

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

**Savannah Hilton Desoto
Savannah, Georgia**

MARCH 8, 2012

SUMMARY MINUTES

Snapper Grouper Committee

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Jessica McCawley
Tom Swatzel
Robert Boyles

Ben Hartig, Vice-chair
Dr. Roy Crabtree
Dr. Michelle Duval
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Observers/Participants

Lt. Brandon Fisher
Dr. Jack McGovern
Martha Bademan
Monica Smit-Bunello
Andy Strelcheck
Kathy Knowlton
Dr. Marcel Reichart
Kathy Barco
Lauren Wenzel

Phil Steele
Dr. Bonnie Ponwith
Bob Gill
Otha Easley
Anna Beckwith
George Geiger
Spud Woodward
Scott Sandorf

Other Participants Attached

THURSDAY MORNING SESSION

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in the Madison Ballroom of the Savannah Hilton DeSoto Hotel, Savannah, Georgia, Thursday morning, March 8, 2012, and was called to order at 10:20 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: We will convene the Snapper Grouper Committee. Good morning to everyone. The first item on our agenda is the approval of the agenda with the usual caveats to rearrange slightly to accommodate staff and timing, I would appreciate that. If there are no objections to that usual caveat, the agenda will stand approved.

Everybody has copies of the minutes from our December 2011 meeting and had an opportunity to look at those. Are there any corrections or changes to the minutes? I see none and without objection, then the minutes will stand approved. Our next agenda item is the status of the commercial catches versus quotas for species under quota management, and, Jack, are you going to provide that for us?

DR. McGOVERN: We got updated landings from the Science Center yesterday. What is projected here compares the landings most recent on the left to landings from the quota monitoring system for past years. In 2012 we see that the vermilion snapper was closed on the twenty-ninth of February. The landings for January were very high, 213,000 pounds, which were higher than any other January back to 2004. 97 percent of the quota was met this year.

The last part of 2011 we see that 183 percent of the quota was met, and you will remember that there was a problem with the ACCSP providing their landings last year. In the last part of 2010, 146 percent of the quota was met. For gag, we have updated landings for 2011 from the Science Center and we were about 21 percent over the quota.

We did get projection from the Science Center in the middle of December, I think it was, indicating that we needed to close, but as Roy said a couple days ago it takes us about a week to get the closure package to headquarters and then we want to provide at least five days' notice to the public that we're closing a fishery. We weren't able to close gag in a timely fashion to keep from exceeding the quota.

For the aggregate we were about 4 percent over the quota last year, and this aggregate will go away with Amendment 24. Going down to greater amberjack, we are at about 70 percent of the quota for the current fishing year. We were at 63 percent last year. It looks like September landings were very high in comparison to previous years, as was May. Then down to snowy grouper, last year we were at 51 percent of the quota.

The snowy grouper landings are lower in 2011 than in previous years, and this is likely due to the prohibition for the six species deeper than 240 feet, because snowy grouper is not really very common inside of 240 feet; and 6 percent landed so far this year.

Black sea bass was closed on the fifteenth of January. The landings for June were extremely high; almost 300,000 pounds were caught in June of 2011. The quota is exceeded by 19 percent in the 2011 fishing year and about 5 percent in the 2010 fishing year. It was not exceeded in the previous years.

Then red porgy, we are at 91 percent of the quota for red porgy in 2011, and it appears that landings for May through August or September, a bit higher than in previous years. The last one is golden tilefish, and we closed golden tilefish on the seventeenth of February. Landings for January were extremely high, 226,000 pounds; higher than any other month I think since 2004. We were at 29 percent over the quota for 2012; 26 percent last year and about 13 percent in 2010.

MR. CURRIN: Thank you, Jack. Questions for Jack on the commercial landings? I see none. Bonnie, are you going to do an update on the recreational landings?

DR. PONWITH: Yes, I am. Okay we will start with black sea bass. First of all just the caveats, for this slide it is North Carolina to the east coast of Florida. Wave 6 for 2011 is still preliminary, and you'll notice that the headboat survey data aren't in there yet. I just got notification that the headboat survey data for 2011 was finalized this week, setting a new record for completion. We are at 307.8 thousand pounds whole weight.

The way that looks in the time series can be seen here. We have landings on the top panel and the recreational effort on the lower panel. Here are our gag grouper landings for 2011; that's 167,000 pounds whole weight. Here we have it in the time series, landings on the top and the effort on the bottom.

For greater amberjack, the 2011/2012 landings were at 336,000 pounds. There again you can see how that relates in the time series. Next, for mutton snapper for 2011 we've got 171,000 pounds. For red porgy, 2011 we are at 34,000 pounds. For red snapper we've got about 5,000 pounds in discards.

For snowy grouper for 2011 we're at 101, and these are in numbers of fish. For golden tilefish for 2011 we had a high number this year, 9,000 almost 10,000. For vermilion snapper, 2011 we're at 70,000; again, pounds whole weight. Yellowtail snapper for 2011 whole weight pounds, 159,000.

MR. HARRIS: Excuse me, Bonnie, we don't have ACLs on all of these, and I'm good, but I can't remember all the ACLs. Do you have that information when you put those slides up? I know it's on some of them, but it's not on all of them.

DR. PONWITH: All right, I'll double check on that. I know that the goal was to have an ACL, so that you can see where we are for each of those, and I'll double check on those and make sure that we've got them.

DR. McGOVERN: The only point I want to make is the ACLs are not in place yet for yellowtail snapper and probably next month they will be.

DR. PONWITH: Yes, there was a notation on one of the slides that the ACL is still in the amendment, and so that may actually carry through to some of these. That's it; any questions?

MR. HAYMANS: Go back up to the red snapper slide. Yesterday in the MRIP presentation we saw landings in 2010. Is it just because you can't see it because of the scale; is that what it is?

DR. PONWITH: It's a scale issue, yes, because we go from targeted landings down to discards, and the discards are low enough that they look like they're zero, but they're not.

MR. CURRIN: I think there may be some shore-based landings, state landings that are perhaps included in that as well. Bonnie, is that a possibility?

DR. PONWITH: I can't rule that out.

MR. CURRIN: And some illegal activity that's captured by the MRFSS folks, but not by the law enforcement folks, so that happens, too. I just said something to Jack, Bonnie. I asked whether anyone has looked at the estimated discards from the MRIP program and compared those to our assumed discards once the fishery was going to close. I don't know whether we could make a whole lot of that, but it might be interesting just to take a peek at it and see how close we might be or off we might be.

DR. PONWITH: That actually will be one of the important things that we'll be looking at in the meeting that we have with the SSC that we spoke about in our earlier discussion.

MR. CURRIN: Any other questions for Bonnie on the recreational landings? All right, thank you very much, I appreciate it. As you recall, Anna did an update on the Oculina Research Activities during the Ecosystem Committee, so there will be no further report on that. It brings us to the status of amendments under review, and, Jack, I think you're going to handle that.

DR. McGOVERN: I'll start with Regulatory Amendment 11. The proposed rule for Regulatory 11, published on the twentieth of December, and the comment period ended on January 19. Its status is that it is under review in the region. The Comprehensive ACL Amendment, the final rule went to headquarters in February. I think the final rule is likely to publish next week, and so it could be effective in April.

We are also doing a supplemental proposed rule for the Comprehensive ACL Amendment, because the revised quota for greater amberjack was inadvertently left out of the proposed rule for the Comprehensive ACL and so that supplemental rule is under review in GC right now. For Amendment 24, the NOA published on February 27, and the comment period ends on April 27, and the proposed rule package is in headquarters and should publish within the next couple weeks.

Amendment 20A, the NOA for that published on January 12, and the comment period ends on March 12. The proposed rule package for that is also up in headquarters and will publish likely in the next couple weeks. Amendment 18A, the NOA for Amendment 18A published on

January 31, and the comment period for that ends on April 6. The proposed rule package is also in headquarters, and that also should publish fairly soon.

With regard to the timing for 18A, there is a chance that it could be in place before the start of the fishing year on June 1, but there is also a very good chance that it won't be, and that it could be effective in the middle of June, possibly. Also, there is an issue with Amendment 18B, with the transferability action for endorsements.

The amendment contains the wrong selected preferred alternative, and the wording of the alternative wasn't very clear and didn't accurately reflect the council's intent, and so this action needs some clarification. I think the idea is that the rest of Amendment 18A will move forward, and the transferability of endorsement actions is going to be handled in a separate rulemaking. The thought is that we can use the same NEPA document, maybe, if substantial changes are not made to the council's intent. Then this new rule for the transferability of endorsements could be in effect by November. That's it.

MR. CURRIN: Questions for Jack, comments? Roy and then Michelle.

DR. CRABTREE: So when the proposed rule for Amendment 18A publishes, it is not going to propose to allow transferability. It is going to point out that there were these problems with the amendment. The permits endorsements, assuming that 18A is ultimately approved; the endorsements will not be transferable.

In order to fix this it will take another plan amendment, so what we are suggesting as a way to go is to take the action that was in Amendment 18A for transferability and fix the language and redo it, and then bring it back before the council in June. It already has gone through a NEPA document; it's already been out to public hearing.

I guess we could take public comment on it at the June meeting, and then you could vote it up and submit it, and then we'd have to go through the whole approval process and rulemaking, but could probably get that done by the end of the year. If all this is approved there'll likely be a period of around six months that the permits won't be transferable until we fix that.

I'd also suggest that my permit shop has come to me with concerns about the way we set up the renewability of the endorsements. We set it up so that when your snapper grouper permit is renewed, your endorsement will automatically be renewed. They believe that is going to cause problems, and the reason is they think it's quite likely that some snapper grouper permits may be transferred or endorsements at some point in the future when the transferability is put in place may be transferred.

But what happens a lot of times when permits are sold is there is a deal worked out and somebody buys the permit; but they may let several weeks or more pass before they actually come to the Fisheries Service and do the transfer. There is often a period of time where the financial transaction has taken place and the permit has been sold but we don't know about it.

If during that period of time the snapper grouper permit was renewed, we would automatically redo the endorsement even though that endorsement had been sold to someone. That would result in a situation where one endorsement would become two and we'd either have to come in and revoke it or take it away from someone. Their suggestion is that the endorsement ought to have to be renewed independently.

My suggestion to you is when we prepare the amendment to provide for transferability, we also put an option in there to change that renewability portion of it as well and bring that back to you. That's that issue. Then on the timing issue, I would advise you to plan at this point that Amendment 18A will not be in place by June 1.

There was some discussion about potential actions that you may want to take in that circumstance, and I think for your purposes right now you ought to think about what you may want to do and assume that this amendment will not be in place by June 1. It may be, but I think the odds are much greater that it won't be in place than it will be.

MR. CUPKA: If you'd just put me in the queue, Mac, I think you had Michelle. It's not to this point, but I do have a question at some point.

MS. DUVAL: Mac, I think we should probably finish on this topic. Mine was in regards to Regulatory Amendment 11 and also just wanting to show folks some preliminary data from our Blueline Tilefish EFP as was promised at the last meeting. Whenever you're ready for that, that is all I was raising my hand for.

MR. CURRIN: David, did you have something on this issue regarding 18A?

MR. CUPKA: No, I have a question on Regulatory Amendment 11.

MR. CURRIN: Okay, let's go ahead and deal with 18A then, and then we'll jump back up to questions on any of the other amendments in progress here. Okay, what's your pleasure on 18A? It looks like Roy had some good suggestions I think for dealing with the transferability aspects that we need to address, and then also a suggestion on renewal of endorsements and separating those from the permits.

Remember, we had a lot of discussion and went round and round about that when we developed that amendment, but it is clearly causing some potential problems with the permits people and could manifest themselves with the fishermen as well. I think Roy's suggestion was that we, in June, address an amendment to deal with those two issues. Is that suitable with the committee? Yes, it would be good to have a motion to ask the staffs to prepare such a document.

DR. CRABTREE: I move that staff prepare a document to allow for the transferability of black sea bass endorsements and to address the issue of renewal of endorsements separately from renewal of the snapper grouper permit and bring that before us for final action at the June meeting.

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

DR. McGOVERN: I also have one other thing that the permits office brought up about the transfer of endorsements is that they felt that expired but renewable permits should be able to be transferred, and I'm not sure that was what the council discussed before. I think they felt that only valid, non-expired permits should be transferred.

I think the permits office felt like you could wind up transferring your permit without transferring your endorsement and you still have the endorsement, and it could expire and so they felt it would be better to have a condition where expired but transferable permits could be transferred.

MR. CURRIN: Yes, expired but renewable; valid, but renewable, there you go, we've been using those terms quite a bit lately. Is that acceptable to everyone as well, to deal with that within this motion?

DR. CRABTREE: It wasn't for discussion at the June meeting. It would be for final action, so we would need to notice this on the agenda as final action and take public comment on it.

MR. CURRIN: We can make that specific as part of the motion, the issue Jack brought up, or include it under the umbrella of dealing with the renewal of endorsements; whatever you guys are comfortable with.

DR. CRABTREE: My intent of the motion would be that we deal with that issue under the renewal.

MR. CURRIN: All right, is that clear? Are you guys okay with that? Further discussion on the motion? Any further discussion? Is there any objection to that motion? I see none; **that motion is approved**. Another issue on 18A regarding the timing; Roy indicated that it may be ready by June, not very likely.

Some of the fishermen that I've talked to anyway have expressed a desire that if this situation did occur, that we consider bumping the opening date back. A lot of people aren't particularly happy with the June opening in general; and last year with all the fish being caught in June and early July, it was not a great situation either, so what's your pleasure as far as discussing whether you'd like to pick a date after the scheduled June opening date since that seems to be a reality. .

MR. BURGESS: I have also heard support in making sure that 18A does go through before we open the black sea bass commercial fishery due to what has happened last year. If it was not in place and open, I think the season would be shorter than it was last year. Just to throw a time out there, maybe July 1, to put it back 30 days. This would also be in line with the vermilion snapper opening.

I think because we were inclusive in our endorsement program with the number of permits that we're allowed, that some of these people might choose to go B-liner fishing instead bass fishing, could possibly extend the season even farther. As we've heard, fishermen like to have more than

one thing to do and choose to further lengthen the season. I would support delaying it; and if you do need a time, I would say July 1.

MR. CURRIN: Other thoughts about Tom's suggestion or are there other suggestions for consideration on an opening date? I think it is important to me that we not have the season open without the endorsements in place. That's one goal, and then I guess the other is to look at selecting an opening date or just allowing Dr. Crabtree to open it when that amendment is complete and in effect.

MR. HAYMANS: That's sort of what I was thinking was, what was Roy's recommendation for when he thought the amendment would be complete and final.

DR. CURRIN: Yes, I think he said it was up in the air and don't let me put words in your mouth. He said there was a possibility it could be ready by June 1 or we could kind of pick a date certain if that gives anybody a comfort level as it does Tom.

MR. HAYMANS: Then I suppose January 1 is too far down the line.

MR. CURRIN: I don't know, ask these guys. Roy.

DR. CRABTREE: Well, yes, that's too far down the line. There are things to consider. One, I think we can have it in place by July 1 certainly, and I suspect we can have it in place prior to that a little bit. I think we need a date certain that the fishery will open. We'll delay the start date but no later than.

My suggestion would be that we delay the start date to no later than July 1, and the reason is we're going to have to write a new biological opinion on this; and to do that I don't think it can be just an open-ended start date. It would have to be on – in the biological opinion we'll have to look at right whale impacts, or a consultation on it.

I think that's more straightforward if there is a date certain. I think you've got two ways to go on this, so delaying the start date is one if you believe the endorsements are critical. The other component of the amendment though that is intended to slow down the harvest and address the derby is the trip limit. I guess the other way you could go is an emergency rule to implement the trip limit and not change the start date.

That would probably be somewhat less effective than having the entire amendment in place. It does have the advantage though that the trip limit has already been out for public comment and is relatively non-controversial, I think. There won't be time for any public comment on delaying the start date of the season.

To get it done, we'd probably have to waive notice and comment and go straight to it, and that's not something we've ever asked the public to comment on. Presumably folks who did not qualify for the endorsement would oppose delaying the start date of it, so that's something else for you to consider.

MR. CURRIN: So a couple of things to consider. Personally, I'd like to see the endorsements in place before the season opens and I think Tom probably would agree. How does the rest of the committee feel? I think Roy's suggestion is that we'd need a motion for an emergency rule to deal with either delaying the implementation of the start date or establishing a trip limit and early. What's your pleasure here, folks? Tom Burgess.

MR. BURGESS: Well, I would be in favor of – well, for discussion, I did speak of the commercial fishery, and I didn't speak of the recreational fishery. I guess this would also be impacted too by this delay.

DR. CRABTREE: I would think that the recreational fishery would not be impacted by this and will open on June 1. I don't think we have any rationale for delaying the recreational fishery because of the trap endorsement. Now, I'm assuming the hook-and-line fishery will be delayed. Otherwise, they'd be fishing on the quota while the pots were still inshore.

MR. BURGESS: Okay, I would support delaying the opening and would like to make a motion to that effect.

MR. CURRIN: Motion by Tom Burgess. **I guess the motion should read recommend development of emergency rule to delay the opening of the commercial black sea bass fishery until approval of Amendment 18A, but no later than July 1, 2012.** Does that sound like more or less what you want, Tom? Roy, does that address your concerns about a date certain? It's okay. All right, is there a second to the motion? Second by Michelle. Discussion on that motion? Is everybody okay with that? Monica.

MS. SMIT-BRUNELLO: The Fisheries Service has really their policy guidelines for the use of emergency rules and what kind of justification can be used to justify an emergency rule. As I look at the policy, the criteria that seems to come out to me – and I think we need some discussion on this so that we have some record for support of the emergency rule.

The criteria, I guess presents – I'd like to hear a discussion on why this presents serious conservation or management problems in the fishery. It looks to me like you could perhaps justify this under economic or social reasons. The economic, those are discussed or stated as follows; economic, to prevent significant direct economic loss or to preserve a significant economic opportunity that otherwise might be foregone; or, social, to present significant community impacts or conflict between user groups.

It doesn't look to me like we have ecological or public health reasons, so I think that you should focus your discussion on economic and social; and if I could hear some rationale for the justification for the use of an emergency rule, I think that would be very helpful.

DR. CRABTREE: Well, this is an unforeseen circumstance since we had no way of foreseeing that we wouldn't be able to get Amendment 18A in place in time. We had a severe derby fishery take place last year; and as a result of the derby fishery; one, there are economic implications of that in terms of reduced prices and market gluts.

There are safety at-sea issues that occur in the event of a derby fishery. I also think there are biological impacts in that the faster the fish are caught the more difficult it is to track the quota and close the fishery appropriately so the likelihood of overruns are probably greater in the absence of the endorsements and trip limit than they otherwise would be. I think the economic hardships of the derby fishery are pretty well documented in Amendment 18A. The significance of the trip limits and the endorsements and their ability to lessen the derby fishery I think are all documented in Amendment 18A.

MR. CURRIN: Well, Tom, anything else to add to that? I didn't think so. Is everybody okay or feel the need to add any further justification? Monica, I assume that's a satisfactory explanation to you?

MS. SMIT-BRUNELLO: It's a good explanation and people can add in if they have anything else. You might think about this before the full council meeting as well.

DR. CRABTREE: Then staff will need to lay out the rationale on all those types of things and the letter that they'll send over making the request, assuming it's approved by the full council tomorrow, I suppose. Since we're having public testimony this afternoon, the public will have an opportunity to at least at this meeting, to give us input and comment on this issue and the delay. There is that.

MR. CURRIN: Is there anything else anybody's got, further discussion on the motion? Is there any objection to that motion? I see none; **that motion is approved**. All right, does that handle 18A, Jack, address the issues that were left hanging? It seems to me it does. There were a couple of questions on Regulatory Amendment 11. I had Michelle and then David with some comments or questions there.

DR. DUVAL: Given that a regulatory amendment is still under review, I am just wondering what the council's options are should that amendment be disapproved. If we have the option to – because presumably there would be some decision by our June council meeting, but given the impacts and the intention of the council to pursue additional protections for speckled hind and Warsaw grouper, as soon as possible, I'm just wondering if did the council have the ability to perhaps convene a meeting either by conference call to consider either resubmission of Regulatory Amendment 11 with a different preferred alternative or would it meet the requirements for emergency action to potentially resubmit with a different preferred alternative.

This might be a little bit premature. I did want to give council members and committee members a chance to look over the preliminary data from our blueline tilefish exempted fishing permit from that observer program. That information may play into this. I asked Mike to e-mail that around to all of the council members and staff. We can certainly display that on the screen for folks to see and I could go over that if you'd like, Mr. Chairman.

MR. CURRIN: I think that'd be very good and appropriate at this time, Michelle.

DR. DUVAL: Okay, so up here on the screen you see the preliminary data from our blueline tilefish exempted fishing permit. Just a little bit of I guess history; we received the permit in

August of 2011, and this is really getting on towards the end of the blueline tilefish fishing season for North Carolina.

In the information that you see here, I have all trips versus observed trips, and the double asterisk indicates that these are landings only through January of 2012. Then you'll see also some numbers that have a single asterisk next to them, and that just indicates that those are confidential data based on three or less dealers reporting.

For all trips through January of 2012 we've got around 94,000 pounds of blueline tilefish landed. There were several limits in the exempted fishing permit that would result in basically shutting down of the fishery or the permit, and one of those was a total limit on blueline tilefish landings of 350,000 pounds. The other trigger for closing that fishery was 100 trips. To this date – and some of this information is actually further down on the page – we've had 73 or 74 trips, I believe through – and that's the total number of trips through February of 2012.

