

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

**Hilton Savannah DeSoto
Savannah, GA**

March 4-5, 2014

SUMMARY MINUTES

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Additional Observers Attached

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in the Madison Ballroom of the Hilton Savannah DeSoto, Savannah, Georgia, Tuesday morning, March 4, 2014, and was called to order at 10:30 o'clock a.m. by Chairman Dr. Michelle Duval.

DR. DUVAL: We're going to go ahead and call the Snapper Grouper Committee Meeting to order. The first item is approval of the agenda. Are there any modifications to the agenda or any items under other business that folks have at this time? Seeing none; the agenda is approved. The next item is approval of our December 2013 meeting minutes. Are there any modifications or corrections to the minutes from December? Seeing none; the minutes stand approved. The next item is our usual status of commercial and recreational ACLs versus catches; and I think Dr. McGovern is going to take us through that.

DR. MCGOVERN: The landings data have been updated from what is in your briefing book at Tab 6, Attachment 1A. We got updated landings from the science center on Friday, February 28th. This table presents current landings as of Friday, February 28th, and it compares them to the landings at a similar time last year, February 21st of last year.

It also shows the landings for the 2013 year that we got from the science center as of January 27th. We won't get final landings probably for another month or so. I'll just touch on some of these species. The shallow water groupers, black grouper, gag, scamp, red grouper – shallow water groupers, they're all closed right now. There is a January through April spawning season closure. We see that gag last year; we were at about 99 percent of the commercial ACL.

The deep water complex includes blueline tilefish. We're at about 5 percent of the landings of the ACL now. We met about 73 percent of that last year. Golden tilefish – now through Amendment 18B that was put into place I think in May of last year – now has a quota for the longline sector and a quota for the hook-and-line sector.

The landings information we got from the science center on Friday indicates that we're slightly over that quota; and we're closing the longline sector as of midnight tonight. The hook-and-line sector can continue to catch golden tilefish. Those folks that don't have an endorsement can continue fish. The hook-and-line quota is at about 37 percent.

Gray triggerfish are currently at 38 percent of their ACL. The landings at 103,000 are very similar to where they were last year at 119,000. We closed gray triggerfish in July last year. We were at 90 percent; and we reopened in October for a couple of weeks; and we wound up going over by about 10 percent. Hogfish are about 4 percent. Red snapper; last year we had a quota of 21,000 pounds; and we exceeded that by about 12 percent. It opened in August and it closed in October.

Yellowtail snapper; we're about 8 percent of that; and again the landings are very similar to where they were last year. We met 90 percent of the quota last year. Moving down; black sea bass, we're currently at 73 percent of the black sea bass commercial ACL. That was increased to 780,000 pounds last September. There is a November through April black sea bass prohibition in place for black sea bass; so it will open up again to pots in May.

Greater amberjack; the fishing year is May through April. It is closed in April; and we're at 80 percent of that quota. We met 94 percent last year. Vermilion snapper; the commercial seasonal ACLs were increased for vermilion snapper last September. The previous one was 315,000 for January through June; and we wound up closing it in February last year. The landings at that time were 319,000 pounds.

The ACL was increased to 466,000; and the regulations are that if you don't meet the ACL, that what is left over rolls over into the next portion of the fishing season. We had a rollover and the ACL was 613,000; and we met 94 percent of that. The ACLs for this year are slightly lower at 446,000 for January through June and the same for July through December.

The new regulations are that the trip limit will be reduced from a thousand pounds to 500 pounds when 75 percent of the quota is met; and we're at 72 percent right now as of Friday. We've done a package to reduce the trip limit, which is in headquarters, and we will be reducing that trip limit very soon. That is it for the commercial.

DR. DUVAL: Are there questions for Jack on any of the commercial landings information at this point? All right, moving on.

DR. McGOVERN: Okay, these are the recreational landings. This presentation was put together by the data branch in our office, Mike Larkin; and also Dr. Ponwith's staff, Vivian Matter at the Southeast Science Center. Some notes on the landings; the landings are based on MRFSS or MRIP, depending on how the ACL is calculated. Some ACLs are based on MRFSS; some are based on MRIP.

If they're based on MRFSS, there is a conversion factor to make them based on the new MRIP. The landings are updated based on ACL monitoring such as post-stratification. There are some species that have post-stratification from Monroe County like greater amberjack, yellowtail snapper; some that don't include Monroe County.

The data we just got last week include data through Wave 6. The information that is in the briefing book has just data through Wave 5, so this is an update from what is in the briefing book. The 2013 data do not include the headboat landings with the exception of black sea bass, but we are getting updated headboat landings this week.

We should have the updated headboat landings on our website at the end of the week. This is presented in the same way that the commercial table is presented. It shows the landings for January through December 2012 and January through December 2013 with the exception that headboat data are not included in the 2013 data. It allows you to compare the 2013 landings with the 2012 landings.

Just going over some species like black grouper, we met 95 percent of the recreational ACL in 2012; and we're at 61 percent in 2013, but again headboat data are not included in that. For the deepwater complex, which includes blueline tilefish, we're at 94 percent in 2013. We were at 32 percent last year.

For gag, 19 percent, but again it doesn't included headboat. For golden tilefish, we closed golden tilefish last year in June. We went over that recreational ACL at 3,019 fish. Golden tilefish has an in-season closure; and we'll likely be closing it again this year. Gray triggerfish; we're at 80 percent in 2013; we were slightly over in 2012; hogfish, 75 percent in 2013.

