - SC
Henry Feddeana	305-852-5459	
Paul Hail REA	907-492-1991	Winter Park, FL
Chris Hawley-CCA	843-455-0371	Murrells Inlet, SC
Ashley Pinckney	912 617-3474	111 Pendree ST. SSI GA, 302
Robert Garvin	772-370-4163	5106 Palmdale. FL. P. FI-
JEFF GUNDESSON	917 638 0530	167 Hugley Plant Dr SSI
Eileen Daugherty	843-242-7591	Charleston, SC
Bill Butler	912 230 3675	65 Burgess Creek LA 3152

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SNAPPER GROUPER COMMITTEE MEETING

March 18, 2011

St. Simons Island, GA

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Scott Owens 912-270-7300 113 Pleasant Dr 31525 Brunswick

Mike DeTina 305 532-6275 102 Alameda St Tallahassee, FL 32302

Wendell Naper 912-437-8200 13215 Hugger Avenue Ga 31305

Buddy Leach 912 399 1565 203 Dunbar Dr. SSI GA 31522

Justin Leach 305 451 3916 500 Shinn Ln Key Largo FL

Chris Walter 305-942-7039 P.O. Box 2637 Long Key FL 33001

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