It's just that I only have landings information up there through the end of January; we're still waiting on the February numbers. The permit required that we obtain 20 percent observer coverage. We're just slightly underneath that. We've observed 14 trips through February. Just a few other characteristics about the fishery, this is occurring 28 to 38 nautical miles east-northeast of Oregon Inlet, and this is all information captured from the observer program.

The depth of water fished is 39 to 73 fathoms. The average number of days fished was 1.6. It ranges from half a day to two days. The permit limited the total number of days that folks could fish from hail-in to hail-out, 72 hours. Vessels were required to call the marine patrol to let them know when they were leaving and also call on their way back in.

The gear fished was longline, generally number 12 circle hook. The average length of line was about two miles. You can see the range there was from three-quarters of a mile to about three miles. The average number of hooks set was about 400. It ranged from 180 to 1,200; average number of sets 8, ranged from 1 to 20, and the soak time was about an hour.

I guess one of the things I want to mention is what became an issue for folks was really sea lice and sharks eating off all the bait and disappearing within about 30 minutes. This fishery occurs really only during daylight hours. That's the time when these guys are setting their gear, so they might leave early in the morning to get out to the fishing grounds, but they're only fishing during daylight hours.

I think, Myra, if you scroll back up, you can see that this is a pretty clean fishery. These guys are fishing in muddy bottom. We only had one observed trip with snowy grouper on it. Out of the total trips, we had two with snowy grouper; none of the other deepwater species, no speckled hind, Warsaw, misty, queen snapper, silk snapper. Really, the major species that were being seen are conger eels and sharks, actually.

What I did was under top other species, this is based on the trip ticket information, all those species that you see right there. We did have a few that had some dolphin and black sea bass, very minimal landings. One of the requirements of the EFP actually is that all sharks be

released. We've got this one hammerhead trip under the unobserved trips that sort of sticks out, and I'm not really sure what's up with that.

The only other piece of information that I would want to convey is just that on one of our early February observed trips we did encounter a loggerhead sea turtle, which was released alive, no harm done to it, and an incident report was filed through all of our observations. I think with this information here you can see that we are not seeing speckled hind and Warsaw grouper in this area, at these depths that are fished, and it is a very clean fishery. I'm happy to answer any questions.

MR. CURRIN: Any questions for Michelle, comments on her report on that exempted fishing permit north of Hatteras?

DR. DUVAL: I'd just mention that we have had, I believe, 74 trips up through now, 73 or 74 trips. The total number of trips that we're allowed under this EFP is 100. We're coming up on that soon, and clearly there is some concern among the fishermen. I've gotten a lot of questions about the status of Regulatory Amendment 11; and if that closure might be removed, and if the amendment is not approved, what are the options.

That's why I wanted to present this information before we had a discussion of what our options are and why I asked those questions about the council perhaps convening via a conference call. I know that sounds a little logistically tricky, and I was hoping maybe our chairman or staff or Monica could provide some information on that.

MR. CURRIN: Yes, it was my hope as well, Michelle, that by this meeting we'd have a pretty good idea of the status of Regulatory Amendment 11 and whether it was going to be approved or not or aspects of it were not going to be approved so that we could take some action to change a preferred at this meeting.

It's a little frustrating. I understand the dilemma that the region is having with those issues as well. Your question is a good one since we can't apparently act with not knowing what's going to happen at this meeting, what sort of other avenues might be open to us in case some aspect or all or part of Regulatory Amendment 11 is not approved.

MS. SMIT-BRUNELLO: Since there's been no action on Regulatory Amendment 11, it seems premature to go down the emergency rule route, and I wouldn't advise you to do that. But if a regulatory amendment got disapproved, there is a provision in the Act under Section 304A for the council to then revise the disapproved amendment and resubmit it to the secretary for review.

There is also a provision in the Act under Section 302 for emergency council meetings, which the Act says, "Emergency meetings shall be held at the call of the chairman or equivalent presiding officer." He would still need to make sure that the agenda was published 14 days prior to the date of the emergency meeting so that the public would have the opportunity to attend the meeting. That's the route. If a regulatory amendment was disapproved, that's the route I would advise you to go.

MR. CURRIN: Other comments or questions? Red Munden.

MR. MUNDEN: Just one general comment; if you looked at the bottom of this slide, percentage of observer coverage 19 percent; after having run a statewide observer program for sea turtle interactions in the past year and a half, we were required to have 10 percent observer coverage for the Pamlico Sound Gillnet Restricted Area, which has been operated under an incidental take permit for sea turtles, 10 percent observer coverage.

Mr. Chairman, a lot of critical decisions that are made by council members sitting around this table who sit on the marine mammal take reduction teams are based on less than 5 percent observer coverage. I just want to point out that we achieved 19 percent observer coverage, the goal was 20 percent. In the incidental take permit, however – or the experimental fishing permit, however the fishery hasn't closed for the year.

MR. CURRIN: Yes, thank you, Red, and I think the data from up there are pretty compelling. All right, so I guess that kind of lays out what we can do, and I don't know what else to do, Michelle, other than perhaps just wait to see what happens with Regulatory 11; and then if it's disapproved, or parts of it are disapproved and we want to take some action at that time, we'll have to request to the chairman that he call an emergency meeting to take some kind of action to submit an emergency rule as soon as possible. I've gotten calls as you have about people who are real anxious to find out when this thing is going to be lifted, this deepwater closure. David.

MR. CUPKA: Mr. Chairman, I was just going to ask Roy if he had any feel at all for when that review might be finished and when we might hear something. I guess that's not a fair question in some ways but if you have any feel at all, it might be useful.

DR. CRABTREE: Well, understand that the timing is not within my control, but I anticipate that this will all be done within the next two to three weeks. I think that at that time, depending on the outcome, David, you could request a meeting and then you could come in and take whatever steps were appropriate to resubmit at that point, but I hope no one reads into this anything about which way this is all going because it is not decided yet and we're still working on it.

MR. CURRIN: We understand; I understand, anyway. Michelle.

DR. DUVAL: Mr. Chairman, just looking at Regulatory Amendment 11, there is an alternative in there to allow harvest of blueline tilefish off North Carolina, north of Cape Hatteras in the deepwater, so I do think there are alternatives within that amendment that we could put forward should the Regulatory Amendment 11 be – the current preferred alternative be disapproved.

MR. BURGESS: Yes, just briefly while we're all at the table, I would like speak about the importance of this to the fishermen in the area. I think this came about by the December 2010 meeting when we heard from the industry, and it kind of led it to where we are now with the EFP and also Regulatory Amendment 11.

I think zero interaction with those species that are in question is very clear that what they said was true. It has a devastating effect on that community and the people that work there. I would

put this as a high priority. And economically, as they had said, we don't catch them, anyway. I think it's justified that it should be put at high priority.

MR. CURRIN: Yes, if you looked at those landing numbers or the numbers of fish pounds that these folks are landings in a trip up there, it's a fairly important little fishery. 1,200 to 1,400 pounds a day is a pretty good lick for those guys. Is there further discussion on this issue on Regulatory 11? Is there anything else, any other questions for Jack on the status of measures that have been submitted? Thank you very much, I appreciate it. All right, let's move on into Amendment 18B – Regulatory 12. All right, is Gregg going to do that? up. This is Attachments 3A through 3C in your briefing book.

MR. WAUGH: We'll be working from Attachment 3C, and what I'm going to do is run through the summary portion of that briefly just to familiarize everybody with what's in the document and then go to Section 4 and we'll go through each action, action by action.

The summary begins on Page S-1 of the document, and a number of these items went out to public hearing in 18B. Snapper Grouper Amendment 18B includes actions that would adjust the annual catch limit, optimum yield and accountability measures for golden tilefish and includes the same alternatives presented in this regulatory amendment with the exception of new Alternative 5 in Action 1 and new Action 2 that considers potential ACTs.

Those public hearings were held January 24 through February 3. We were asked in early January to put this document together for you to consider final action at this meeting. The purpose of this action is to adjust the annual catch limit and optimum yield, specify a commercial annual catch target, and revise recreational accountability measures for the golden tilefish component of the snapper grouper fishery.

Let me take a moment to acknowledge all the work that Karla Gore in the regional office did. Jack participated in this, Myra on our staff, and we've had some internal staff reviews of this in the short time we've been able to work on it, but I did do the final editing on this document in preparation for this meeting.

The need for action is these adjustments address the recent stock assessment results based on data through 2010. The actions that are in here are, one, to revise the annual catch limit and optimum yield for golden tilefish; two, consider establishing an annual catch target for the golden tilefish commercial sector; and then three, revising accountability measures for golden tilefish.

Where you have preferreds from the same actions in 18B, we show those as preferreds here. Just briefly to touch on the status of the golden tilefish assessment, tilefish are not overfished nor undergoing overfishing. The current level of spawning stock biomass in 2010 is estimated to be well above the minimum stock size threshold.

That ratio that we use to determine overfished status is 2.43, so we are in very good shape biomass-wise. The current level of fishing is slightly higher than one-third of Fmsy. The overfishing ratio is 0.36, so we're in good shape as far as our overfishing and overfished levels are concerned.

What are the alternatives? Again, we'll go through these one by one going through Section 4. In terms of revising the annual catch limit and optimum yield, no action is ACL and OY is equal to the yield at 75 percent of Fmsy. Alternative 2 would set the ACL equal to OY equal to the ABC. Alternative 3 would set ACL and OY equal to 90 percent of the ABC; Alternative 4, 80 percent of the ABC, and these are all in 18B.

The new one that was added here is Alternative 5, to set the ACL and OY equal to the yield at 75 percent of Fmsy when the stock is at equilibrium; and we'll show you what these numbers are when we get into Section 4. The second item – and this is a new action. We have not thus far considered annual catch targets on the commercial sector, but in the face of continued ACL overages it is going to be hard to maintain that position, so we've included alternatives here. Alternative 1 would be no commercial annual catch target currently exists.

Alternative 2 would establish an annual catch target for the commercial sector equal to 90 percent of the commercial sector ACL. Alternative 3 is 75 percent. Alternative 4 is 50 percent. And when we get into Section 4 and start talking about this, we have some updated numbers and perhaps some other alternatives you might wish to consider.

Something that you will need to determine is what's your intent with this? Certainly, given the quota overages, the commercial ACL overages, our interpretation of what you would do with an annual catch target is that if the commercial ACT is met or projected to be met, the commercial fishery would be closed. Harvest and possession would be limited to the bag limit and no sale would be allowed. We'll need to discuss that and get your clarification should you decide to specify an ACT.

Then finally to implement those revisions to the recreational accountability measures that are in 18B that we've been talking about, and you have several preferreds there clarifying that the recreational in-season accountability measure trigger is if the annual landings exceed the ACL in a given year, the Regional Administrator shall publish a notice to close the recreational sector when the ACL is projected to be met.

Then for post season AMs, we would monitor the following year and shorten the season as necessary. If we now go to Section 4, PDF Page 38; as I indicated the alternatives, you've got five alternatives. We've got a table here that shows what those values are. This is Table 4-2, and we've got the final projections from the Science Center using the ABC guidance from the Scientific and Statistical Committee. This set of numbers represents the SSC's recommended ABC range.

In 2012 it's 668,000 pounds, increases 669, then starts going back down 666, 665. In the past we've averaged these values when setting an ABC. The alternatives we have are your current way of specifying the ACL for golden tile is 75 percent of Fmsy. This results in annual catch limits that exceed the ABC recommendation of the Scientific and Statistical Committee, so that's not a viable alternative.

Alternative 2 sets the ACL equal to the ABC, and so that's not allowing any reduction for implementation uncertainty. The long-term MSY is shown at the bottom of this page. The long-term MSY is 638,000 pounds. That's at equilibrium, so we have a situation where the biomass is higher than MSY now; and so according to the results of this estimate, you could fish that stock down to the long-term MSY.

The long-term MSY value of 638,000 pounds is higher than the values in Alternative 2, so it raises some question about those values. Alternative 3, your values are below the ABC recommended by the Scientific and Statistical Committee and below the long-term MSY, as is Alternative 4.

In terms of whether you specify an ABC that changes each year or you want to specify an average, one new alternative is to look at the long-term yield at 75 percent of Fmsy, and that value is 625,000 pounds. It's just a little bit below your long-term MSY of 638,000 pounds. You may want to consider this alternative. It would provide long-term stability in terms of the amount of landings that would be allowed. The first decision is what your ACL is going to be, and then we've got a table that we look at using the existing allocations to split those out.

MR. CURRIN: Questions for Gregg on the ACL alternatives and values that he just went through?

MR. WAUGH: If I could, I should have mentioned this. We have sent this document out to the SSC and the AP. Myra is going to cover the AP comments and John will cover the SSC comments.

MR. CURRIN: All right, any questions for Gregg first? Is everybody clear on what needs to be done here and the alternatives that have been worked up for us so far? All right, John, do you want to give us the SSC's analysis?

MR. CARMICHAEL: The SSC, as Gregg noted, reviewed the assessment. They recommended a P-star value, and then projections were done based on the P-star value and that's where you get the total ABC that's in that column that's highlighted there in blue. The first thing I wanted to comment on was the significant separation between ABC and OFL.

The reason that occurs is because there is a lot of uncertainty in the terminal year of this assessment. Much of that uncertainty goes to the estimates of abundance, because it's apparent that there was one or maybe two very strong year classes that occurred relatively recently in the fishery.

Because they haven't fully recruited to the fishery, it's hard to know just exactly how big they were and whether it was one year or two years. There was a lot of discussion about that at the Assessment Workshop, as well as at the Review Workshop; positions raising from that just seems unreasonably high and something should be done to modulate it and bring it down some; to people saying that's the estimate, there is some uncertainty about what the recruitment was and we should leave it in there as is.

They ultimately left it in there as is in the base run with the expected outcome that when you apply the estimated uncertainty around that and run it through many, many iterations and get an idea of how much can be removed given a lower probability of overfishing occurring, you get a substantially lower ABC.

It's really not an unexpected outcome that there is a big difference between ABC and OFL and it reflects that terminal year uncertainty. In a sense this is what we would anticipate to come from an assessment when we do a good job of accounting for the uncertainty that's in there, and it's not unusual for us to get this kind of uncertainty in an assessment when we have a lot of recruitment uncertainty.

We saw this kind of mackerel over the years, and I'm sure Ben probably remembers some of those things when some of those estimates would swing quite a bit. That's where the ABC ended up. And the SSC's comment, there was one SSC member who commented on this regulatory amendment, which you guys received, and I'll just note that the primary gist of the comment was encouraging the council to account for the management uncertainty aspect in setting the ACL and not to set it at equal to the ABC because of the overage and such.

Those were noted. That was a point that the SSC stressed repeatedly at their last meeting. Though the SSC has not reviewed this and developed a consensus statement, the comment that was received was really echoing the concerns the SSC raised. The final thing I'll hit on I suppose is the Alternative 5.

One of the appealing factors of that is that it is a stable level and it sets the ACL consistent with the sustainable level of harvest that's expected over the long term. One of the issues that you have with some of those other alternatives is that the council would be in the position of setting an ACL that you know is not sustainable over the last long term, at least based on our best estimates, and you'd have to bring the fishery down over time and that can be pretty difficult.

I think especially when you talk about something that we're going to give an increase; and if you let it ramp up, in most fisheries management you really don't want to let it ramp up above your sustainable level, because then you're forced with bringing it back down. I hope you guys will consider that when you look at Alternative 5 and recognize that's the long-term sustainable level that's based on your past decisions regarding OY, using 75 percent of Fmsy.

As Gregg pointed out, that's close to the equilibrium estimate of MSY, which sometimes gives a big of pause, saying, wow, those landings levels are really close. But if you think back to the original logic, back with SFA and other things like 75 percent of Fmsy, a selling point was that you could be 25 percent less on your exploitation but take 90 to 95 percent of your overall yield.

It's because of the shape of the yield-per-recruit curve; and when you get yourself down on the backside of that curve a little bit, I guess actually on the front side, there is a lot of stock out there and it can be taken and it's very productive, so you can have a decent mortality cushion, which is good for preventing overfishing, while still making the most yield that you can. I don't think that there is reason for concern that the equilibrium OY is fairly similar to the equilibrium MSY.

MR. CURRIN: Questions for John? Wilson.

DR. LANEY: Mr. Chairman, I'm not on your committee, but, John, given that this is a very long-lived species, did the SSC consider age structure at all? That is question one. Question two is do we know what the relationship is between egg viability and the size of the females? Is this a case where there older, larger, longer-lived females produce the more viable eggs and therefore would be more likely to contribute to a dominant year class?

MR. CARMICHAEL: They didn't discuss the age structure a lot, and I don't believe that we know much about the viability of the spawners versus their size, but what you point out is correct and holds for most species and probably holds for this as well. They didn't get into, say, a comparison of the current age structure versus what would be expected at equilibrium. But I think what we know given the history is that age structure is coming back, but it's probably not up to where we would expect to see with equilibrium.

DR. LANEY: A followup, Mr. Chairman; so given that, would it not be prudent to exercise caution in terms of how many fish you take from the stock?

MR. CARMICHAEL: If you really have a problem I think that is always prudent in these circumstances, and the thing to note is the increase that you see there is, as I said, is really related to a couple of good year classes, it seems. That's another reason for considering very carefully if you choose to try and harvest that short-term estimated surplus.

MR. CURRIN: Other questions for John? Myra, do you want to give us the AP's recommendations as well?

MS. BROUWER: Regulatory Amendment 12 was sent to the Snapper Grouper AP via e-mail. Unfortunately, they did not have the advantage of discussing this amendment when they last met, because the last time they met was in October of last year. I received a lot of comments, some of which overlap with 18B.

It was kind of hard for me to tease out the ones that related to Regulatory 12; so since it's all one and the same, I'm going to go through some of the points that the AP members raised. Also, I should say that these are individual comments from AP members. They don't constitute recommendations from AP members, and they don't constitute recommendations from the entire AP.

Some of the comments were that the regulations need to cover more than just MSY but should put controls on the buyers as well. The way the fishery is opened in a free-for-all allows boat captains to produce a product in quantity but fall prey to the fish houses and wholesalers. There should be more review of the proper operations of catch and sale.

If the ACL is increased, could it be possible for a two-week season at the beginning of the month with closure at the end of the two-week segment? This would allow proper reporting of catch and collection of data throughout the year. We have to have better reporting in the recreational

sector. A deepwater species stamp required to harvest or possess golden tile would be very helpful.

Divide all regulated fish quotas by state; require all federally permitted vessels to have VMS 24/7; stagger the openings and closings by each state's historical landings with preset lat/long boundaries dividing each states lines at different times of the year to even out the market distribution of each species and help to maintain a good price year round.

This could potentially be done for each and every regulated species to help keep the various permitted vessels with reciprocal state fishing licenses within their own state boarders. To reduce bycatch, allow each permitted vessel a certain amount of bycatch, which would cut down on discard mortality and would be deducted from the ACL.

This also helps to keep the consumer's ability to be able to purchase these fish year round. Require that by 2013 each permit holder submit their catch within 24 hours by either electronic means or fax. This would enable NMFS to better track the catches as they get closer to meeting the individual state's ACLs and to help reduce reductions in the following year's ACLs.

North Carolina, South Carolina, and Georgia have to contend with extreme weather in the fall and winter months. Any decisions for the parceling of these fisheries should consider this factor. Make weekly reporting mandatory, and I imagine this is the first to dealer reporting; institute fishing two weeks on and two weeks off with biannual split quota. There was a lot of support for that sort of an arrangement. No endorsements for either longline or hook-and-line sectors and consider a catch share program for the longline sector. That basically sums up what the AP had to say.

MR. CURRIN: Questions for Myra on AP input on both Regulatory Amendment 12 and 18B? What's your pleasure here, folks? We need a preferred alternative under Action 1. Roy.

DR. CRABTREE: Yes, I'm inclined towards Alternative 5, the 625,000. I think Alternative 2, which sets it higher, one, I don't like the notion of setting an unsustainable level of catch and having to lower the quotas and potentially look at the season get shorter over time. I also think we are going to run into a lot of issues explaining how we can be setting unsustainable catch levels that are actually higher than MSY.

I understand there are technical reasons for how you can do that without overfishing, but I'm just more comfortable with setting something that is going to be stable. It seems to me Alternative 3 and 4 set the catch levels lower than they need be. I think with the cushions and everything we have, Alternative 5 at 625,000 pounds is I think a very safe catch level.

As John brought up, I like the fact that we're on the good side of the curve here and that we've got a high file mass of fish, so we can get a pretty good cushion on the exploitation rate without giving up much in terms of the fishery. **I'd make a motion to adopt Alternative 5 as our preferred.**

MR. CURRIN: Motion by Roy; second by Ben and David and Doug and probably others as well. Let's give it to David first. All right, discussion on the motion to adopt Alternative 5 as our preferred? That was good rationale, I certainly agree. Ben.

MR. HARTIG: I agree with everything Roy said. The other thing that comes into it is in talking to some of the fishermen that have been in the fishery since the beginning, some of them feel this is pretty close to the long-term average that they could take. Maybe we'll find out in further assessments that we could take more, but right now I think it's close to some of the fishermen's expectations of what can be taken out of this fishery.

MR. CURRIN: Yes, I've heard that as well from some of them, Ben, and it's encouraging. It's nice to be in this position. Further discussion on the motion? Is there any objection to that motion? **I see none and that motion is approved.** All right, Action 2.

MR. WAUGH: To show you the results of that action then are that the commercial ACL is 606,250 pounds whole weight; and the equivalent on the recreational side, their allocation would be 3,019 fish. If we go ahead then to Action 2, here we have a consideration of the annual catch target. Under Alternative 5, which you've just chosen, here is the commercial ACL and the recreational ACL.

The preliminary commercial 2012 landings are 365,171 pounds gutted weight, or 129 percent. We are 29 percent over the ACL. You would deduct that amount from your ACL that you just set, the commercial ACL. That leaves right now 176,124 pounds. I don't know what the confidence level is of the Center in this number, 365,171, or do we expect that to go up as more reports come in?

But a couple of items that you need to consider is when do you want to have this amendment take effect such that when would the increase be available. Do we want to set up – and this is a new Alternative 3 that we lay out here, because under the existing alternatives that you have before you, I've added in the numbers here and they are projected up there, so under Alternative 2, if you were to establish an ACT 10 percent below the commercial sector ACL, then their quota, when we reopen the season, would be 158,512. Well, we're already over 29 percent.

We don't know that anything would change in our ability to track the quota before we reopened. Perhaps this 10 percent step down is not enough. We've got one at 25 percent, which is still below the level of the overage. That would be 132,093 pounds. You could open at 50 percent of the commercial sector ACL at 88,000 pounds.

We've added a couple of new alternatives that you don't have in the document before you. Potential new Alternative 5 would be to establish an annual catch target for the golden tilefish commercial sector equal to 70 percent of the commercial ACL. That would be closer to the 29 percent overage here.

The actual ACT would be calculated using the most recent data just prior to publication of the final rule with an effective start date of the new ACT, and you would specify when that is.

We've heard some discussion for September 1, in some of the discussions that have taken place so far.

That would give the Center the opportunity to refine the estimate of commercial landings and determine what would be left. The Center provided us with some average catch-per-day figures, and I believe this was a part of Steve Turner's presentation to either specify an ACT or look at calculating the length of the season.

The data that were provided to us for the two-week period, January 1 to January 15, the average catch per day was 7,586 pounds. For the 16th through the 31st, it was 8,225.6 pounds. February 1 through 15, it was 5,806. February 16 through the 29th, it was 2,334.3 pounds. You can average that.

What I've done here is shown if you take that the total that's left, the preliminary estimate of what is left, this 176,000 pounds, assuming that this number is correct, the 365,171, then you could look at various periods of a catch per day and calculate the length of the season and specify the season. You would certainly have options to use the average.

Perhaps you would want to use the high point given that if it opens again in September, it's going to be under open access, so people are likely to fish at a derby rate, and so you could specify that the season would open September 1 and run for 21 days. Then you could assess afterwards if there was any remaining quota or just deal with that the following year.

Again, if you do set a commercial ACT versus a length of the season, then you would have to clarify what your intent was. Did we interpret your intent correctly, because there are no accountability measures in place that would require landings over the ACL to be deducted from the following year or that would provide for any underage of the ACL to be added for the following year.

MR. CURRIN: All right, thoughts, questions for Gregg. Ben, have you got any insight into why those catches dropped off from 7,000, 8,000 for the first couple of periods there to 5,000 and into early February, 2,000; is that fisherman doing other stuff?

MR. HARTIG: Well, we've got some longliners in the audience that may be able to – yes, I thought it was weather conditions that actually caused the problems and I saw the sign waves from the audience, so that's what it was, it was weather.

MR. CURRIN: Thank you very much. All right, what's your pleasure here, folks? Several different ways to go of setting an ACT based on what had been historic overages; setting a fixed season based on the estimates of catch; how do you want to do it? Charlie?

MR. PHILLIPS: Mr. Chairman, I apologize for walking out of the room real quick, but I see the note that we don't have any AMs. Is it possible just to set an AM and then we're not guessing about what the fisherman going to catch per day or some of that stuff? If we just set the AMs, then they don't have to step down, they are catching exactly what they should be catching, whether they get to add it or subtract it the following year.

DR. CRABTREE: Well, we do have AMs. We close the fishery when the ACL or the quota is caught. Now we don't have an ACT, so what you've done up to now is just set an ACL and when it's hit the fishery is closed, and the closure is the AM. Now there is no payback provision because our policy has been we were doing paybacks with stocks that were overfished, but not in this case because the stock is in good shape. You could change all that.

MR. CURRIN: Probably not in this regulatory amendment but maybe in 18B.

MR. PHILLIPS: I guess that's the point, would we want to look at that, having the paybacks in lieu of the ACTs?

MR. HARTIG: I'm not prepared to make a motion, Mac, but basically I've gone on record saying that the AMs are going to – what was I going to say – I got into it a little bit yesterday with talking about setting an ACT and then not being able to recoup any of that at a future date, and that is the problem I have with setting them.

If there isn't some way that the agency can come up with we can set it either by two years or we can set the next ACL higher than that level, then I have a real problem with this on not being able to capture most of the quotas. We are getting better assessments and I would like to be able to get as close as possible.

I'd like to see the agency actually change the guidelines for this to be able to happen. I don't know the probability of that or if any thought has been given to that, but that's where I am with this. I have a hard time. I see the overages. We did a pretty good job in the first three years of this fishery getting real close, and then all of a sudden, for whatever reason in the last few years, we haven't been able to get as close. That's the problem I'm struggling with and I don't know exactly how to fix it.

MR. CURRIN: Well, I understand your dilemma as well, but you're right, your last statement is concerning as well in that we have seen some fairly significant overages in the last two years. I'm not sure it's prudent to not try to do something about that. Now, improved quota monitoring, which is right around the bend, we hope is likely to help that.

But we've been running on a fine line here with a lot of these fisheries and have been setting our ACLs equal to the ABCs, and our rationale has been, well, we've got quota monitoring and we're going to close these fisheries down when we get close or think we are. For a number of our fisheries that hasn't worked very well. I'm comfortable with being a little bit conservative right now until that quota monitoring system is functioning at a higher level and a more timely level. Other thoughts, what's your pleasure here folks? Anybody got an alternative that grabs them?

No, don't want to do Regulatory Amendment 12? We can set an ACT or we can look at the average landings. I think wasn't that another alternative we don't have in our book, Gregg, but you outlined for everybody based on that table and just set a number of days based on our best guess of what the average landings would be.

DR. CRABTREE: Yes, and I would strongly encourage you not to do that. I think that would be a big mistake, and I think that would put you on the road towards a likely overrun. I think we need to monitor this through the dealer monitoring and close it when we think it needs to be closed. I think we'll have better information to do that when we get to that, so I would not get into that issue here. I think you just need to decide if you want to have an ACT or not have an ACT.

MR. CURRIN: All right, what's your pleasure, folks? We've got a pretty broad set of alternatives, from none to 50 percent. How does 90 percent look? All right, Gregg just whispered in my ear that we're fairly close to twelve o'clock, do you want to think about it over lunch and then come back and move on. All right, let's be here promptly at 1:30 ready to go and we'll try to get this out and move on.

(Whereupon, the meeting recessed at 11:50 o'clock a.m., March 8, 2012.)

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THURSDAY AFTERNOON SESSION

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Madison Ballroom of the Savannah Hilton DeSoto Hotel, Savannah, Georgia, Thursday afternoon, March 8, 2012, and was called to order at 1:30 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: All right, let's go ahead and reconvene. We're back on Action 2, please, in Regulatory Amendment 12. We need to select a preferred alternative here to establish an ACT for golden tilefish commercial sector. Everybody should have had ample time over lunch to think about this and the way you want to go. Duane.

MR. HARRIS: I would move that we make Alternative 2, to establish an annual catch target for the golden tilefish commercial sector at 90 percent as the commercial sector ACL.

MR. CURRIN: Motion by Duane; is there a second to select Alternative 2? Second by Charlie. Discussion on the motion? Roy.

DR. CRABTREE: What happens when the ACT is hit, then does that now trigger the accountability mechanism which is closure?

MR. CURRIN: I would ask you whether you're going to be able to detect with the quota monitoring system any difference in the landings of the ACT and the ACL. Isn't it effectively going to be about the same thing? It's just going to be you're going to set the target for your projections a little bit lower?

DR. CRABTREE: Well, yes, but it's a big difference as to – I think the current accountability measure is when the ACL is hit, so we've got to change that so that it's when the ACT is hit. Otherwise, I'm not sure what value the ACT really has.

MR. CURRIN: Okay, I see your point, yes. Gregg.

MR. WAUGH: This is the wording we have shown here in yellow, and I believe it's like that in your document as well. Our interpretation that if you're setting a commercial ACT, it would be that value would be used to determine when the closure takes place; so your intent would be that if the commercial ACT is met or projected to be met, the commercial fishery would be closed. Harvest and possession would be limited to the bag limit and no sale would be allowed.

MR. CURRIN: Is that satisfactory?

DR. CRABTREE: I think so.

MR. HARTIG: We had this discussion before lunch, the same thing. I just wish that some way – I support an ACT if we can have any unused quota moved to the next year, that's no problem, but we don't have that now and basically the fishermen could be penalized for the Science Center not being able to monitor the quotas closely. That is unacceptable to me, so I am not going to vote for the motion.

DR. CRABTREE: Well, I think when you have an ACT there is not really a problem with carrying an underage over to the next year provided if you add that underage to the ACT next year it doesn't cause you to exceed the ACL. That would mean in this case underages of a small amount maybe we could carry over, but I don't know can we change things like that, Monica?

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

DR. CRABTREE: I'm not sure; can we address things like underages in a framework here or would that be something we'd have to address in another document?

MS. SMIT-BRUNELLO: I'll look at the framework. Currently I think it covers ACLs and accountability measures. I'm not sure that it covers ACTs actually. I'll look into that.

DR. CRABTREE: We may not be able to do it here today, but I think in cases like this where we're not in a rebuilding plan, we're not overfishing, we're well below the OFL, and we have an ACT, I think there probably are provisions we could put in there that would carry at least some portion of underages forward.

MR. CURRIN: But if I understand what you just said correctly, Roy, then it would only be those underages that were less than or equal to the ACT and the amount you could carry forward would be only that amount up to the ACL, so that you couldn't – the total wouldn't exceed the ACL in the following year.

DR. CRABTREE: That might be the case. The key number is the ABC. In this case the ABC is even higher than the ACL, so we might have a little more latitude with that even, but I think we'd have to spend some time figuring it out.

MR. CURRIN: All right, that's encouraging then. Charlie.

MR. PHILLIPS: Part of the problem that we had with this, and I think we all know it, is because it is a derby fishery and it's very hard to keep track of it. I don't see it becoming any less of a derby fishery. Even if at some point in time we go to a week on or week off, I don't see that slowing it down a whole lot really, because everybody will be poised at the gate on Monday morning at twelve o'clock when they open the gates. Because we don't have anything like – the fishermen have ruled out other options that would keep them away from ACTs. This is just one of the things that they have to deal with.

MR. CURRIN: All right, further discussion on the motion? Is there any objection to the motion? **The motion is approved with one objection.** All right, we heard from a lot of people, and maybe the best place to consider some of this stuff, if you want to, is in 18B, but a number of people last night in their comments to Roy were talking about lowering trip limits and week on, week off, and all those sorts of things. Let's defer any kind of consideration of that sort of stuff until we get to 18B. All right, Action 3. Duane.

MR. HARRIS: Mr. Chairman this is before Action 3. I'd just like to make a motion that we today wish Myra a happy birthday. I'm not going to propose that I sing to you.

MS. BROUWER: Thank you, everybody.

MR. CURRIN: You didn't turn too red. All right, what page are we on, Action 3 here, PDF 58, to revise the recreational accountability measures for golden tile. All right, Gregg, do you want to walk us through.

MR. WAUGH: Yes, and these were included in Amendment 18B and went out to public hearing. You have preferreds in 18B, so we carried those over in here as preferreds. You need to determine if you wish to change your preferreds. In terms of specifying the recreational – currently remember we used the average landings over years, then we were moving to the three-year running average. This would remove that for golden tilefish.

The trigger would be if the annual landings exceed the ACL in a given year. If that occurred, the Regional Administrator would publish a notice to close the recreational sector when the ACL is projected to be met. In terms of post-season, Subalternative 4A, we would monitor the following year and shorten the season as necessary.

If the ACL is exceeded, the following year's recreational landings would be monitored in-season for persistence in increased landings. The Regional Administrator will publish a notice to reduce length of the recreational season as necessary.

MR. CURRIN: Is everybody okay with those current preferreds from 18B, no desire to change them? All right, everybody okay? All right, I see no desire to change those. Is that it, Gregg, as far as that's all the actions, is it not?

MR. WAUGH: Yes, we need a motion to send this – and I believe the codified text has been circulated as well, so we would look for a motion to submit Regulatory Amendment 12 to the secretary, and then deal with the codified text also.

MR. CURRIN: Is there a motion from the committee to approve this amendment for formal review by the secretary? Motion by Robert; second by David. The motion is to approve Regulatory Amendment 12 for formal review by the Secretary of Commerce. Discussion on that motion? Is there any objection to that motion? I see none and that motion is approved.

Now we need a motion to deem the codified text as necessary and appropriate. Motion by Duane to deem the codified text as necessary and appropriate; second by Charlie. Discussion on that motion? Any objection to that motion? I see none and that motion is approved.

Okay, we will also need a motion to give the staff some latitude to make the changes and corrections as necessary and to also give the Chairman editorial license to deem the changes in the codified text, if any. Motion by Duane; second by Charlie. **The motion is to give the staff and Council Chair editorial license to make changes and corrections to the document and codified text as necessary. Any further discussion? Any objection? I see none and that motion is approved.** All right, Gregg, is that it?

MR. WAUGH: Yes.

MR. CURRIN: Thank you very much for Regulatory Amendment 12.

Now we're going to back up to Amendment 18B on golden tilefish. A lot of ideas from last night that we heard from the public and everybody is pretty aware of what has been going on with this fishery. We dealt with that to some degree in Regulatory Amendment 12, as well. We'll switch over and Myra is going to go through the summary of the public hearing documents first, Attachment 2A, revised, if you want to follow along, and then we'll get into the overview of 18B and see what you want to do with this, and see how much progress we can make.

MS. BROUWER: We received about a dozen comments during the hearings from Key Largo to New Bern. We received six written comments during the comment period, which began on January 13 and ended on February 15. I believe there was another comment that came through, a comment letter that came through this morning as well related to 18B.

I'm just going to highlight some of the specific comments that were made. Most fishermen supported the proposed endorsement program. There was a request that the council put all effort possible to increase the ACL by July 1, 2012, or talk with industry and try to come up with the right date. Fishermen need to agree on how to manage the fishery by themselves and it can work

without catch shares. There was a recommendation that staff call all participants in the fishery and get their collective thoughts and present them to the council.

The council should have an Economic and Marketing Advisory Panel that should be involved in council decisions. The council should consider taking the corporate votes out. There are at least two new boats in the fishery that are corporate boats. They are leaving gear out and killing fish that don't make it to the market. Make no further changes to golden tilefish unless a bigger share goes to the recreational sector.

There is a perceived need to increase the bag limit and the recreational allocation currently is at 3 percent. There are some folks that were against transferrable endorsements for golden tilefish but didn't state why they were against it. The adjustment in the ACL should be put in place this year for the entire amount of the increase.

However, next fishing year longliners would like to have the majority of the quota available to them in the first four months of the year when shallow water grouper fishing is closed. There was a statement that the closure of the Oculina Bank into the muddy area has contributed to movement of golden tilefish.

A statement that endorsements were applicable under the old quota, but the council should consider including more boats since the new quota will go up, the new ACL. Again, some support for a recreational tag system for golden tilefish. From the hook-and-liners, consider increasing participation and allow a rollover for hook-and-line fishermen, at least a 50 percent rollover, since they may not be able to catch the entire ACL. This is referring to the adjusted ACL.

More statements about derby conditions, and that's unprofitable and it causes depressed prices. The new boats that have come into the fishery in the last two years have contributed to reduced prices as well. There were statements made that rock shrimpers sometimes trawl in golden tilefish grounds and scatter the fish. There needs to be some kind of limit on the depth that the rock shrimp vessels can operate so they don't destroy the tilefish grounds.

Statements about the four-month spawning closure that has affected the restaurants and you all heard about that yesterday as well. The restaurant folks need the tilefish during the early part of the year when no grouper are available. The golden tilefish quota is being filled so quickly that there is no decent local fresh fish to offer to guests during the busiest season and during Lent.

Consider extending the length of the fishing season by closing for a week and opening for a week, et cetera. Again, more support for the council considering allowing more recent entrants into the fishery, especially now that the ACL is due to increase. More statements as far as revising the allocation for golden tilefish; existing allocations have been in place for a long time and do not represent the fishery of today.

Consider regional management for the fishery to alleviate disparity and effort depending on the time of year between Florida and the Carolinas. SAFA went on record stating that they are not in favor of the endorsements. They think there is a better way through a voluntary IFQ program

that would reduce the number of people eliminated from the fishery through the proposed endorsement program.

The council should consider reducing effort through means other than an endorsement program such as lower trip limits, fishing ten days at the beginning of every month, or fishing odd and even weeks based on permit number. The council should consider underutilization of a resource as much as overutilization. Golden tilefish should be responsibly harvested at maximum sustainable yield, taking market conditions into account.

Directed Sustainable Fisheries supports the endorsement program as proposed and requests that the council not consider a catch share for this fishery. They suggest no trip limit for the hook-and-line fishermen who receive an endorsement. That's the summary of the type of comments we received.

MR. CURRIN: Thank you, Myra; any questions for Myra? Everybody has got copies of those comments. All right, David.

MR. CUPKA: I just wanted to take this opportunity to call everyone's attention to the letter that the council received last night from Congressman Walter Jones of North Carolina expressing his strong opposition to this particular amendment and asking the council to look at some of the issues he is concerned about, which is fair and equitable access to the fishery. I guess we'll read it into the record tonight when we have comments, but I just wanted people to be aware. I think Mike sent that around to everyone if you want to take a look at it.

MR. CURRIN: Yes, thank you, David. Ben.

MR. HARTIG: The only comment I had, I thought the Economic and Marketing Advisory Panel was an excellent idea. From the fishermen's perspective, we look at these openings and closures and things; some way to put it all together and have actually a council committee to look at the economics of where other councils are open for particular species and when they aren't, and to make better use of the openings that we have. That is just one thing I thought was interesting in that.

MR. CURRIN: Yes, that should be pretty easy to put together, Ben, with similar species in the Mid-Atlantic and adjacent councils and the Gulf of Mexico as well. If there are differences when various species are open, that would be good information to have as we consider certainly season structure. Any other questions or comments at this point? All right, I believe we are going to ease through Attachment 2D; is that correct, Myra, 18B Decision Document, dated March 2012; is that the version?

MS. BROUWER: Yes, that's correct.

MR. CURRIN: Does everybody have it?

MS. BROUWER: What I'll do is just walk you through. The Decision Document up on the screen, it tells you the PDF page so you can follow along with your version of the document.

This is PDF Page 2. The first thing that the IPT would suggest is to do a revision of the Purpose and Need, and that language is highlighted in yellow.

This is necessary because the amendment has changed substantially since the original Purpose and Need was put in place. You can see the old language and the new language, so this incorporates actually Actions 11 and 12, which are the ones that you just approved to be included in Regulatory Amendment 12. Even this Purpose and Need right now would still need some tweaking, but we would need guidance from the committee to go ahead and make those changes.

MR. HARRIS: I would move that we accept the IPT's recommendations for the new Purpose and Need statement for this amendment.

MR. CURRIN: Motion by Duane;, second by Charlie. Discussion on that motion? David.

MR. CUPKA: That's with the understanding, Duane, that staff can further work on this to accommodate some of the earlier actions?

MR. HARRIS: Right.

MR. CURRIN: Further discussion? Any objection to that motion? **I see none and that motion is approved.**

MS. BROUWER: Okay, Action 1, PDF Page 4, is to limit participation in the golden tilefish component of the snapper grouper fishery, and that is a change that the IPT has suggested. Your preferred alternative is for individuals that meet the qualifying criteria to receive both hook-and-line and longline endorsements. Underneath the actions in the document that you have in front of you, you have a summary of the effects.

Following that a list of recommendations as appropriate either from the team, the SSC, the AP, and the corresponding rationale for each of them. I'm not going to go through all the rationale for all the recommendations unless there is a desire to do so. For this action, as I said, we would recommend changing the language of the action; selecting Alternative 2 as well as Subalternative 2A as the preferred, just to be consistent; and consider removing the establishment of a hook-and-line endorsement under this action.

MR. CURRIN: Thoughts, motion? Michelle.

DR. DUVAL: Thoughts, Mr. Chairman, thank you. I will be a flip flopper on the record here. When we took this out to public comment, I was supportive of a hook-and-line endorsement. I think after seeing some of the analysis that the staff has done, I'm not really sure I support that anymore.

Certainly speaking on behalf of North Carolina's fishermen, having the hook-and-line endorsement would disadvantage them, and I think I see this. If we maintain some of our other preferred alternatives such as splitting the ACL between the longline and the hook-and-line sector, I would see removal of the hook-and-line endorsement as allowing a little more

opportunity for those folks who don't qualify under either of those endorsement options. I would be supportive of removing the hook-and-line endorsement.

MR. CURRIN: Yes, and I think the recommendation from staff here is to just remove it from this action, Michelle. It still would be in the document, and we can discuss final content of that document, or that action as we get closer. I think some things have changed and your thoughts and arguments are not much different then some of the discussion we had, Ben, when you were absent dealing with your health issue a while back.

Is everyone okay with the recommendations from the IPT? I guess the rationale for removing that hook-and-line endorsement is just to make it a little bit cleaner and put the longline issues in one section and the hook-and-line endorsement issues in another.

MS. BROUWER: Well, actually, no. I believe our intent was, as Michelle stated, that there may no longer be a need for a hook-and-line endorsement since you are considering an allocation for that sector, anyway, and you would like to go back to that 25 percent historical allocation. It follows that an endorsement especially with the increased ACL may no longer be needed for the hook-and-line sector.

MR. CURRIN: I apologize, Michelle. All right, what's your pleasure here, folks? We do need a motion. Duane.

MR. HARRIS: Thank you, Mr. Chairman. I recommend we accept the IPT's recommendations for 18B to change portion to component and language of action; select Alternative 2 as well as Subalternative 2A as preferred; and consider removing establishment of hook-and-line endorsement under this action.

MR. CURRIN: Just one point of clarification; do you want to move to consider removing it?

MR. HARRIS: Remove it; remove the "consider" from my motion.

MR. CURRIN: Motion by Duane; second by Tom Burgess. Discussion on that motion? Ben.

MR. HARTIG: I understand the increase and as long as we get the increase I think I'm fine with that, but if somewhere down the road we don't, then I may want to revisit this again. It will impact decisions later.

MR. CURRIN: Further discussions on the motion? Is there any objection to the motion? **I see none and that motion is approved.** Yes, Roy.

DR. CRABTREE: All right, so we're not going to create a hook-and-line endorsement, so all there will be is a longline endorsement. Alternative 2A is basically specifying that if you meet the criteria for both endorsements you receive both but there is only one endorsement now. Do we need that anymore?

MS. BROUWER: Right, so the language of the alternatives would have to be changed to reflect the removal of the hook-and-line endorsement.

MR. CURRIN: Is everybody clear on that? I'm sure that's acceptable. Certainly, that is the intent by the passage of that motion.

MS. BROUWER: Since you've chosen not consider hook-and-line endorsement anymore, then establishing an initial eligibility criteria is no longer necessary, so a motion to remove this action from the amendment would then be appropriate.

MR. CUPKA: I'd like to make a motion that we remove Action 2 to the considered but rejected appendix.

MR. CURRIN: Motion by David, second by Robert Boyles, to move Action 2 to the considered but rejected appendix. Discussion on that motion? Any objection to that motion? **I see none and that motion is approved.**

MS. BROUWER: Action 3 would establish eligibility criteria for the golden tilefish longline endorsement, and this is found on PDF Page 11. Your current preferred is Subalternative 2F; to receive a golden tilefish longline endorsement the individual must have an average of 10,000 pounds gutted weight golden tilefish; caught with longline gear for the best three years within the period 2006 through 2010. If you look down at Table 2, it shows that the different numbers of endorsements that result from each of these alternatives, so the preferred alternative would result in 14 longline endorsements.

MR. CURRIN: Does everybody understand? Is there any desire to change the preferred? Are we okay with that? Ben.

MR. HARTIG: Well, the desire would be to try and add a few more fishermen given the increase in the quota and how to do that I'm not exactly sure. The idea I had was to use the same preferred we had but to lower that from 10,000 to 5,000 and to see what that did. I think it adds a couple of more fishermen; it doesn't add a whole lot of them if I'm correct on that. Reading in the document that 5,000 pounds was pretty much a ceiling that left a number of fishermen out, but did add a couple more.

MR. CURRIN: Is that a recommendation to add an alternative to panelize similar to 2F.

MR. HARTIG: Yes.

MR. CURRIN: I guess that alternative would read "an average of 5,000 pounds gutted weight golden tilefish caught with longline gears for the best three years within the period 2006 to 2010, Ben.

MR. HARTIG: Yes.

MR. CURRIN: Is there a second? Second by Dr. Crabtree. Discussion? Roy.

DR. CRABTREE: Yes, I'm okay with looking at that. Some people brought up including 2011 landings in this, and I guess my question is do we have 2011 landings in the document? Do we have anything that's looked at 2011 and how many vessels are put out?

MS. BROUWER: I don't think so.

MR. CURRIN: Kari's coming up. I don't believe it is currently in there, but I'm not sure. Kari.

DR. MacLAUCHLIN: It's not in 18B right now, but in the catch shares options paper there is – just as some background information there is the number of vessels from 2000 to 2011, and that's what some of the folks have and Andy provided that information.

DR. CRABTREE: Is it possible by full council to have something to be able to tell us what adding the 2011 in how many vessels that might add or how many are being left out because of that?

MR. BOYLES: Just real quickly, there is not a control date for this fishery, correct?

DR. CRABTREE: There is, and I think it's 2009 or 2008, so we're letting in vessels after the control date, anyway.

MR. CURRIN: December of 2008, Myra said is the current control date.

DR. CRABTREE: Right, but I don't think that's a problem; you can do that.

MR. STRELCHECK: Because the fishery closed early last year, we would have landings for 2011 largely complete. There could be some incomplete logbook records. The bigger challenge for us is that these landings get linked to permit data, and so at this point we don't have the permit histories created for 2011 to link to landings data. Now given there is a small universe of vessels here, it could be done but we would not have that available for this meeting. It would have to be after the meeting.

DR. CRABTREE: But we could have that to look at in June. Then one other thing that came up last night; there was a lot of discussion about validating the logbooks with the trip tickets, and there were all sorts of statements made about number of people fishing and those types of things. Since it is a fairly small universe, Andy, would it be possible between now and June to do anything and see if there is some glaring disparities or is that a major undertaking to try to do?

MR. STRELCHECK: No, that could be done. In fact, Steve Turner and the statistics group at the Science Center do have some programs already in place for validating trip ticket, logbook, and IFQ data.

DR. CRABTREE: At the risk of a can of worms, is that something we'd want to look at?

MR. CURRIN: From my perspective, it would depend on whether you or someone else wants to offer a motion to include 2011 as an alternative year. I think we've currently – did we vote on that earlier motion? I don't think we did. Let's get back on this motion that's before us. Do you need me to read it because there has been so much discussion since then?

All right, the motion is to add a new subalternative. It would read, "To receive a golden tilefish longline endorsement the individual must have an average of 5,000 pounds gutted weight golden tilefish caught with longline gear for the best three years within the period 2006 to 2010.

Any further discussion on that motion? Any objection to that motion? **I see none; that motion is approved.** Now, there is some discussion about consideration of adding perhaps another alternative that would capture the landings from 2011. Dr. Crabtree, is that something you want to pursue at this point?

DR. CRABTREE: Yes, I guess I would move that we add another alternative similar to what we just added but that included 2011.

MR. HARRIS: I would just ask Roy if he wants to add two alternatives; one with 5,000 and one with 10,000 pounds?

DR. CRABTREE: Yes, that was my intent.

MR. WAUGH: At some point we need to talk about what your timing and goal is with this, because you're adding in new alternatives now. I presume those would be analyzed and the intent would be, what, to take public comment at the next council meeting? Ben has been interested and has asked Kari to work up another approach at looking at some other alternatives. If we're now adding alternatives here and looking where we want to go with 18B, maybe this is a good time when you all get finished with this motion to let Kari present her analysis and then you all figure out where you want to head with 18B.

MR. CURRIN: That's probably a good suggestion, Gregg.

DR. CRABTREE: I still want to stay on a June timeline with this, and this really came out of public comment, and I assume we'll take more public comment in June. My assumption is that adding in 2011 may add a couple of vessels to the mix, but it's not going to substantially change things such that it would require a great deal of analysis.

MR. CURRIN: All right, we've got a motion, which I will read – we do not have a second yet – the motion from Dr. Crabtree is to add another alternative, actually two alternatives similar to above, one with a 5,000 pound qualifier and one with a 10,000 pound qualifier, including 2011. Second by Duane. Further discussion on that motion? Is everybody clear on what it does? Any objection to that motion? I see none and that motion is approved.

MR. PHILLIPS: It may not matter, but I believe that is going to make some of these subalternatives 2B and 2C; they would be included in these new alternatives, too, so do you still want those in the document?

MR. CURRIN: Well, I think the end result is going to be different, because the years of participation or qualifying years are different, so I think they're going to be different. Now as far as people, yes, they are going to be the same people that are included. Each year you potentially may add another person or two or whatever it works out to be, but, yes, at this point I think they are different and would perhaps result in different numbers. All right, everybody okay with Gregg's suggestion?

DR. MacLAUCHLIN: Okay, with all the alternatives, I think it's great to add some more things to think about, but really what it sounds like is that you want to see a certain number. You want to add more people; you want to maximize the number of people you can get in. Who do you guys want in there?

I think as a staff person doing the analysis, and you keep adding alternatives, I feel like for this action there has been a bajillion come and go and moved around. Instead of adding them, why don't we just talk about, again, maybe we need to have a conversation again about who you want in here. How many boats this fishery can sustain? Do you want everybody? Do you want new participants? I think that's what I don't understand.

Instead of doing all these different combination best three years and this period and add a year, why don't we talk about the number that you're looking for.

MR. CURRIN: Well, Kari, I can't address your question. I don't have a number. I don't know whether Ben does or anybody else around here and I can appreciate your frustration with this, because it's getting broader and contracting and growing broader still. I think some of the confusion for me at least is brought about by the increase in the ACL that I wasn't aware of until just recently and certainly not at the last meeting. Ben.

MR. HARTIG: Yes, the tilefish workgroup came out with 17 was what their recommendation was, and somewhere in that realm I think I'm comfortable with; much more than that probably not, but it's not my intent to add up to 20. I think somewhere between where we have now and three more boats would probably serve my purposes well and serve the fishermen that could be included. There are fishermen with a long-term history in the fishery that aren't being included and I think they need to have consideration.

MR. CURRIN: Other comments or reaction to Kari's statement? Duane.

MR. HARRIS: My concern is just a fairness concern based on what we heard last night. We do have – I guess by the time we get to the June council meeting we'll have enough faith in the 2011 landings we'll be able to see what that does. We haven't decided what we want to do yet. It's just another thing to look at and decide if we want to get down that road, but we can't go down that road unless we look at it.

MR. CURRIN: All right, Gregg's suggestion was in between last meeting and this meeting, based on some comments actually that came partially at least out of the tilefish workgroup many years ago, when they were talking about how to proceed, what they wanted their fishery to look like, how they wanted it managed. They talked at that time about ITQs, IFQs whatever you want to call them.

At that time their collective decision, as best I remember – and, Ben, please correct me if I'm wrong – was that they were not interested in pursuing IFQs at that time because the quota was not sufficient in their mind. The amount of fish available was not sufficient for them to give it serious thought.

There has been a recent bump or will be a recent bump in the ACL for golden tilefish. In lieu of that or in consideration of that, not in lieu of it but in consideration of that we asked the staff to put together some analysis on what a catch share or IFQ would look like for the longline sector of the golden tilefish, solely for the longline sector.

Kari has done that and we're going to present it to the council and the committee at this point and go through it because we've heard the comments around our table in all of our discussions and from the public as well, there is not much difference between endorsements and ITQs, IFQs, and catch shares. They are kind of both heading in the same direction of consolidating and restricting the fishery to some X number of people.

This is certainly a possible way that the golden tilefish fishery could be managed, and Kari has done some analysis for that and we'll let you throw that out before we wade down one branch and then come back to the intersection and wade down another one later.

DR. MacLAUCHLIN: Okay, you received this in an e-mail on Friday, I believe, and we have a couple copies of it. There is the options paper. In this presentation I've pulled things from the paper but it doesn't have everything in there, because there are a lot of charts and graphs. What I wanted to do more with this presentation was just explain what all those charts and everything mean, and then you can go through it.

Because if you show the results of the analysis, after you show so many, everybody – they just run together. I really just kind of want to explain more what everything means in the paper. If there is something specific you want to talk about, we can, but Ben just wanted to run a couple examples with the data. If this is something the council selected, this is what it would look like.

I have in the paper background about why we're talking about this and then some different types of quota systems and a little description of ITQs and some challenges and advantages, and then examples of an eligibility criteria and then allocation formulas. We already talked about this. The preferred alternative has 14 permits receiving the longline endorsement, but there were 29 permits that had any landings between 2006 and 2010.

This is just maybe an alternative and some things to think about that would allow more participants than the endorsements and address overcapacity in the longline sector. I always like

to remind everybody that there's more than one way to do anything, so I just throw out some other quota systems, individual quotas, which is what this paper focuses on.

In the paper I also give a little more detailed description about how I would see a state quota working, and also community quotas or sectors, co-ops where a self-organized group of fishermen receives a group quota. Then TURFS, Territorial Use Rights Fisheries, which are similar to community quotas where they have like a spatial component where you have a designated fishing area.

These are just some ideas just to remind everybody that there are lots of ways to do this. This is the table that is in the paper, and I've listed just some advantages and some pros/cons that we would have to think about for the advantages. There is a derby fishery and a catch share can lengthen the season and provide products throughout the year for a longer period of time.

It will also at least let people continue fishing and have the opportunity to fish even if they have a small allocation. There's also another pro that I see as an individual accountability in which instead of lots of management measures that could be in about when you can fish, everybody can make their own plan of how they want to fish throughout the year and not have to worry about anybody else.

Of course, there are challenges. There would be additional money required if you wanted to buy in or if you needed to catch more and you needed more shares. Then consolidation and concentration into a few people is always a factor. Also, some things that have come up that there are people who work on the boats that are not permit holders that would maybe not be eligible to receive an allocation.

This is something that's come up in other catch shares programs where the councils in those regions have decided to give crew shares, processor shares. There are lots of ways to do this. But, first, are you all even interested in this at this time; because if you're not, I'm not going to go through and numb your brain with lots of charts and graphs. I can walk through this a little more, but I know you've had a lot of input and we've heard from folks, but I can take a seat if you want.

MR. CURRIN: What's your pleasure, folks? I saw a couple of people say, yes, they'd like to proceed and take a look at it. People that are not interested, would you like to vote on whether to proceed forward at this point or not? Any thoughts? That would probably be the best thing to do; does everybody understand?

This is informal, I guess. We don't need to have a motion to do that. All right, everybody that is interested in looking further into a conceptual IFQ program for golden tilefish shoot your hand up, one or the other. All who are not interested at all in looking at this any further, I see two. It looks like the majority of the committee would like to proceed further, Kari.

DR. MacLAUHLIN: Okay, so this is still options paper, idea box, just some examples. The first thing the council would have to do is select their pool of individuals who could receive initial allocation. The MSA is going to require that the councils consider current and historical

harvest and then also any kind of infrastructure, the community's investment and dependence upon all these things. There are lots of ways to think about deciding who is eligible.

It can be based on anything. Some questions that you would want to consider are do you want newer participants to be included; do you want a smaller pool of eligible participants; and this leads to the next one, is it important to have more recipients with smaller allocations or fewer recipients with larger allocations?

We did four examples to select people for the pool to receive an initial allocation. One was any landings 2006 to 2010, and so that was 29 permits. Then any landings 2006 to 2008, that would be 22; any landings 2008 to 2010, that would be 24; and then landings in at least two years between 2006 and 2010, and that would give you a pool of 17.

Then the council would have to decide on an initial allocation formula. These are examples and we're using the 625,000 pound ACL that was in Regulation 12. That would give a longline ACL of 454,688 pounds. That's what I used to do these calculations, and there are a million possible combinations literally. You all remember golden crab like a year ago, and it had all these different combinations.

You have to think of what is the goal; who do you want to have in the fishery; what do you want the fishery to look like in five, ten years? The examples that I use; one is a 25 percent equal allocation and 75 percent based on the landings history in 2006 to 2010; a 50/50, 50 percent equal allocation and 50 percent based on landings history; and then one that's based on just landings history.

Okay, so the first example – and then the options paper, I forgot to number it even though Gregg told me a million times, so it's not in there, but whatever eligibility criteria that's creating the pool is at the top of the paper, and then the initial allocation formula is that second line. This example shows if you let anybody who had landings in those five years, so 29 permits, and then you did a 25/75.

In this Florida would get 83.9 percent, and then I had to put South Carolina and North Carolina together just to be safe would be 16.1 percent. That is mostly South Carolina. Then I have a little pie chart underneath each example, and these are individuals. Each piece is an individual, so you can kind of get a snapshot of how big a piece these bigger ones can get.

You see that two people would get about a quarter, and then it gets smaller as we go in here. With this one, everyone would get at least 3,920 pounds. That is the 25 percent equal allocation, so everybody starts with that; and then depending on what your landings history were compared to everybody else who is eligible, that is how I came up with the rest of the allocation.

Then I have these charts that look like this underneath. This one is the one that's going to be next to the pie chart. John came up with a good way to kind of compare the actual landings or your pounds compared to what you would be allocated under this hypothetical catch share program.

In this each little diamond is a fisherman, and I've taken out the numbers so it can be nice and vague, but relatively you can see what's going on. Across the X axis here is your percent of total longline landings for those years. The average is 392,000 pounds. Basically, if you think of it as this is your contribution to landings, to the fishery. Then on the Y axis over here is your percent of the allocated ACL, the 454,688 pounds.

These values are different, your percentage, but when you think of it as this is your contribution to the fishery and so this is your share if it was allocated into a catch share program. Then the black dotted line is basically so we can do some comparisons. Above the line over here would mean that your percentage of the ACL allocated, so your share of the fishery is greater than your contribution to landings.

For the most part there is a few of these either smaller operations or new people that entered so their landings aren't very high down here and so they would get a little more percentage-wise, and then these people with a larger contribution would be below the line. That's because we have a 25 percent equal allocation; it's not solely based on your landings history.

Then I have another chart, which is what most people would be interested in seeing, and this is actual poundage of your average pounds compared to the pounds that you would actually be allocated under this scenario, the 25/75. Again, above the line would mean the pounds that you would be allocated would be greater than your average of those years.

When you look at it in this way in terms of pounds, not percentage, everybody is above the line. Each one of these is a fisherman. Kind of the larger your average is, and these are the people who have high levels of landings throughout the whole period, the larger it is the more above the line you get, but everybody is above the line.

The reason why these people are above the line is because everybody gets like that equal allocation. Even if you had very low landings or you only fished one year, you are going to at least start off with that base that everybody got. That's what all the charts mean. This is the second one; it is a 50/50. What happens when you do a 50/50 is the individual – these larger ones, they get a little smaller; and then the people who had a small allocation, they get a little more. Under this Florida would get 81.2 percent and North Carolina and South Carolina would get 18.8 percent.

Here is your share; again, the same kind of chart, your contribution to the fishery, and then your share of the fishery under a catch share. This one in terms of a percentage for the larger ones, and this makes sense because everybody starts out with a 50 percent equal allocation, is going to be a lot less, so below the line but the pounds are very close to the line.

The closer you are to the line, the more your actual pounds would line up to the pounds that would be allocated. For a 50/50 this is going to be better for people with low landings or new entrants that don't have a high average yet. Then for the ones with the higher landings, they are going to be a little under the line but pretty close to their average pounds.

Then the last one is just based on landings history, and this is going to benefit the people who have high landings over a sustained period of time. This one lines up perfectly along the line, because this is what the allocation formula is based on; but then when you look at actual pounds, the bigger you are and the higher your annual average, then the more pounds you'll get.

Then I have just these comparisons so you can see. Just landings history; these long-term, high-level landings would get more. Then the 50/50 and the 25/75 spreads it out a little more among the smaller guys. This is just using your eligibility pool of recipients with everybody, 29, but here it is with 22, 24 and 17. I know I did that fast, but it is because they all look the same. In the end, so I don't have to go through the whole paper, it sums up.

The more you base it on landings history, the more it's going to be good for the long-term, high-level people if you choose that type of allocation. The more you do an equal allocation; it's going to be a little better for the new entrants and the people who have low levels of landing. Allocations like we were talking about it – and the fishermen have great ideas of allocation, other ways to do it like looking at a long-term history and you basically are rewarded. You have to have landings in recent years, but you're kind of rewarded if you have a history that goes back really far; not based on landings, just if you participated.

Then also we talked about some tier systems where you could do a Tier 1; this is like the Mid-Atlantic tilefish. They use two full-time tiers that have different allocation, and then they have a part-time, and then they get a different allocation. Lots of different ways to do this and ideas to think about, and we can talk about this and chat about it. If anybody has questions, I can talk about any of the allocations in there.

MR. CURRIN: Thank you, Kari, and thanks for going through those very quickly, those last ones; but I think it gives everybody really a good idea of some of the range of approaches that can be taken, and just with a handful of examples of ways to split the pie or to allocate initially, so you see what those impacts are.

Reactions from the committee; what's your pleasure, folks? We're kind of at that crossroads with how to proceed, whether we want to continue with 18B down the endorsement pathway or take a closer look, perhaps, I would hope with fishermen involvement at an ITQ for the golden tile longline fishery. Roy.

DR. CRABTREE: Well, one of the questions or comments that several of the fishermen have made to me was to – I guess we had a Golden Tilefish Workgroup for a while, and I've had a number of them suggest that we ought to get that group back together and let them look at ways to deal with this fishery.

I guess talking about a catch share program would be one thing they could do. I think there were also suggestions to look at the markets and how we might time things to coincide with markets and all of those kinds of things. It seems to me that's what we do now. I don't think any of us really want to go down the catch share route until we believe the folks in the fishery want to go that way. If you asked me right now whether the people in the golden tile fishery want to go

down the catch share path, I would say, no, they don't seem that they want to. Maybe the best way to get out that is to bring that group back together.

MR. PHILLIPS: I agree with Roy, and one of the things that I do like about this is they are going to get more fish under a catch share, because then they don't have to have an ACT. The catch share takes care of that. Fishermen can catch everything that they should be able to catch, and it can be flexible. But, again, I agree with Roy, I think we need to have a workshop or gather our group back together, and let's hammer out the good points, the bad points, and how we want our fisheries to look like; this being just one of them.

DR. DUVAL: Mr. Chairman, I echo Roy's support for getting some kind of – well, reconstituting that workgroup, and I guess I would – if that is done, I would also add examination of some of these other things, particularly regional or state-by-state quotas in there as another thing that the workgroup would consider.

Those were some of the comments both last night as well as just reading through the public comments that we got in the briefing book that sort of struck me, and, of course, that gives me the opportunity to get up on my soapbox a little bit and talk about state-by-state quotas. I realize that not everybody or not all the states are necessarily in a position to manage a state allocation. I guess I just don't want that idea to get lost.

DR. CRABTREE: Well, one thing, because we are talking about the extra fish – and Jack handed me a sheet here that shows what they're going to get. With the ACT we set up, it is 545,625 pounds. Now that's whole weight, so then you convert that to gutted weight and it's 487,165 pounds. Then 25 percent of that goes to the vertical line fishery and that leaves you for the longline fishery 365,374 pounds. The current quota is 282,819 pounds, so it is about 80,000 pounds more fish the way we have it set up in Regulatory Amendment 12.

MR. CURRIN: Yes, thank you for that.

DR. CRABTREE: I think, Gregg, you had catch rates on the order of, what, five, six thousand pounds a day or something?

MR. CURRIN: Five to eight thousand.

DR. CRABTREE: A couple of weeks.

MR. CURRIN: Other thoughts about this; Ben, do you have anything to add?

MR. HARTIG: I agree with what everybody said about the Tilefish Workgroup. If you want a motion to reconstitute that workgroup, I'll move that.

MR. CURRIN: Well, think about the implications of that. I would assume that if that is the route we want to go, that would kind of suspend work on 18B until we decided which path we were going to go down. I hate to see devoting time to a document that if we're going to go in a different direction becomes useless.

MR. HARTIG: Well, to that point that wasn't my intent. My intent was to go ahead with 18B, get the endorsements in place and then reconstitute the workgroup to see how we want to go from there. That was my idea.

MR. CURRIN: All right; it's certainly a way you can proceed. Myra.

MS. BROUWER: Mr. Chairman, just something for you all to consider; under Action 1, since we are thinking about getting rid of the option to establish a hook-and-line endorsement, that leaves that action with only the no action, which is to not have an endorsement program, and then one alternative to establish one for the longline sector. We've heard from the NEPA folks in the region that that might not be a sufficient range of alternatives for that action, so just throwing that out there for your consideration.

MS. McCAWLEY: My question was about timeframes. If we decide to put the workgroup back together and start down that road, what kind of delay are we talking about? Are we talking about six months, are we talking about a year? I'm just curious as to what the estimate is on this.

MR. CURRIN: Gregg, any ideas?

MR. WAUGH: Well, that's to be determined by you all tomorrow. I mean, this will be added to the list of things to do; and if it's your intent that this be added to 18B, then you need to give us your priorities tomorrow.

MR. CURRIN: All right, other thoughts? Ben do you want to craft a motion; are you interested in doing that?

MR. HARTIG: I think I'm going to hold off for now, Mac. Let's just go down the endorsement path and then we'll reach the workgroup afterwards; because I don't think it's doable otherwise. I mean we've put this amendment off and off and off and off, and I don't want to see another year go down the line like happened this year. There were some real problems, and I don't want to see that happen.

DR. CRABTREE: Remember, we were chastised by a number of people last night for taking so long on this. I guess my thought was like Ben, that we would go ahead and work on this one and move it, and then we'd bring the workgroup together to look at some other things.

MR. CURRIN: All right, is that the general consensus of the committee then as a way to proceed? It's a very cool analysis that Kari has done, and I think is very clear and intuitive and easy to understand. Maybe that will help the workgroup as they come together and consider this and make their job a little easier, perhaps.

MS. McCAWLEY: Back to what Myra was just saying that we might not have a sufficient range of alternatives under Action 1; what does that mean? Do we need to go back and look? What happens now?

MS. BROUWER: Well, I bring that up because what Kari presented, establishment of consideration of different options for that fishery, would be appropriate under Action 1. Right now you are only considering establishment of a longline endorsement. Maybe Monica can weigh in on this. I don't know if it's okay to just leave it like that.

MS. SMIT-BRUNELLO: I think that depends on what the council wants to do. I hate to have an open-ended answer like that. But if endorsements are the vehicle that you're looking at, I think you either establish it or you don't establish it with endorsements. If you want to look at some other kind of program, then you would put that in. I would agree, Myra, that would be a good place to consider other options; but if the council is not interested in other options, it seems like – Gregg will like this – that two alternatives are the right way to go here.

MR. CURRIN: It sets a precedent as well, doesn't it?

MS. BROUWER: Yes, so in that case with your permission I guess, we would like to get guidance to change the language in Action 1 as appropriate, because I think it's going to need a good bit of tweaking; and so if we could just get permission to do that, that would be great.

MR. HARRIS: I would move that we give staff the direction to change the wording in Action 1 as appropriate based on the discussion here today.

MR. CURRIN: Motion by Duane; second by Tom Burgess to give the staff direction to change the language in Action 1 to reflect the council's intent to look at establishing an endorsement program for golden tile longline fishery. Discussion? David.

MR. CUPKA: I thought we already did that when Duane made his motion before when I asked if his intent was also to include that staff would have editorial license to modify that action. If you want a motion, that's fine, but I thought we'd already done that.

MR. CURRIN: Well, we for sure have done it now, so as long as this motion passes, so any further discussion on the motion? Any objection to that motion? **I see none and that motion is approved.** All right, is that sufficient for you guys? I'm certainly comfortable with either do it or don't approach. All right, want to move on through. Back to 18B and see if we can get through this as quickly as we possibly can. We've got lots to do today, folks.

MS. BROUWER: Okay, the next action is to establish an appeals process, and that's on PDF Page 14. You do have a preferred alternative; it's Alternative 2. We really didn't have any recommendations for this action.

MR. CURRIN: Is everybody okay with that? All right, let's go.

MS. BROUWER: Action 5 would allocate the commercial quota, or ACL, rather, among gear groups, and your current preferred is to establish a 25 percent allocation to the hook-and-line sector and 75 percent to the longline sector. The numbers you see up on the screen are based on the current ACL, and, of course, those would change once Regulatory Amendment 12 goes into place.

MR. CURRIN: Is everybody okay with that? That is PDF 16; 25/75 is the current preferred.

MS. BROUWER: I'll note just for the record that if Regulatory Amendment 12 is approved and the ACL is adjusted, then all the impacts of the actions in this amendment are likely going to change. There is going to require some more socio-economic, in particular, analyses before you see this again in June, so just to make sure.

MR. CURRIN: Yes, values and impacts will change. Ben.

MR. HARTIG: Yes, just one comment. What this does and what we've done so far is eliminating the hook-and-line endorsement is that longline fishermen who don't receive an endorsement would be able to fish under hook and line in the golden tilefish fishery, which they wouldn't have been able to do before.

MR. CURRIN: Thanks for that implication, but I think actually that action we removed indicated that they qualify for both, if they qualified for one – if they qualified in both, they would be able to fish in both.

MS. BROUWER: The next action would allow for transferability of the endorsements, and that's on PDF Page 19. In here we have a little bit of a problem that we'll have to sort out. You currently have two preferred alternatives with two preferred subalternatives, and they are different for the hook-and-line and the longline endorsement. I guess I would suggest that we take some time looking at these and determining what your intent is, especially given the discussions about 18A that we had earlier today.

DR. DUVAL: Given that we removed the hook-and-line endorsement, it seems like we could remove Alternative 3 then, right? Doesn't that deal only with a valid or expired hook-and-line golden tilefish endorsement? **If that's the case, then I would make a motion that we remove Alternative 3 from Action 6.**

MR. CURRIN: Motion by Michelle; second by Duane to remove Alternative 3, to move it to the considered but rejected appendix. Discussion on that motion? Any objection to that motion? **I see none and that motion is approved.** I'm not sure how to clean up Alternative 4. That refers to both. The current Preferred Alternative 2 deals solely with longline, so how do we do that, Myra, clean up Alternative 4 or get rid of it just by removing hook and line, but then that conflicts – well, that's not a preferred. Is it different from Alternative 2 then once you take out hook and line?

I don't believe it is, is it, so we can remove Alternative 4 as well. **A motion by Duane to move Alternative 4 to the considered but rejected appendix; second by Charlie.** Discussion? Is there any objection to that motion? **I see none and that motion is approved.** Now that leaves us only two. Monica, are we okay there? You either allow transferability or you don't, and you have a couple of options as to when you do that, so there is literally I guess one, two, three conceivable alternatives in that action. Is that sufficient in your mind?

MS. SMIT-BRUNELLO: Can you think of anything else that would be reasonable to add in there?

MR. CURRIN: Well, if we really wanted to, I guess we could put a whole string of years of two to four to five to six, but I don't see any utility in that.

MS. SMIT-BRUNELLO: Well, this is confined to the first two years of the program, and I'm just wondering why two years is the only time period in which we're considering. If somebody can tell me the rationale and its good, then maybe that's – why is that the only reasonable time period? I'm not sure why two is in there. I could probably hunt it and figure it out.

MS. BROUWER: Yes, there used to be an additional two subalternatives considering, I believe, three and four years or three and five years. I think the council's rationale was that by then folks would have realized the value of the endorsement, and it would be too long a period to wait for them to decide whether or not a transfer was advisable and that two years was at least a little bit more appropriate.

MS. SMIT-BRUNELLO: Okay, at this time I think that's probably enough; and if we need to add something in later, we can but that seems fine right now.

MR. CURRIN: Yes, I think it's the sufficient time without allowing – without being onerous and make people hold onto it before they can transfer, but it does provide some delay so that things aren't changing as soon as they start. Any other discussion on that point? Myra.

MS. BROUWER: Because we had some input from the permits office regarding the specific language that needs to go in the transferability alternatives, I would ask that the committee give us guidance or permission to consult with the permits office to make sure that the language is correct.

MR. CURRIN: Everybody I'm sure is okay with that. Is that sufficient with direction or do you want a motion to capture that?

MS. SMIT-BRUNELLO: I would just venture a guess that they would recommend we remove "or expired" and put "or renewable". That seems to be the way that we're moving for a lot of that.

MR. CURRIN: If I had to predict, that's probably what I'd predict, too. We'll let Myra and the staff with the IPT work that out with the permits people. Roy.

DR. CRABTREE: Yes, and they're also recommending against having the endorsement renew automatically when the snapper grouper permit renews. They want you to have to check a box and renew the endorsement. I would suggest we modify that language according to their recommendations as well.

MR. CURRIN: All right, thank you, Roy. Is there anything else, Myra, on this particular action?

MS. BROUWER: Yes, one of the issues we had with 18A that was unclear to staff was whether – or at least for a period of time until we figured out exactly how to interpret the language in the alternative, is what happens to the landings history when an endorsement is transferred. I believe from the discussions in 18A, the council's intent was for the landings history to remain with the permit. I would just want you all to reiterate that is your intent as well for golden tilefish.

DR. CRABTREE: Well, we had a long discussion about this on Amendment 18A and that was our intent, was that the landings history stays with the snapper grouper permit and does not go with the endorsement. I'm assuming and at least my opinion is we would do the same thing here. If you buy the endorsement from someone, you get just the endorsement but the landings history is still with the snapper grouper permit.

MR. CURRIN: I think we got considerable support from the fishermen on that approach as well. Some of them at least felt fairly strongly about it. Is that the intent of the committee to be consistent with the way we did it in 18A? All right, I'm seeing heads nod.

MS. BROUWER: Okay, the next action is to address the fishing year and that's on PDF Page 22. Here your preferred is no action, retain the existing calendar year as a golden tilefish fishing year.

MR. CURRIN: Is everybody okay with that. Michelle.

DR. DUVAL: Yes, I guess this is one that I struggle with a little bit. I think this is very illustrative of the regional differences in the fishery when the fishing year starts. We heard a lot of comments last night that folks in Florida need fish at this time of year when shallow water grouper is closed.

I know for fishermen in the more northern part of the range having a later start to the year, like around May or something, would give them more of an opportunity, because they have to go a long way to get out to the areas where they would fish for these species and its pretty inhospitable weather up that way for most of this part of the year. I can make a motion to change our preferred alternative to something different; I'm not sure that that would pass. I guess maybe just a little bit of discussion. I'd welcome some input from other committee members.

MR. CURRIN: I guess the other way to handle it, Michelle, is, as you suggested before, when we get that workgroup back together, let this be an item that they discuss would be another way. Other comments from the committee? Michelle.

MS. DUVAL: Yes, I think that's a great suggestion, Mac, because my concern about changing the preferred alternative at this point is that we've just about approved Regulatory Amendment 12, and so, well, I guess this wouldn't go – we're not taking final action on this until June.

MR. CURRIN: I'm going to give you a break in a minute. Is there anything else on this particular issue? Is everybody okay at least for now with where we are on the preferred? All right, go ahead, Myra, when you're ready.

MS. BROUWER: Action 8 is to modify the golden tilefish trip limit and your current preferred is to remove the 300 pound gutted weight trip limit when 75 percent of the ACL is taken.

MR. CURRIN: Is everybody okay with that preferred? Okay.

MS. BROUWER: Here we had a couple of recommendations to add the sentence, "Do not modify the golden tilefish trip limit" to the no action alternative just for clarity sake. Then you can see that the AP supported Alternative 1, and you can see what the SSC recommendations have been.

MR. CURRIN: Any thoughts from the committee on AP recommendation, SSC input? All right, I see no hands clamoring for microphones. Do you need a change? You don't need a motion? Okay, the IPT has got a recommendation for a change here for Action 1, to change that to do not modify the golden tilefish trip limit. Is everybody okay with that? Is that sufficient direction, you're okay without a motion, Myra? If you want it, we'll get it.

MS. BROUWER: Action 9 would be to establish trip limits for fishermen who do not receive a golden tilefish hook-and-line endorsement, which obviously would change based on your decisions, and that's on PDF Page 26.

MR. CURRIN: I think we can safely move this to the considered but rejected based on our earlier preferreds.

MR. HARRIS: I so move, Mr. Chairman, that we remove Action 9 to the considered but rejected appendix.

MR. CURRIN: Motion by Duane; a second by Charlie. Discussion on that motion? There is certainly no longer a need since we don't have a consideration for a hook-and-line endorsement in here. Is there any discussion, any objection? **I see none and that motion is approved.** I think Action 10 is similar, PDF Page 29; establish trip limits for fishermen who receive a golden tilefish hook-and-line endorsement.

MS. BROUWER: Okay, I'm getting myself confused here. The action that you just moved to the appendix would be an action that would establish a trip limit for everybody that does not have a longline endorsement. Do you want that to be the case? Again, Action 9 would have established a trip limit for anybody who is fishing for golden tilefish who does not have a longline endorsement, so all your hook-and-line or longline folks that don't have an endorsement would not be subject to a trip limit.

MR. CURRIN: The way I read that, Myra, it all has to do with hook-and-line endorsements, Action 9. I read the first two – now Alternative 3 does say vessels with longline endorsement are not eligible to fish for the trip limit. That may be something we want to consider, so I'm confused. Yes, let's take a break and then we'll sort this out and see if we can deal with 9 and 10. Be back in ten minutes.

(Whereupon, a recess was taken.)

MR. CURRIN: Okay, let's get everybody back to the table, please. All right, let's go ahead and get started if we can. We have an issue with Action 9. I pulled the trigger a little early on that one, I think. I would like to have a motion to reconsider Action 9. Duane.

MR. HARRIS: So moved, Mr. Chairman.

MR. CURRIN: Motion by Duane to reconsider Action 9; second by Michelle. The issue here, folks, is we need to change the title because the title referred to hook-and-line endorsements, which we aren't considering at this point. However, several of the alternatives refer to trip limits for those who do not have longline endorsements.

I think the most appropriate motion, if someone is willing to offer, would be to change the language in the title of this action, eliminating reference to hook-and-line endorsements; make it more appropriate, and then clean up the language for all of the useful alternatives; removing reference to hook-and-line endorsements and remove those nonsensical alternatives, if there are any.

If we can just basically give the staff some license to clean this up, re-title it, and make it appropriate to the current actions in the document. Yes, we're going to vote on it. All right, any further discussion on this motion to reconsider? Is there any objection to the motion? I see none; that motion is now on the floor.

Can we make just an entirely new motion or do we have to modify this one in some way? All right, I don't recall who made that motion. I think it was you, Duane, was it not? **Okay, without objection from the committee, then we will withdraw that motion regarding Action 9, and now the floor or the table is clear for a new motion to straighten out the issues with Action 9.** Yes, we do need a motion.

MR. HARRIS: I would move that we give staff direction to change the title of Action 9 and to clean up all these alternatives in Action 9 so that they make sense.

MR. CURRIN: All right, motion by Duane; second by Doug Haymans to give the staff the direction to change the title of Action 9 and edit the alternatives accordingly. Is there any further discussion of that motion? Ben.

MR. HARTIG: Mr. Chairman, I had some conversation going on. Will you please tell me exactly what this is going to do now?

MR. CURRIN: Well, Ben, we currently have a preferred in there and I want everybody to look at that before we leave to make sure they're comfortable with it, but basically what it is going to do is remove references to the hook-and-line endorsement. I haven't looked at it closely enough, Ben, to know whether there are any alternatives that would be removed.

It would essentially have a series of alternatives that would offer options for trip limits for those who do not have longline endorsements. The title is misleading and we need to change that for

sure, so that it is relevant to the alternatives. Does that make sense to you? Currently if you'll look at it, the preferred alternative is Alternative 6, which would establish a 200 pound trip limit for those fishermen who do not have a golden tile longline endorsement.

It also states that vessels with longline endorsements are not eligible to fish this trip limit, which if we didn't have the language then the guys with the longline endorsements could bring in 4,300 pounds or 4,200 pounds of fish every day, conceivably, instead of 4,000 at the current trip limit. We need to vote on that motion, don't we? Any further discussion on that motion; is everybody clear on what it does? Is everybody okay? Is there any objection? **I see none; that motion is approved.**

All right, now on to Action 10, and I believe this is one we can move to the considered but rejected appendix. This is to establish trip limits for fishermen who receive a hook-and-line endorsement. These all strictly refer to hook-and-line endorsements, so I think we can safely do that. Duane.

MR. HARRIS: I would move that we move Action 10 to the considered but rejected appendix.

MR. CURRIN: Motion by Duane; second, Doug Haymans. Is there any discussion on that motion? Is there any objection to that motion? **I see none and that motion is approved.** Action 11 is on PDF 31, and revise the annual catch limit and optimum yield for golden tile and we did that in Regulatory 12, did we not? David.

MR. CUPKA: Yes, we did, so I was going to make a motion we move it to the considered but rejected for this particular amendment.

MR. CURRIN: Motion by David; second by Doug Haymans to move Action 12 to the considered but rejected appendix.

MR. CUPKA: Action 11.

MR. CURRIN: I'm sorry, Action 11 to the considered but rejected appendix. Is there discussion? Is there any objection to that motion? **I see no objection so that motion is approved**, and that's it. One more, PDF Page 35; revise the accountability measures for golden tilefish. Those are in 12 as well, so this is another one we can remove if somebody would care to offer a motion. Duane.

MR. HARRIS: I make a motion that we move Action 12 to the considered but rejected appendix.

MR. CURRIN: Motion by Duane; second by Doug; move Action 12 to the considered but rejected appendix. Is there any discussion? Any objection? **I see none; that motion is approved.**

MS. BROUWER: Just for clarification purposes to help me understand, vessels that do not receive a longline endorsement and are not eligible to fish under the 200 pound trip limit; is there any kind of limit on what they can catch?

MR. CURRIN: Well, we've got an endorsement for the longline folks.

MS. BROUWER: But it's not going to include everybody; some folks are not going to be included.

MR. CURRIN: Anyone with a snapper grouper permit, both 225 and unlimited, I presume, would be eligible to catch 200 pounds of golden tiles – land 200 pounds per day. That is the way I would interpret it, and we may have a glitch somewhere.

MR. HARTIG: Yes, if you interpret it that way, I would object.

MR. CURRIN: How would you interpret it?

MR. HARTIG: Yes, that's why I was going to wait until I saw how the wording was changed and how we came out; 200 pounds isn't enough for the hook-and-line fishery. It's not enough to make your average catch over the timeframe that you fish; that's the problem.

MR. CURRIN: Then what you would like to do, Ben, is reconsider the preferred alternative under Action 9, which sets the trip limit for those who do not receive a longline endorsement. This goes right back to your argument of why you wanted a longline endorsement, because you wanted those people to have a bump up over the other just snapper grouper permit holders.

MR. HARTIG: Yes, but now that we don't have the hook-and-line endorsement, now all the permit holders in the snapper grouper fishery will be able to catch a trip limit of golden tile. That needs to be bigger than 200 pounds for the fishery to be able to capture the days that when it's good and when it's bad and to be able to have your average catch that you need to sustain your daily operations of golden tilefishing.

MR. CURRIN: Then, Ben, I would suggest we didn't offer any motions; we just accepted our current preferred under Action 9 on PDF Page 26. Let's go back there and let you take a look at that and see if you'd like to offer a motion to change the preferred. Again, keep in mind that the wording there is going to be slightly changed, but the values of those trip limits will not.

Is everybody clear on what this will ultimately look like? We gave the staff license to correct the wording, because there were too many references to hook-and-line endorsement. There are options in there; Alternative 2 for 300 pounds trip limit, 400 pounds, 500 pounds, 100 pounds.

MR. HARTIG: Mr. Chairman, I would move 500 pounds, which is Alternative 4.

MR. CURRIN: Motion by Ben to change the preferred under Action 9 to Alternative 4, which would establish a trip limit of 500 pounds for golden tilefish for fishermen who did not qualify

for a longline endorsement. I believe that's more or less the way it will read once staff does the rewording. Is there a second? Second by Michelle. Discussion on the motion? Ben.

MR. HARTIG: The other thing it does it allows fishermen that are up higher in the range to have enough fish to actually target golden tilefish, and it would make them economically viable for trips in North Carolina and I think even in South Carolina.

MR. HARRIS: Mr. Chairman, I don't object to the motion. I just wondered if we got to the 200 pound limit when Ben was sick, because I don't know how we ever got to that limit.

MR. CURRIN: Actually, I think we got to it when Ben came back, but Michelle.

DR. DUVAL: Yes, this came about at the last meeting in December when we were figuring out our preferred alternatives, and we voted in favor of having a hook-and-line endorsement. We were trying to figure out for those people who didn't receive a hook-and-line endorsement, in order to still allow for retention of bycatch, basically, what would an ideal trip limit be? We went back and forth between 100 and 200 pounds and so that's the history lesson on that.

MR. PHILLIPS: I would speak in favor of the motion, because like Ben says it's enough – if you're 60 miles offshore catching vermilion and vermilion's aren't biting, it's enough fish to go offshore and spend a day or maybe two picking up some tile, and it spreads some of the effort out up and down the range. Plus, it will let us know what's out there the next time we do an assessment.

MR. CURRIN: Further discussion on the motion? Is there any objection to the motion? **I see none and that motion is approved.** One thing Dr. Crabtree mentioned to me, and he was going to bring it up; he's not in the room so I'm going to bring it up for him. If we can go back and take a look at Action 5 on PDF 16, I believe that's it.

It's the allocation alternatives; we have a preferred which allocates the 75/25. Roy was concerned that we had enough justification for that particular split. It varies certainly from the more recent landings allocations are split between the longline fishery and the hook-and-line fishery. My recollection, Roy – and I'll start it out, but I know Ben has got plenty to say about it.

If you look back at the historic fishery in the early years, before the longlines got into it in a heavy, heavy way, that reflects the historic allocations very closely, I believe. The other thing is with development of fisheries off of North Carolina now, and some players that are trying to participate in this fishery, those folks were not around then.

They are now and they hadn't been in it long enough to qualify for longline endorsements, but with an adequate trip limit like the one we just passed as a motion, then that will allow those people to participate as well. That's another group of people that were not involved in that fishery historically, but have been just recently and will be presumably in the future. Ben, I'm sure you can add stuff as well to support that.

MR. HARTIG: Yes, I think we need to shore the document up to do that. The council's history of supporting the hook-and-line fishery in two previous amendments is – certainly we can add that to the document and show that. The timeframe that Myra has put in there now shows the historic contribution of the hook-and-line fishery was 100 percent, and I think it was in about 1980 I think it started to change.

By 1981 it was predominantly longline. Yes, that's a long time going back, but still it would be nice to try and reestablish the hook-and-line fishery that was so much a part of the fishery when it started. That's the intent of this. It's not my intent – if the hook-and-line fishery can't catch this amount of fish in two years, my intent is to give it back to the longline fishery.

I mean I don't have any intent of seeing fish go unharvested. Certainly, we can do that. I don't know the vehicle, if we could do it by framework or not, but somehow I'd like to see that given back. I think you ought to give the fishery a fair chance. We've caught 30,000 pounds. I don't know what we caught in 2011, but in 2010 in the short season we caught 30,000 pounds of tilefish in a month and a half. It doesn't take many months and a half before you get to the allocation. I'm pretty good where we are.

MR. CURRIN: I'm comfortable as well, Ben. Since I've been on the council and we've been fooling with similar golden tile amendments, I've been frustrated by the council's attempts to provide some access for the hook-and-line fishermen. And regardless of what we've done up until this point, we've not been able to do that.

That action that we removed, the 300 pound trip limit after some portion of the quota had been caught, was an attempt to provide access for the hook-and-line fishery. It never worked out or rarely worked out. You've just seen a steady decrease in the hook-and-line landings compared to the longline landings over the last handful of years, at least.

DR. CRABTREE: We need to get that in the document and explain why restoring access to that group of people is in the best interest of the country and it's a fairness and equity. But it is going back a lot of years, and I just think we need to make sure we have a good rationale for why we're doing that.

I think Ben's idea, if there are things in other past amendments that address that, that would be real good to pull that into it. But when I read through it preparing for the meeting, I found the rationale to be pretty slim that's in there right now.

MR. CURRIN: Yes, I feel pretty comfortable that it's on the record somewhere, and I think it's just a matter of getting that into the document.

MR. HARTIG: Yes, and as long as we add that part that you mentioned, Mac, that the 300 pound step down that the council had put in the last amendment really wasn't affective in trying to extend the season for the hook-and-line fishery. Basically, if that provision had been in there, the hook-and-line landings would have been significantly larger.

MR. CURRIN: All right, anything else on 18B? Gregg.

MR. WAUGH: In Regulatory Amendment 12 you set an ACT, so we need to come back to Action 5 where you're allocating the commercial golden tile quota among gear groups. I think the best way to handle this is if you would give editorial license to the IPT to fix these alternatives; because what you're doing is you would be allocating the golden tile commercial ACT, not ACL, 75 percent to longline, 25 percent to the hook-and-line. Then the AM of tracking and closing each sector would apply to that sector.

DR. DUVAL: I would move that the committee give editorial license to staff to clean up these alternatives under Action 5 to reflect that the committee adopted an ACT under Regulatory Amendment 12. I have one more thing.

MR. CURRIN: Is that your motion? All right, is there a second; second by Tom Burgess. All right, discussion on the motion: Charlie.

MR. PHILLIPS: I just have a question, do we need the ACT to be as high on hook and line, which is obviously going to get caught a lot slower; do we need as much of a buffer on the hook-and-line as we do the longline?

MR. CURRIN: Well, keep in mind it's 90 percent, Charlie, so I don't know what those actual numbers are, but it's probably not more than a few thousand pounds, so I'm okay, I'm comfortable with it. I know your intent here is to maximize the catch and get it as close as you can to that ACL without going over. I think under the current circumstances that's probably about as well as we can do. Michelle.

DR. DUVAL: I just had one more thing I want to bring up after we vote on this, that's it.

MR. CURRIN: Any further discussions of this motion? Any objections? **I see none; that motion is approved.** Is there anything else, Gregg or Myra, that you've got on 18B? You're good, okay. Michelle.

DR. CUVAL: Yes, I just wanted to bring up the possibility of some genetic analysis. I think Rusty made some good comments last night about doing some genetic analysis along the range of golden tilefish. This is one of the few species where there is a Mid-Atlantic Council plan for this species, but that dividing line for management is actually at the North Carolina/Virginia border as opposed to right at Cape Hatteras.

I just want to put that out there and make sure that it's not something that we forget about. I think it would be incredibly valuable. There are some resources at the Duke Marine Lab. They have a marine molecular biotechnology group that is working on doing similar types of things and has asked for input from managers on the kind of genetic analysis that might be helpful for management, and I think this might be one of those things. Is this really part of more of a Mid-Atlantic stock off the northern part of the Carolinas versus part of the rest of the stock that we manage? Just want to make sure that was out there.

MR. CURRIN: Yes, if you can pull that off with those researchers over there, it shouldn't be any problem at all getting parts and material for them. I'm sure folks would be more than happy to cooperate so that would be great. Wilson, do you have something?

DR. LANEY: Mr. Chairman, yes, I'm not on your committee. I'll second the recommendation Michelle just made and note that both North Carolina and South Carolina I think for a lot of their anadromous stocks have really gotten intensively into managing the genetic component of those stock and the Fish and Wildlife Service and South Carolina DNR have geneticists that are working closely with those two states to do that.

I think it's a great idea to do some analysis on the golden tile. The one other biologically related suggestion I was going to make is that anytime you are dealing with a long-lived species as a council, I think it's a good idea to try and do some projections of what the impact of management recommendations are on the stock.

I talked to Marcel, and I talked to Ben a little bit and also to Jack, and that kind of analysis was done for red snapper I think where you had a clear indication of a truncated age structure. That may not be the case for golden tilefish, but I just wanted to get on the record that anytime you are dealing with a long-lived stock, in this case a fish that can live up to 50 years, it's probably a good idea to try and do that kind of projection so the council will know what sort of impact its management actions could potentially have on the age structure. Thanks.

MR. CURRIN: Thank you, Wilson. Is there anything else on 18B? All right, our next agenda item is discussion on limiting the number of black sea bass trips, and Myra is going to give us a quick overview.

MS. BROUWER: Yes, I don't have any material to present to you. This was a request that came to the council from a concerned North Carolina fisherman who wanted the council to entertain perhaps limiting the number of trips for black sea bass. His rationale was that off of Florida fishermen have the option of making multiple trips whereas off of North Carolina and South Carolina that is not a feasible option. This is on the agenda to see how the committee feels about entertaining action on doing that.

MR. CURRIN: Just additional background, I kind of pushed this because of the impacts that it had on the length of the black sea bass season. I talked to a handful of fishermen about what an adequate amount of fish if they caught the trip limit during the week would be; or a couple times, or three times, or whatever.

Some of them suggested that perhaps a couple of trips a week would be adequate. If you recall, and I guess it sunk home the other day when Don Hesselman provided, just as an example, the effect of three trip limits a week in the black sea black pot fishery. With 31 people it makes the season last 3.3 weeks.

If everybody goes three times a week and catches their trip limit of a thousand pounds – I don't know how likely that is, I hear tons of fish out there, it's pretty easy to put a trip together – then the season is not going to increase, it's going to decrease from what it was last year.

This is something that I wanted the committee to think about, bring it to you at this meeting to see whether this is something you wanted to consider trying to act upon. Hopefully if you do, put it in place for this season or as soon as possible. I bounced it off of Roy and Otha, and there was some concern about the enforceability of it.

Otha has still got some concerns about enforceability; however, the state enforcement people I talked to in North Carolina and South Carolina indicated that they would have no trouble at all going to the fish house, checking how many trips, verifying how many trips a particular boat permittee had made during that week and that they, at least in North Carolina, have made some successful cases with that same sort of enforcement approach.

Talking to Chisholm, he said he didn't foresee that as being a problem especially in view of the limited number of boats and people that were involved in this. That's the issue. If I'm the only one that's got any interest in spending any time on this, that's fine. I see Otha came to the table and he may have some input here. I'm concerned about the length of the season, folks, and how short that it's been operating and this may be a measure that would help. Michelle.

DR. DUVAL: Thanks, Mac, and certainly I would be supportive of that. I guess it's another – what's the mechanism through which we would do that. I have just as many concerns as you do about the length of the season, and this seems like something that would allow it to stretch out at least a little bit further.

I'll rap my soapbox again about state quotas for certain species such as black sea bass, state or regional quotas, which I think this would be a species that would be well served by that. I'll step off the soapbox now. But I guess maybe just look to Roy or Monica, is this a frame workable thing or what?

MR. CURRIN: Yes, I hope they'll respond because that was a question that they had when I first broached it with Roy and I have not gotten an answer yet as to whether that is something that could be done through framework or not. Monica.

MS. SMIT-BRUNELLO: Certainly, trip limits are covered under the framework process, and I guess this would be – and closed seasons, closed areas, gear restriction, so I think we could probably fashion it such that it fit under the framework process.

MR. CURRIN: Yes, and that is how I would have interpreted it as well, but thanks for the confirmation. Roy.

DR. CRABTREE: I think that's right, but even so there is no way to get it done before this season starts, because we don't have any analysis or anything of such a thing at this meeting, and our next meeting is in June. It seems to me we are talking about something for the next season and that gives us a little bit more time.

I guess I would want to hear, one, Otha's comments in terms of enforceability, because it does seem to me this would be a tricky thing to enforce; and then, two, I'd like to see what happens

this season with the endorsements and the trip limits. It seems like we would have time and wouldn't take action on this until after the season had probably closed. But given that it could be done assuming a framework, we could easily vote this up in December and get it done.

A more straightforward way, I think, though, that would have fewer enforcement complications would be something along the lines of what came up last night, which was fish a week and then you're off a week. That might help relieve some of the glut of fish on the market and those kinds of things, so that might be something else to look at. I guess I'd ask if we could have Otha – and I think the Law Enforcement AP talked about this, so I'd be interested in hearing what their views are and the enforceability of this.

MR. CURRIN: Yes, and, Otha, you can bring that forward. I understand that you guys did talk about it and there were some concerns and you can bring those to us as well.

MR. EASLEY: Right, the LEAP did speak on it; and before I could share my opinion of it, one of the state partners instantly said that trip tickets would not work for him and his state enforcement folks. What they want to do is to be able to be there when the offload occurs and using nothing but trip tickets is an after-the-fact enforcement effort.

It has its merits, but it's more labor intensive than being there when the offload occurs. It's always best to be present when the fish are present to make sure. One benefit in that is knowing that the trip ticket is in fact true or a trip ticket was in fact made. That wouldn't work for him either.

MR. CURRIN: I can guess which one of the two states left that might be, but other comments or discussion. Tom.

MR. BURGESS: I know Don's presentation of what could possibly happen with the season was really eye-opening and pretty scary to me, also. I would like to say though what did happen after our last season is – after speaking to fishermen – with what we had last season, when I spoke to them about the effort controls in 18A, the same fishermen that were reluctant to put effort controls in because for whatever reasons – well, I'm sure you can all imagine -- they were on board with effort controls at that time.

They supported trap limits, trip limits, and endorsements because they say they didn't work. They saw what the results were and they're ready to make a change. I think that could happen this time with this season that we're approaching. I think after we go through this season with the effort controls we've put in place and get the endorsements in place, the industry will – which I hope is what they'll do is work amongst themselves. We'll have a universe of trap fishermen and let the industry come up with ideas; kind of that bottom up management. Hopefully, they'll come up with some ideas; this one, maybe, for instance, maybe some other ones to slow the season down and to move forward.

MS. McCAWLEY: I agree with what Tom was just saying. I feel like we've already done trip limits, limited the number of traps, you can't leave the traps out overnight. I think that we should get these in place, and then I would like to see us look at something like state-by-state

quotas or have the fishermen suggest some sort of week on and week off thing to lengthen the season.

MR. CURRIN: Any other comments or reactions to this> My sense is that a majority of the committee would probably like to wait and see what happens this season; and if it turns out to be the derby fishery, hopefully not worse than it was last year, then we can consider some actions to address that. Is that the sense of the committee at this point?

I see no one raising their hand to make a motion to bring this off more quickly. Dr. Crabtree indicated that it would be virtuously impossible to pull it off before this season, anyway. All right, well, thank you for your discussion and consideration of that. We will move on in our agenda to Amendment 20B, Attachment 4.

Kari is here to present this for consideration and what we want to do with it. I understand there has been some movement in the shares within this fishery and I don't know whether we've got any numbers on how the consolidation has happened, but you may be able to enlighten us on that as well, Kari.

DR. MacLAUCHLIN: Well, I know that there have been some more transfers and some people who have sold out completely, so I think the distribution is changing and the shares. There are fewer shareholders now, but I don't know the exact numbers. I can check into it. Attachment 4 is the Decision Document for 20B. These are the rest of the actions that were in Amendment 20, and there are 12 actions currently in it.

We also have a staff suggestion to add another action to incorporate the wreckfish ITQ program into the existing SERO Electronic Accounting System that they use for the Gulf red snapper and their other IFQ programs. But, question one, does the council want to proceed with development of Amendment 20B during 2012 or wait to see the outcome of share redistribution and the new wreckfish commercial ACL and address it in 2013?

MR. CURRIN: Some discussion on that point. We had some discussion earlier about the priorities, and we'll have more of that during full council and the executive finance report on what the council sees as priorities and how they want to proceed. My sense from that earlier discussion was that this may not make the top ten list.

A decision here by the committee as a recommendation to the council may save us some time not only in committee but save the staff a whole lot of time as well, depending on what that decision is at least during this coming year. Discussion, thoughts about that and addressing Kari's question. Duane.

MR. HARRIS: Mr. Chairman, I agree with you. I would move that we postpone further action on Amendment 20B until some time in the future, perhaps 2013, but a decision that would be made by the Executive Finance Committee.

MR. CURRIN: Duane, does that capture you motion?

MR. HARRIS: It's good enough for me.

MR. CURRIN: The motion by Duane is to postpone action on Amendment 20B until 2013 or later; is there a second? Second by Tom Burgess. Discussion on that motion. I think it's a practicality as much as anything and what we and the staff can hope to accomplish in the next 12 to 18 months.

Certainly, we've got some very high priority issues to deal with. Any further discussion? Any objection to that motion? **I see none; that motion is approved.** All right, Kari, thank you. That was a good job. I don't mean to make light of that. It's an important fishery for the small number of people that are involved in it and it's been through a tremendous amount of turmoil, and I don't mean to indicate that it's not an important fishery to folks because it is.

But as much of the discussion that Dr. Crabtree had last night with some of the participants in that fishery, we're stuck with a very, very, low ACL; and I am just pleased that the consolidation has occurred outside of the council table and deliberations to the point where hopefully there is at least some number of people who can continue to prosecute that fishery economically. Wilson.

DR. LANEY: Mr. Chairman, again I'm not on your committee, but while we're on wreckfish I'll just point out it's another one of these long-lived species with a max age of 76 years for males and 62 years for females. To the extent that we can get information on age structure, I think it would be beneficial.

MR. CURRIN: All right, the next agenda item is 11, input on snapper grouper actions in CE-BA 3, Attachments 5A to 5E.

MR. WAUGH: First, this is using the Attachment 5E, MPAs and HAPCs for speckled hind and Warsaw. We've laid out a set of decisions for you to give us some guidance at this meeting. We're not looking at any alternatives. I'm going to outline the decisions, and then we'll start walking through.

We would be looking for you to give us some guidance on how we approach this. When we get to Item 2, after I outline that, we are going to switch over to Roger's computer, and he's going to demonstrate how we can approach this. Again, not looking at any areas but just an approach, and we're looking for your guidance on how we move forward from here.

The decisions we have is, one, the type of closure to be evaluated; two, the approaches for developing potential permanent area closures, should that be your choice; three guidance on what percentage either of occurrence or habitat is appropriate to be closed; four, who develops the alternative sites; five, what type of help should NMFS be providing. We've already talked with them about some of this. We've already dealt with the timing and approach.

Timing will be dealt with tomorrow. If we look first at the types of closures to be evaluated, we lay out here seasonal closures have been talked about to target spawning seasons. This would result in protection during the spawning season, but would allow bycatch mortality during the rest of the year. We don't know that that would get us where we need to be.

Alternative 2 would be spawning closures to protect spawning aggregations. Again, this would result in protection of the spawning aggregations, but would allow bycatch mortality of speckled hind and Warsaw while fishing in the open areas and times. The third alternative is to look at permanent area closures where all bottom fishing is prohibited, the same type of MPA regulations that are in place in our current MPAs.

This would result in year-round protection and would eliminate all bycatch mortality from within the MPAs. There would still be some level of bycatch mortality from fishing in the open areas. We've got currently a prohibition on all harvest and retention of speckled hind, so it seems to address the further issues of bycatch mortality. It looks like Alternative 3 is the approach to evaluate; so we would be looking for your guidance on how to proceed here.

MR. PHILLIPS: Mr. Chairman and Gregg, under alternative other, I would like – because we really don't know exactly what we need, we're going to be bringing in some workgroups to look for spawning areas and looking at bottom. We don't really know how much bottom, and I would be inclined, instead of permanent area closures, to have some area closures that are not permanent but we wouldn't change them until we had a new assessment to see exactly what we needed and what we didn't need.

DR. CRABTREE: Well, I think permanent is not the appropriate word here. Nothing we do is permanent; it's just there until changed, unless you're talking about putting something in place with a sunset.

MR. CURRIN: Yes, and Charlie's nodding his head.

MR. PHILLIPS: Yes, permanent is kind of permanent sometime, because when we do an MPA, you call it that and it has become sacred. But if we make sure that we say this is temporary or it will sunset when we have an assessment so that everybody is clear on it, I think that may be a better way at least to phrase it. I'm afraid we're going to shoot a big scatter pattern trying to cover it, because we just don't know. I think it was '94 or something when it was listed as overfished, and we haven't been able to take them forever, so we really – I want to make sure that we don't make things permanent until we need to and that will be after we get an assessment.

MR. CURRIN: Yes, and maybe that's a poor choice of words there, and we can ask to have some thought put into that permanent closure. I don't think that adding a sunset to any sort of areas that we set aside, Charlie, is going to fundamentally change the approach, necessarily. But we certainly can keep that in mind and discuss whether sunsets would be appropriate; if that's the particular way we went. Roy.

DR. CRABTREE: That's fine, but remaining in place until we get an assessment to me is not a sunset. That is like a trigger that we're going to relook at. A sunset to me is like on January 2015 these go away, and I don't think that's what we're talking about.

MR. CURRIN: I think the logical assumption would be that an assessment indicates that we performed protection to some level of which we can allow some relaxation of regulations, and certainly opening up areas that were closed could be some approach to that. I see what you're saying, and I think we can cover it under the general category.

How about spawning season closures? I think in general I agree with Gregg's assessment of that, but if we can identify areas where some of these critters are aggregating to spawn. – maybe I'm just wishful thinking, but I'm thinking that if we can allow these things to spawn undisturbed, that it may boost our recruitment for some of these animals, and there is potentially significant benefit there. At least at this point I would like to suggest that we keep that possible alternative under consideration unless I'm the only one. Jack.

DR. McGOVERN: I think for these species we have an idea of spawning seasons and have some information on spawning locations, but I don't think we have any information on spawning aggregations.

MR. HARTIG: I don't know that there is a lot of information out there. I've caught a number of Warsaw, and I don't remember catching any even in reproductive condition. I don't know that there are aggregations that occur. I've never encountered one and I've caught quite a few Warsaw. On the flip side of that, I'm not out in those depths at the time they are spawning. I think they're predominantly wintertime spawners, and usually I'm inshore during the wintertime so I wouldn't have encountered them.

MR. CURRIN: Other thoughts on the possible suggestions here and where to focus? The recommendation is to look more toward the MPA closed area type approach right now. Rob.

LT. FOOS: Mr. Chairman, I'm not on your committee but I would like to remind the committee about Dr. Sandra Brooke's presentation in December regarding effectively enforcing offshore MPAs. It's difficult for MPAs that are designated very far offshore for those areas to be effectively enforced.

MR. CURRIN: Thank you, Rob, and we get reminded of that quite frequently by the law enforcement folks. We do appreciate it, but now that you're moving up into the Admiral's office we're expecting you to get all kinds of drone coverage out there on all our MPAs. Don't forget about us once you move.

Other comments on the staff's suggestions here and approaches to consider in this action for speckled hind and Warsaw? Everybody is comfortable then with focusing primarily on the closed areas. I'm not seeing any reaction from anybody, Gregg, let's make sure. The suggestion is then by staff that we drop Alternatives 1 and 2, focus on 3 primarily and any others that somebody might come up with. Duane.

MR. HARRIS: Mr. Chairman, I just prefer spawning season area closures to anything else, but I just don't think it's going to get us where we need to be in this, so I'm going to put that on the table but I don't object to dropping those out at this point in time.

MR. CURRIN: It's kind of the same argument I made about the aggregations, that if we can enhance and bump the recruitment by providing some spawning season and spawning area protection, then there is benefit potentially. How we measure that, I don't know. Certainly, you can't measure it until somewhere down the road, or see it, even identify it. I think to get something done quickly that's sufficient, Alternative 3 would seem to be the best approach. Is everybody okay with that? Are you okay with that suggestion or do you want a motion?

MR. WAUGH: I think we're okay; we're indicating what the direction is.

MR. CURRIN: That's right.

MR. WAUGH: Then the second decision is the approach for developing these potential area closures. There are two approaches that we've talked about so far, using the known distribution; the sites of occurrence of speckled hind and Warsaw grouper is reflected in data from analyses in Regulatory Amendment 11.

This was also used in the scoping document and additional known sites of occurrence provided by fishermen and from scoping during CE-BA 3. There is talk of conducting workshops, and certainly from the AP, SSC, any additional information we would get, we would use. The other is to use known habitat distribution of speckled hind and Warsaw, and we're working to get that refined.

But what we want to demonstrate is just how we can use the existing information on distribution of past occurrences of speckled hind and Warsaw and look at what percentage of that distribution is currently in our MPAs. That serves as our no action alternative. Then just demonstrate how this tool can be used to either look at expanding existing areas and/or siting additional areas and perhaps then using any spawning sites that we know of for speckled hind or Warsaw grouper; making sure that we're pulling in areas of their habitat. Roger is going to demonstrate what we can do in that area, and all of this is going to be presented to the SSC for their review as well.

MR. PUGLIESE: Okay, I do want to remind everyone that the initial information on point distribution of species was included with the scoping materials to set the foundation for some of this discussion on where we go with information relative to speckled hind and Warsaw.

MR. HARTIG: Roger, before you get started, to Gregg's comment there, one additional thing you may look at, Gregg, is not only the MPAs in our jurisdiction, but you may look at Tortugas south and the impact that may have with the larval flow into our area, because that is a site that has Warsaw and speckled hind, adult Warsaw and adult speckled hind, and they are protected, and there has been some work done there. That could also help us.

MR. PUGLIESE: I'm going to get into the guts; this is just perspective on where we start, just to get the idea this is the areas we first worked at compiling, worked with – got information from SERO and Southeast Center, and worked with – actually have updated this information with the MARMAP program and have information in the MARMAP/SEAMAP through 2011 now, and the way this is looking.

But it included Reef Fish Observer, The NOAA surveys that were done on the MPA sites as well as some information from fishermen at both the northern and the southern component of this distribution. What I wanted to do is jump directly into the areas where we're talking about. Now zooming directly into – now I'm working directly in the actual software to give you a representation of what we're looking at.

Now, in this image, which you're seeing, the circles are known point distributions of speckled hind and the dark green are distributions of or encounters of Warsaw grouper. The first thing we wanted to do is be able to look at what we have, zoom into the area, and then consider – again this is some capabilities – so consider a reorientation or a creation.

MR. CURRIN: Roger, just as you go along here, refresh my memory in particular about the size of the existing MPAs. That might help with a scale sort of thing.

MR. PUGLIESE: Yes, this one right here – I was just looking at the numbers; I think it is about 8 by 12 miles in terms of size. This gives you a bounds of the area. The good thing about working directly in this kind of software, any of these kinds of questions can be quickly identified by using the tool here.

What we know is this is about 7 to 8 miles right there. Yes, I think I started short, let me do that again. Give this software a little while to do it. This is Arch Editor, it's pretty powerful. Let me get back to actually what I was going to try go on here, is quickly create something that looks outside the bounds, tries to capture more of the areas, just something theoretical here, and definitely the law enforcement would love us for that.

To make a very much theoretical exercise right here, what you can do immediately is you've created a shape; you can transfer this to a graphic. What that provides you is the ability then to reassess what we've done. It creates the new image, and we can then relook at the area and evaluate then what is contained in the area. Then with that given, this is the new area – let me just get at something so you can actually see.

MR. HARTIG: Without even adding any new coordinates, just twist it on its access.

MR. PUGLIESE: Okay, let me get rid of this; let me get back to that. I've got to kind of do that on the fly here.

MR. WAUGH: While Roger is doing that, one of the things we wanted to be careful of, Ben, is not put anything up here that could be construed as an alternative that's under consideration.

MR. HARTIG: No, and that's not my intent. My intent is just as an exercise to look and see. If you just took your existing MPA and you tweaked the area you already had closed, what could happen; that's all.

MR. CURRIN: Ben, when you get back home if you cut out some paper dolls from some maps like this, you can do that as long as you get a clear piece of plastic.

MR. PUGLIESE: Okay, so that's the reorientation in the area. I need to transfer this to an actual graphic; let me do that. Okay, so now we have this. Then again getting back to this, what you've looked at is where we were, and then this is going to give you the reorientation. What you do is you basically are going to look at looking at the entire distribution of speckled, clipping out the new graphic area that you've done to give you an idea of exactly what it's doing.

Then you see how it's highlighting those areas specifically that are within the bounds. The quick way you do this is then look at the actual attribute table, and it shows you that there are now 89 points within this that fall within this reorientation. Now take you to the other side of this capability is then you go into something simple in here.

This is giving you the status of what we know about the MPAs now. Within the Edisto MPA, there were 44 points, 7.6 percent. In all the MPAs there are about 14.6 percent of the known areas. What we do is – what was the number I had – 89, okay; I had looked at this before.

You can then input the number, what was 14.6 percent for the whole area goes up to 22.4 percent; 7.6 percent of Edisto goes up to 15.3 percent of the occurrences within the area. That gives you an ability to look at it in that context. Now let me turn off the merges here. The other aspect of this is also we had talked about the habitat distribution.

In looking at the information on the species and on the distribution, no; actually we took the SEAMAP hard bottom data information and created a sub-file that provided kind of a core distribution between 40 and 100 meters for this species. This is showing the overall distribution relative to the Edisto. Again, you can do that same process where if you wanted to create – so that's the new reorientation of the area.

Again, you would go through a similar process, and this we can refine in terms of the information that we're using right now. Again, we're using the SEAMAP bottom mapping, and in this case 40 to 100 area; the new graphic we've just created. What it does is essentially the same thing; it is clipping out the areas within there. You can look directly at this, and they are showing about 21 of the known distribution points within the area.

In looking at the general information that we've got, about 6.7 percent of the habitat within that bound between 40 and 100 meter fall within the existing MPAs, and in that area it actually pulls some of the habitat out, and it drops down some to a couple percent. But this provides us the ability to look at it in relationship to the known information we have on habitat or on species distribution, so it's a mechanism we can do this.

I'm doing this specifically in the software, and you can do it on hands-on. We can work with the individuals to get this. However, we actually on one of our sites, the fisheries-independent information, there is potentially that same ability to be able to at least capture in context what we know and maybe create some spatial footprints online.

We're trying to provide as much flexibility, access, and capability to the public or to anyone that we're working with on this process. But I wanted to do kind of on the fly a quick test of this concept. I think one of the things that everybody is acknowledging, this information is what it is;

so probably keeping it simple in terms of understanding what it is, is the best way instead of overanalyzing something that we have.

MR. WAUGH: What we're proposing is that we use – as Roger stated, in keeping it simple that people can understand and then they can work with this, is looking at the distribution of speckled hind, because the distribution of Warsaw is much more limited; so to use speckled hind as your target and look at the distribution of their known occurrence, as well as their habitat, but probably focusing more on their distribution and looking at what percentage we have in existing MPAs.

With the data that's input thus far, as Ben said, we were looking at around 14 percent and by changing the orientation of that Edisto MPA got it up to 28 percent. As we get farther into this, you'll see that we're looking to – we've asked NMFS to give us some guidance on what's a target percentage.

We're asking our SSC, and that's certainly something we'll ask the public as well, but we would suggest that we use this approach, present it to the APs – we're going to talk about workshops, whether you all want to have workshops as well – and to the SSC as a way of getting input on suggested sites.

MR. CURRIN: Questions for Gregg or Roger about this approach, comments about it?

MR. PHILLIPS: That's pretty interesting. One of my concerns is what else is there with them. I mean, do we have a lot of gag or vermilion or something else; so if we can find an area that has speckled hind that doesn't have a lot of pressure from vermilion fishermen or gag fishermen or something, we might be better off to have an area that has got a little less hits and maybe make it a little bit bigger, and then stay away from areas that have a lot of interaction with vermilion. Can we do that?

MR. WAUGH: This is something that we've asked the Regional Office to work with us on. As you all recall, those that participated in our first round with – well, actually the second round in Amendment 14, there is a lot of difficulty in working with the catch distribution data. It's at such a gross scale that it is hard to figure out how to distribute it to an area that you might look at as a potential closure, so we've asked the region to work with us.

I believe Nick Farmer is doing some of that modeling work to take not just the commercial data but the recreational data; the headboat we have at a little finer resolution. The commercial is at those large shrimp grids. We need to come up with a way that you can then take an area that you are interested in considering and determine, okay what are the catches, what are the expected catches in that area. I think we'll also be able to look at the habitat distribution of other species like vermilion and see what you're covering there.

MR. CURRIN: Keep in mind, Charlie, how that whole initial effort went, MPA effort went. We had a lot of fishermen in the room, and the sites that we kind of ended up with were a direct result of input from fishermen; yes, this is a great area for B-liners, please let's if we can, we need to stay away from that. I expect that through the workshops we're going to gather all that.

Trying to get it out of the catch records because of the grid size, I wouldn't put much faith in that. Andy Strelcheck wanted to comment on what Gregg referred to I guess what Nick and you and others are working on, Andy, down there that we want to make sure that we're all on the same page here, and Andy can certainly inform you what the region has been working on along these same lines.

MR. STRELCHECK: Nick Farmer is scheduled to give a presentation to the SSC as follow-up work to what he did with Regulatory Amendment 11. What Roger is presenting here and some of the work that Nick has done so far look like there are some duplication of efforts, so certainly we need to get together and make sure that we're working closely with one another.

One of the key points that I think needs to be emphasized with the data we have on speckled hind and Warsaw is that we're data mining a lot of information, and it's based on a whole variety of data sources, but there are certainly biases to each one of those data sources in terms of spatial resolution, temporal resolution, and where those samples are collected.

One of the conversations we've already had with our own Science Center is not simply looking at MPAs from the standpoint of presence/absence of known speckled hind or Warsaw occurrences within an area, but also looking at the positive encounters relative to the amount of sampling that occurred in a particular area, so from more of a catch rate standpoint, so that you can look to determine, well, was there an extensive amount of sampling occurring in there, and that is why we also see an extensive number of speckled hind; because that will also tell a story in terms of whether or not the underlying population abundance is high or low in a particular area relative to the magnitude of sampling. We're certainly working on that as well as having conversations about the appropriate amount of area habitat that would need to be encompassed to protect speckled hind and Warsaw.

MR. CURRIN: Thank you, Andy, and, yes, it sounds like it's real important that you guys work closely together. I appreciate the efforts you guys are making towards trying to weight the importance of those samples by the amount of effort that has been there. That sounds like it could provide a real interesting approach.

I think the other thing that we need to keep in mind is exactly what – under Roger and the stuff you presented, I suppose that each of those circles is a single occurrence, more or less. Okay, and that's kind of a good thing because we've got to figure out how we're going to weight or incorporate occurrences that we hear about from our fishermen and how to deal with that sort of input.

That may be a little bit more difficult to – well, maybe not, into the way you guys are doing it. But, anyway, it's just one thing that occurred to me that we need to be prepared for and how to apply that information that we get outside of these data sources that we've been mining. Questions or comments for Roger, Gregg, or Andy? Michelle.

DR. DUVAL: Yes, just to let folks know, I'm working with Chip Collier, who is our SSC member, to get the data that we've collected through the blueline tilefish EFP entire biological

database, so that could be available for the SSC, and that's more absence data than obviously presence data, but hopefully it will be useful in that regard. That's the intent, is to have it ready then.

MR. CURRIN: Just out of curiosity, the old Dan Moore was a research vessel that North Carolina operated many, many years ago and did a bunch of work offshore; probably some trawling and all that. Is that information contained in the data bases that you guys are familiar with?

MR. CARMICHAEL: Yes.

MR. CURRIN: It is, John, thank you. Other questions or comments? Ben.

MR. HARTIG: One of the other things that is critical to this whole process is to be able to get from fishermen the amount of area there is to fish on. All that habitat isn't located equally along the shelf. Where we are we've probably already got 40 percent of the area closed when you take Oculina and the sea bass area. I fish in the one rock that is in the middle, between those two. If we can map out the habitat for you and showing how much we close, that will help in this also.

MR. CURRIN: Other comments, questions? All right, thank you, Roger, very much. Yes, Roy.

DR. CRABTREE: I guess, Gregg, the next step is we're going to have the SSC review some of these types of approaches and things at the – when do they meet, in April?

MR. WAUGH: April, and a couple of other areas where we need your guidance; what percentage of occurrence or habitat is appropriate to be closed? We've asked the Regional Office to work with the Center to provide some guidance. This is in the literature concerning MPAs roughly equating percent of area closed to percent of SPR.

We're looking for guidance there, also requesting that from the SSC, so that we have some idea of what are we trying to achieve here? We'll know what we have in terms of occurrence and habitat in our areas already under protection, so then what are we shooting for as we go forward? Perhaps at this stage I don't know if you can give us any guidance here, but I've had some people say 10 percent is too low. You've seen what Roger showed. I think the percent occurrence of the points that we have in the database now show that about 14 percent of the occurrence is within existing MPAs, so maybe 10 percent is too low; or do we just leave this range in here for now?

DR. CRABTREE: Well, I suspect 10 percent is too low, but I'm not sure what the appropriate number is at this point, so I think we'd have to get some advice and have take a look at that. But I definitely think the idea of coming up with a strategy for protecting these animals is exactly what we need to do. I think up to now it's all been really ad hoc. We don't really right now know really what the statuses of these stocks are, and it's unclear to us exactly what needs to be done to protect them.

I think if we could come up with some strategy like that or a target, and not necessarily meaning we're going to get to it all in this one amendment, but over some period of time that's where we want to get to. But that's a good idea and I think a much more defensible way to go about this rather than just kind of an ad hoc thing where we close some areas around. But it looks to me if we're at 14 percent now, with some tweaking of the existing ones, without even closing any additional areas, but just some repositioning, we could probably do considerably better than that. I think that's a good approach to follow.

MR. CURRIN: It's not only good, but it's encouraging at this stage of the game at least. I guess as far as an upper end – from my perspective, Gregg, as far as an upper end of the range, I'd look at a gag factor, and 40 is probably getting pretty close to my gag factor on the upper end, but 10, I agree, it's probably a little bit low. I don't know, maybe with the right words and medicine I wouldn't be feeling so bad at 40 percent. I think if there's a first cut that seems like a reasonable range to me. Wilson.

DR. LANEY: Mr. Chairman, I'm not on your committee, but to that point I think another factor to plug in there is the density of the fish maybe is revealed by the existing plots that you have of the data, so chances are if you can encompass a higher density in a smaller area you wouldn't have to go up as high as 40 percent, maybe, I don't know.

MR. CURRIN: That's the beauty of this tool and exactly what it's intended to allow us to do. Other comments or questions? Charlie.

MR. PHILLIPS: Mr. Chairman, the potential closed area, is that going to – and I know it's in there, but can you refresh my memory. I guess that is going to be part of this, but that will be permanently closed, that won't be a temporary closure, so that's going to be part of this? Where we're closing it for the rock shrimp guys dragging around the coral, that extra proposed area, and I think it had some speckled hind and stuff in that area.

MR. PUGLIESE: Actually I didn't get a chance to say – when Ben had talked about other benefits for the Tortugas, I was going to chime in on that, because I hadn't thought to actually lay that over; but when I did, especially the occurrences we already have are in the northern part of the proposed extension of the Oculina Bank.

MR. CURRIN: So, yes, the answer is yes. Other questions on this range of alternatives? All right, I'll tell you what I want to do and we can make as much headway as we can, but we've got a presentation from George Geiger and Lauren Wenzel. I'd like to either be finished up or get them up here at a quarter 'til, so we've got 15 minutes. If not, we'll come back early in the morning and finish up.

MR. WAUGH: Next Decision 4 is who develops the alternatives? We're proposing that we provide this capability to the next group – or the first group really will be the advisory panels. We've got the Snapper Grouper AP meeting. There is also discussion about holding some workshops. The SSC will get a shot at this in April third. I doubt the SSC will be interested in using this tool and drawing boxes, but if they want to, Marcel, we'll be glad to let them. Realistically, it's more the AP, and then if you want to do these workshops with the sort of idea

of this coming back to you in June for you to give us some alternatives to take out to public hearings in August; that's sort of the timeframe.

We've got public hearings already scheduled in August; if we can make that, fine. Again, you are going to lay out the priorities tomorrow. I don't know if you want to talk about the workshops; and I think the AP had some suggestions here how we proceed, whether you do that now or in full council when we're talking about our priorities.

MR. CURRIN: Are there any thoughts, questions? It concerns me a little bit. I feel like we're maybe pushing to get these workshops done between now and June. We've got a whole series of APs. We could potentially be holding workshops without the benefit of input from our Snapper Grouper AP or following very closely on the heels of that having workshops.

That would leave them out of advice on how to put these together, where to put them together, and that kind of thing. I know that adds some time and probably threatens being able to have this complete in December, but to me there was a fair amount of pie in the sky associated with that timeframe, anyway.

I believe that there might be some value and certainly some savings of staff time and allow them to concentrate on some important things between now and June if we considered the workshops some time during the summer period. Those are just my thoughts, and we don't have to decide that right now.

I just put that bug in your ear, and then we can decide when we talk about the schedule, I guess, during the Executive Finance Committee Report. Has anybody else got any thoughts they want to bring forward at this point on timing and that sort of thing? All right, we'll have another bite at that apple.

MR. WAUGH: Okay, we've already talked some about the help from NMFS. We've already discussed some of this with them. They are, in addition to the model they've put together, looking at a similar approach to what we've outlined. We've also asked them to help with how we measure impacts and looking at 20, 30, and 40 percent now with the guidance you've given us.

Then, finally, the last item was just a rough out of the timing, and again this was us putting this together for you with the idea of trying to finish this this year, and some of the discussion factoring into which document it's done in. We've got SSC scheduled April, APs April, as well, and then the workshops you will give us guidance. We've already got a series of public hearings that were blocked out for in August. That just lays out the timing that if you wanted to aim for approval in September or December and finishing up by the end of the year. Again, we'll have some discussions tomorrow.

MR. CURRIN: Any other thoughts or comments on the timeline or any of this suggested approach at this point? Charlie.

MR. PHILLIPS: Mr. Chairman, I guess it depends on what comes out of this first cut of closed areas. If it's not going to interact with where people are working, it may go faster; but if we start tangling up with where people are catching vermilion, gags, or whatever else, I think we're going to need a lot more time than what we're allotting. I think we might as well just expect that.

MR. CURRIN: Other comments at this point? All right, is that it?

MR. WAUGH: That's it.

MR. CURRIN: All right, thanks very much, Gregg and Roger and Andy, I appreciate that. George, get you and Lauren to come on up. We've got an old friend who has come back to visit us in another capacity. He told me when he walked in the room his heart started fluttering before he could get to the door. I don't know what caused that and maybe he'll comment on that.

George, as many of you know, has been appointed Chairman of the National MPA Committee, and that's not the exact title, the correct title, and I'm sure he'll tell you that. Lauren works with him on that and they have a presentation on that program, and we appreciate you guys being here today. Thank you.

MR. GEIGER: It's tough on my tongue; I've been biting it for the last day and a half, but thank you, Mr. Chairman, for your kind welcome, and thank all the council members for your kind welcome back. Really, it was an amazing thing. As I approached the door, I was more nervous than when I came to my first council meeting.

It was the most incredible feeling, and it was because I realized that everybody in the room knows more than I do at this particular point about what you all are doing. I've got to tell you, I selectively listened to what's going on. It's a lot easier to do it at home, because you can stand there and scream at the TV set, you have all the answers, and you know all the information.

It's perfect, but when you come here you realize how hard it really is again and thank you for your work. This is a daunting task and to watch it from another perspective gives you a real appreciation for what we do and what you're doing now, so thank you for that. This is a classic – you know, Mac said Lauren who works with – I work with Lauren.

Lauren is the Acting Director of the Marine Protected Area Center, and this is a – you know, you think you know how the sausage is made because you know the recipe, and this is a classic case. When Joe Uravitch used to come and make presentations to the council periodically on the MPA Center and what it did and assured us that everything was fine and there was no subversive activity going on, and all those type of things, and we all use to sit there and – oh, yes, Joe, oh yes, yes, yes; and you think you know how the sausage is made because you know the recipe, but until you really get in there and get your arms in the product up to your elbows, you don't realize how it really is made.

Everyone who knows me knows I'm a cynic. I trust everybody, but I verify. This was a great trust and verification process, and the reason we're here today – and it was interesting, David

came up and said, “Well you were the lead proponent for not including MPAs in the national system.”

Of course, that was part of the trust but verify process. I’m in that process now, David, and I’m back. We’re going to talk a little bit about why I think it might be advantageous to this council to consider including the MPAs that we worked so hard to put in place, and you’re working hard now to put in place again in different venues, and including them in that national system. I think there are advantages to the council, and Lauren is going to cover that.

But let me just cover the Federal Advisory Committee itself. The committee is a broadly represented – I mean they do a masterful job, a very painstaking job to ensure that every user of the marine resources is included in this particular process, from academia to fishermen, to NGOs. It’s masterful how they’ve included virtually everyone.

We have representatives; it’s now 20 members. They report both to NOAA and to the Department of the Interior, and they work under a charge system, and those charges are developed by the two secretaries, and that Federal Advisory Committee works on those charges. Within the Federal Advisory Committee, we have the composition as shown here, just to show that we do have South Atlantic representation and fisheries representatives.

The charge is how the FAC actually operates. Those charges come down; the FAC is divided into subcommittees, and each of the subcommittees takes a particular charge. In the last go round we had the four charges that are shown there, and in subsequent slides are the results of the actions taken by the subcommittees that addressed each of the individual four charges.

I’m not going to read those to you; I’ll let you look at those. I would encourage everybody to go to that MPA website. The white papers that are developed as a result of working on those charges are all on that website. You can see from its inception exactly what the FAC has done and what that MPA Center is responsible for doing.

We are now waiting for the appointment of our new members. We have six who are going to be new appointees, and we will receive our new charges at some point and hopefully in the spring. The committee will go to work on answering the questions that are developed by the two secretaries.

I might also add that outgoing FAC members contribute to that process as well by providing recommendations to the secretaries as to what they might believe are important questions or charges that the FAC should work on. With that, I’m going to turn it over to Lauren, and she’s going to talk about this process, and hopefully we’ll get an opportunity to talk about including the South Atlantic Council MPAs.

MS. WENZEL: Okay, thanks a lot, George. Thanks to all of you for making the time to hear from us today. I know it’s late in the day and you have public comments ahead, so I’m going to go through this pretty briskly so that we have time to answer any questions. I think the first question is why are we talking about a national system of MPAs?

This idea has been around for about ten years, and the idea behind it was that we had a lot of different management agencies, state, federal, territorial, even local, who were using this management tool and yet nobody was taking a comprehensive look across all of these different management agencies and seeing what collectively the U.S. had, what kinds of protections were being offered, what kinds of species and habitats were being protected. That was the idea behind the national system was to take this comprehensive look and provide that big picture.

This is the executive order that was adopted in the year 2000, at the end of the Clinton Administration, and it basically charges NOAA, working with Interior and all the other agencies and stakeholder groups, to develop this scientifically based comprehensive national system that represents diverse marine ecosystems.

I think it's important – and I just heard you all have a very interesting conversation about MPAs. It's very enlightening for me, and obviously there is a lot of discussion around the term MPA. I'm sure you've heard this a lot in your work, and we use it very broadly to mean generally an area that is more protected inside than outside.

A lot of times people use it to mean a much more restricted area, so I just wanted to call that to your attention that when we talk about a marine protected area we are basically talking about an area that has legal protection for long-term conservation. It doesn't have to be no-take; it doesn't have to have very severe restrictions. It can be multiple use or it can be no take.

The first step in developing this system was to do an inventory. This is also just a good resource, if you are not aware of it, that the MPA maintains an inventory of all the marine protected areas in U.S. waters managed by all the different agencies. We work very closely with all the management agencies to make sure that this is up to date.

We provide it through various data portals, to the CMSP process, to various others so that they have this spatial information at their fingertips. One of the tools that we've developed recently is a mapping tool. This is for non-GIS experts, so that you can pull up a map, zoom in, and identify all the MPAs in a particular geographic area; again including all the management agencies and you can look at the purpose, the management authority, and other detailed information about these MPAs.

This is the kind of information that based on that we can provide how many there are, what kinds of protection they provide, how much no take there is. I'm not going to go through this in detail, but it just illustrates the kind of analysis that we are able to provide both in a national level and also regionally.

If at any time you do want that kind of detail for your region, we are happy to help you pull that information out. We did go through an extensive stakeholder process to engage folks in identifying the goals and objectives of the national system that was put together in this framework document that is kind of the roadmap for the system.

It also lays out the nomination process that I'm just going to talk about in a minute. What we came up with in terms of this public process was that there should be three goals for the national

system; national heritage, basically ecosystem protection, biodiversity; cultural heritage, which includes both artifact, but also traditional cultures; and then sustainable production.

Unlike some other countries in the world where MPAs are really focused on biodiversity pretty much extensively, the U.S. explicitly recognizes sustainable production as one of the goals of the national system, which is one of the reasons that we really wanted to reach out to the councils because of your key role in managing sustainable production MPAs. For each of the goals there are some specific objectives. They are pretty broad based.

You can see the kinds of language. Obviously, you are talking about the same kinds of things, conserving and managing key reproduction areas, areas that sustain or restore high priority fishing grounds, those types of things. When we talk about what areas are eligible to be part of the national system, they need to meet one of these goals and at least one of the objectives.

I can tell you from looking at MPAs in the U.S. that any MPA that is established with a conservation purpose meets one of these objectives, because they are fairly broad. This is the national heritage goal. Again, I'm not going to go into detail, but it goes through the same kinds of detail in laying out objectives.

Our goal is for the national system to be diverse, to encompass all the different types of geographic areas, ecosystem types, different levels of government, and conservation goals, and that's what we're working toward. We've been through five rounds of nominations now to the national system, encouraging different management agencies to put forward their sites to participate.

This is a non-regulatory, voluntary process that basically brings people together so that they can work on common issues and have an opportunity to collaborate. This is where we are right now. We have 355 MPAs in 28 states and territories for the Federal MPAs, and then we have actually 12 state partners now, and one fishery management council working with NMFS has nominated sites accepted into the national system, and that's the Mid-Atlantic Council, who put in four sites under the tilefish management plan for canyons.

This just shows you the breadth. Obviously, when you're talking about the Pacific Islands, you get into a lot of geographic area. We have some really good geographic diversity of sites in the system, and this shows you just the state partners who have come in and have been really pleased to see a growing interest from the states in participating in this program.

Just recently you'll see some of the leading states that have participated; California because of the feral MPA planning process that they've been heavily invested in; and the Massachusetts sites here are actually all cultural resource sites, with the exception of one. States can really also decide how much they want to emphasize different types of sites being in the national system.

I wanted to note that we have had – I mentioned the Mid-Atlantic coming in, and then we also have had a lot of cultural heritage sites recently coming in. Again, just talking about the function of the system, what does it do, we really want it to function as an institutional and a social network; so providing training, technical assistance, science and analysis based on our inventory and other tools that we have.

I thought the tool that Roger showed was really fascinating. We have some other kinds of mapping tools that we provide and can assist with; stakeholder engagement, sharing lessons across different MPA programs, all of those kinds of things. We have the programs meet annually and act basically as a steering committee, and then the MPA Center really tries to adapt its program to serve the programs that are participating in the system.

We do have a partnership with the National Fish and Wildlife Foundation. This was something that we heard from our advisory committee was – what benefits do sites get and programs get from participating? We have done some small grants through the NFWF. It's been a really great way of getting programs together and collaborating. Then in terms of the benefits of the councils, I think these are some of the things that we have identified; that it really recognized the contribution that the councils have made to marine conservation and it offers the potential to have a leadership role in the MPA arena particularly with respect to the sustainable production goal; because, frankly we don't have a lot of sustainable production MPAs in the national system.

The types of MPAs that come in, the types of activities and collaborations of partnerships that are taken on under this umbrella really could be driven by the councils that participate, so there is an opportunity there. Then I think there are also some linkages to international MPA programs. We work very closely with Canada and Mexico, also in the Caribbean, so there are some opportunities there.

Then we also provide some opportunities to link to other programs that are working on MPA planning and management, but also other ocean management issues, like CMSP, Ocean Observing, where we have done a lot of work to try to establish some connections there. Criteria for entry into the national system; these are what a site needs to meet in order to be qualified.

They need to meet the definition of an MPA. We have some detailed language about what that means. It has to have a management plan that can be part of a broader management plan like a fisheries management plan. It has to contribute to a priority conservation objective within the national system; and then if it's a cultural resource site, there are some additional criteria.

This schematic we've developed with NMFS that just basically lays out what the process is. It may be a little bit hard to read, but the blue bubbles across the middle are the MPA Center's standard process. Then the green bubbles are the additional steps that the councils take. This is the process that the Mid-Atlantic followed.

What you'll see is that we go through our inventory and identify what we think are the potentially eligible sites and then invite all the management agencies to nominate from that list. We have done that in collaboration with NOAA Fisheries. Then NOAA Fisheries actually sends the letters to the councils inviting them to nominate sites and sending them the list of eligible sites.

That happened actually when we were just launching the system in 2009. Now, we are just coming back to kind of reminding you about this process. We update our inventory annually, so

we have a list of 16 sites in the South Atlantic that we believe are eligible – obviously, that can always be updated if it needs it – that we would like you to look at and determine whether you're interested in nominating any of those sites.

Obviously, it is completely the prerogative of the council and NMFS to decide if they want to nominate one, two, none, all 16 of those sites. Actually that's the end, so I just basically wanted to talk a little bit about the process and what we see as the benefits, and I would like to turn it over to George, who I think wanted to say a few words.

MR. GEIGER: Yes, and if I could, notice this process has not developed any MPAs. They are not in the business; and, believe me, I've looked very closely and very suspiciously at their underlying motives, and it is not to develop MPAs. It is exactly as Lauren portrayed it to be. To answer Charlie's question, they are not in there permanently. You can take them out at any time. If at some point, if you go down the line and you realize that maybe you want to change an MPA or you want to change a configuration or eliminate it, you can take it out of the MPA System.

Once you put it in, it's not locked in there in perpetuity. Again, being somewhat cynical, it's trust but verify, but under this Marine Spatial Planning we have an opportunity, if you include these MPAs, to work within the system.

I understand now the councils have gained egress into the CMSP Planning Role, which wasn't done when we first initiated doing this, and was going to give you an opportunity to play and be part of the MPA partnerships, which are beneficial I think to the council to participate from within as opposed to being on the outside.

It also provides the opportunity for visibility of the MPAs that you set up, if in fact when it happens – I know it's not going to happen, but gap filling is something that's in the back of my mind as something that I think is really going to happen at some point. They're going to look spatially across all the MPAs and identify and look for gaps and see if there are places where MPAs may need to be created to fill in those gaps.

I think if you don't have your MPAs in the system, there is potential there to be overlooked or certainly create a lot of confusion and have to respond with providing; yes, well, this is part of it, and this is part of it, and you might be forced into it in some way in the future. I think there are benefits to the council to consider including your MPAs now, and I don't know that there are any downsides to doing it. Certainly, we're here to answer any of those questions, or Lauren is. She knows a lot more about it than I do, certainly.

MR. CURRIN: Thank you, George, and Lauren. I appreciate your being here and thanks for your presentation. Questions for George or Lauren about the National MPA Program? Wilson.

DR. LANEY: Not a question, Mr. Chairman, and I point out again I am not on your committee, but I am on the Habitat and Environmental Protection Committee and also the Ecosystem-Based Management Committee and I think to me I concur with George's comments. I think there is no downside to including the council's MPAs in the system. I think it would be very beneficial and

I think it would provide access to some tools that the council doesn't have if the MPAs aren't put into the system, so I certainly would support it.

MS. WENZEL: I would just like to note that one of the things the system can provide is visibility and recognition of a leadership role in marine conservation. The Fish and Wildlife Service has 101 coastal and marine refuges in the national system, and they have really stepped up and embraced this leadership role. I think it's really helped the visibility of marine programs within the Fish and Wildlife Service.

MR. GEIGER: I can assure you that the academics who serve on this FAC along with me are very impressed with the work that this council has done thus far with regard to the creation of protected areas. I mean we're noted; the council is noted for its work.

MR. CURRIN: Other questions or comments? Bob.

MR. MAHOOD: George, I notice there is one council that is involved in the process; is that the Mid-Atlantic?

MR. GEIGER: Yes.

MR. MAHOOD: But there is an MPA System in the Gulf of Mexico, but that doesn't include any of the Gulf of Mexico closed areas or MPA type areas?

MS. WENZEL: None of the fishery managed areas. I mean, there are a lot of other MPAs in the Gulf of Mexico that are members, but they're parks, refuges, other sites.

MR. MAHOOD: Yes, I was just looking at the website, and I noticed there were a lot of them, it spoke to the Gulf of Mexico, but I couldn't pick anything out specific to the Gulf of Mexico Council.

MS. WENZEL: Yes, they are not participating right now.

MR. GEIGER: To David's question to me earlier about why did we have the original opposition, of course, there was the fear that there was some underlying entity that was going to try and usurp the council's responsibilities for the management of marine resources within those closed areas.

I think within the sanctuary, the sanctuaries may still be trying to do that but I don't see any pressure from within or see anybody with any underlying motives to do that. Certainly, if it ever – being part of that national system now, puts the council in the process, and we'll certainly provide voice to that if it ever arises or somebody tries to manifest that and take responsibility for marine resources. I think that no-harm provision has been answered.

MR. CUPKA: Question for Lauren, I guess. If the council were interested in moving forward with this, what would the next step be in the process?

MS. WENZEL: I think the next step would be to review the list of eligible sites that we can provide you and to make an internal determination, which one of those you would like to move forward with, or one or more. I would just say that, for example, in the Mid-Atlantic they did not move forward with all their eligible sites. They picked a subset that they thought were very focused on habitat protections that were very long term that they felt comfortable moving forward with.

MR. BOYLES: George or Lauren, either one, maybe you can answer this, several years ago you may recall there was some discussion about invoking the Antiquities Act for the establishment of a Marine National Monument off the Southeast coast that gave a number of us pause for a variety of reasons. Can you comment on whether inclusion in the system would have particular advantage or disadvantage as we deal with conflicting and competing interest?

MS. WENZEL: That's a really good question. I think one of the ideas behind the system was to provide this mechanism for a collective look at what we have protected, and so in that sense I think it would help because it would allow us to really make the case about what has been protected already and maybe, as George was saying, provide a more informed dialogue about where and whether there are gaps.

I think the other piece is that we do have, for example, our advisory committee is setting out best practices for the establishment of MPAs, and they have been very emphatic about the role of public participation. I think also by laying out the sort of best practices and the accepted method of establishing MPAs it helps in that respect, too.

MR. GEIGER: With regard to CMSP, the chief scientist for the Marine Protected Area Center has been detailed to work on that CMSP Program, so he carries forward all the philosophies of that office. I just feel very comfortable with what's being done and how it is being administered; I really do.

MR. MAHOOD: Yes, and we call certain things MPAs; but from what I can see in looking at the website, you are not limited to what we call an MPA. In other words, we have a number of closed areas. The biggest one that comes to mind is the 23,000 square miles of protected deepwater corals from fisheries' impacts.

We don't call that an MPA, but still it's protecting habitat. Something like that would qualify along with maybe an MPA, which may be more targeted for protecting the fish on the habitat as well as the habitat itself. There are a lot of different definitions of what you consider an MPA.

MS. WENZEL: That's right; that is probably the first step is looking at the list that we have determined are eligible and comparing it to your own sense of what you would like to move forward with as far as MPAs because our definition is more inclusive than yours.

MR. WAUGH: As a little bit of a followup to Bob's question, on the list that you sent us there are 15 sites and one of which is one of our Coral HAPCs, the Oculina HAPC. I was just wondering if there was any rationale for not including our other Coral HAPCs.

MS. WENZEL: Well, I can tell you that I don't know offhand. I know one of the things that we have been through with some of the councils is correcting this. If there are some oversights or things that we have missed, we would definitely do that. I know that in some cases not all HAPCs have been included in our inventory if they didn't have specific regulations that added that protection.

MR. CURRIN: Other questions, comments? Well, thank you very much, I appreciate your being here and giving us something to think about.

MR. GEIGER: If I could just put a cap on it, Mac, would it be possible then for Lauren to contact staff and try to begin the coordinating effort? Do I understand that to be the desire?

MR. CURRIN: Well, I don't think that decision has been made yet, George, but Roger is whispering in my ear while I'm trying to make sure – you correct me if I'm wrong, but I think Roger's suggestion was we have an upcoming Coral Advisory Committee meeting, and let's let them – Habitat, I'm sorry – let them chew on it and make a recommendation to the council. In the meantime I'd encourage you guys to look at, as Gregg suggested, some of the other coral HAPC sites that I think you'll find very analogous to the ones you've designated. It's probably just a time lag thing as much as anything. Perhaps then if we decide to move forward, we can do it all in one fell swoop instead of having to piecemeal it down the road.

MR. GEIGER: Well, thank you for your attention after a long and arduous week. I appreciate it.

MR. CURRIN: All right, thank you, good to see you. Our Timing and Task Motion is our next item on our agenda. We have not been doing a whole lot with that. It has been covered in the report that Myra and others put together for us. Is there other business to come before the Snapper Grouper Committee? Tom Burgess.

MR. BURGESS: Would it be possible at some time to start to talk about state-by-state quotas for black sea bass? I know there is a lot going on and everything, but just not to let it die but to consider it for the future.

MR. CURRIN: Yes, certainly, Tom, it's possible. As you well know and everybody around the table knows, we've got a pretty full plate over the next 12 months, perhaps longer. I would encourage you and the other folks that as things progress and are developed and look for opportunities where there might be a logical fit to address something like that or other items that are important to the various council members or states. I certainly don't feel comfortable trying to ask the staff to begin moving on that; certainly not today. Your mention of that will be captured in the record. I know it will remain in your and Michelle's minds and we will certainly try to fit something in, I'm sure, as we can. Michelle.

DR. DUVAL: To that point, Mac, I think maybe some of this will kind of fall out as we move through the Ad Hoc Data Collection Committee and address some of those kinds of things. I think a little bit of that state-by-state quota discussion, not just limited to black sea bass, but potentially other species may fall out there as well.

MR. CURRIN: All right, anything else that needs to come before the committee? Wilson, remember, you are not a member of this committee.

DR. LANEY: That is true, Mr. Chairman, I thank you for recognizing me, anyway, despite that fact. I just wanted to let everybody know, I think most of you know Bill Cole, who is a member of the Snapper Grouper AP; Bill had some very significant surgery on Monday, February 27. I talked to his wife, Fay, today, and she wanted me to let everybody know that Bill is at home now.

He did go home on Monday. He is going to have a long recuperation. He's still sleeping a lot. Just keep him in your thoughts and prayers; and if people want to send cards, I will get his home address out to the council and to staff so anybody who wants to can send him a card. I just wanted to convey that, Mr. Chairman.

MR. CURRIN: Thanks, Wilson; and when you talk to him, please offer him my well wishes and jealousy that he's sleeping a lot. Is there anything else to come before the committee? If not, we will adjourn.

(Whereupon, the meeting was adjourned at 5:05 o'clock p.m., March 8, 2012.)

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