Snowy grouper; the ACL is 523 fish. Again, we exceeded that ACL; 1,700 fish were estimated to be caught in 2013. This has a different accountability measure. This accountability measure is to look at the three-year average and compare that to the ACL and then to reduce the length of the following fishing season at or near the beginning of the season; so we're looking at that.

Then red snapper; in 2012 the ACL was 9,399 fish and we had an estimate of 15,000 fish caught. We don't have the information for red snapper in 2013 yet, but I'll talk a little bit about that in a minute. We will be getting that shortly. I want to talk a little bit about golden tilefish and snowy grouper.

As I mentioned, those ACLs were exceeded. We closed both of those. We closed golden tilefish in June and closed snowy grouper in May. What is interesting is that when we closed them, it looked like we were below the ACLs. For golden tilefish, there were 2,457 fish that were estimated to be caught, which is below the 3,019 ACL. For snowy grouper, it was estimated that 400 were caught, which is below the 523 fish ACL.

The landings continued after that and we wound up going over. The science center is working on projections for both of these species and we are expecting that we will be closing both of these species probably about the same time this year. We will now get into the presentation of how these landings are distributed by the different sectors, for charter, headboat, private, and then there is a graphical display of that.

For black sea bass; we do have headboat data through the end of 2013, and we see most of the landings for that are from the private sector. The fishing year for black sea bass is through June, so we don't have all the landings in here for the 2013/2014 fishing year. You see that this black dot represents the ACL, and there is a big jump in the black sea bass ACL. These landings are going to go up a little bit, but we may not reach the ACL.

For gag; we don't have the headboat data yet for 2013; and we see landings are below where they were in 2012; and this shows the ACL. Greater amberjack; the fishing year goes through April. The landings are going to increase a little bit when we get the information for headboat and also for 2014. Mutton snapper is pretty much dominated by private sector; and these will go up a little bit when we get the headboat data in there; and we're below the ACLs for that.

Yellowtail snapper; again the ACL for this increased through Regulatory Amendment 13. Once we get the headboat data in, we see we're on an upward trend for that. Red porgy; a large portion of those come from headboat; and it looks like landings might be similar to where they were last year. The recreational ACL for red porgy is decreased through Regulatory Amendment 18.

Vermilion snapper; this is a species again that the recreational ACL increased for this species last year. We have removed the November through March seasonal closure for this species. A large portion of them are from the headboat sector. I think probably vermilion snapper is going to look something like it did last year; and then in 2014 with the removal of the November through March seasonal closure, the landings likely will increase. You can see the increase in the ACL here.

Snowy grouper; this has an ACL of 523 fish. We've been over the last couple of years, but it is a very small, difficult ACL. Golden tilefish; we've been close to the ACL in 2012 and 2013. I'll talk about dolphin and wahoo in a couple of days. Are there any questions on the recreational?

DR. DUVAL: Are there any questions for Jack on recreational? Zack.

MR. BOWEN: Jack, if you don't mind, can you elaborate on the sea bass landings a little more. I understood you to say that there were some landings that were going to be figured in and landings may increase for this year. I'm noticing an over 83,000 pound difference between '12 and '13.

DR. McGOVERN: My point with black sea bass is the fishing year is from June through May; and these data are only through the end of 2013. Once we get the 2014 landings, you did see that the landings are expected to increase.

MR. BOWEN: So historically do we expect it to increase 83,000 pounds for what has not been figured yet; is that a good estimate?

DR. DUVAL: Well, Zack, this is actually the first fall/winter that the recreational sector for black sea bass has been open in several years due to the ACL jump. I think it is kind of an unknown at this point as to whether or not we will hit the ACL. I think there are just a lot of anglers who are happy that they can still try to fish for sea bass on a pretty day, although we've had very few of those pretty days lately this winter. I don't know if that gets at your question. I think back in 2012/2013 fishing season, didn't it close in October or something like that, in the fall of 2013.

MR. BOWEN: Yes.

DR. DUVAL: So this is the first year where there has actually been the opportunity to harvest fish. Whether or not the increase will be 83,000 pounds to make it somewhat equivalent to the previous year is unknown, but Jack can elaborate more.

DR. McGOVERN: I agree; I just think they're going to be higher than they are now. I don't know if they'll reach the recreational ACL or not. There is an in-season closure for recreational black sea bass, but we'll have to wait and see.

MR. BOWEN: This may be putting the cart before the horse; but with our raising the ACL and 2012 being at 428,000 pounds and we're at 345 for 2013 to this point, it comes to mind of raising the bag limit might be in order for sea bass. I don't know if this is the right time to mention it or

not, but maybe we can put that into consideration. It would be nice to have more than five fish if the ACL is not even being close to being met.

DR. DUVAL: And that is definitely something that has been brought up before. That was something that we had discussed when we received the results of the stock assessment update last year; but I think there was a lot of concern on the part of the committee and the council that we wanted to see if we could extend the season to actually be year-round first under the existing five-fish bag limit before considering an increase in the bag limit.

I think it is a great thought and put it out there; and certainly I've heard from folks that they would like to keep more than five sea bass, as I'm sure most people around the table have as well. I think once we get the final numbers in for this fishing year, that would probably inform whether or not we'd want to consider a bag limit increase and how much that increase would be.

MS. BROUWER: Also don't forget that Regulatory Amendment 14 is still under review; and that is going to change the fishing year for black sea bass. We need to see what that is going to do as well.

DR. DUVAL: Jack, I know that there had been – well, first of all, are there any other questions about the recreational landings? I know previously there had been a request to sort of reconsider the information that is presented to the committee with regard to the recreational landings and I think a suggestion from the science center that we had discussed before about presenting these graphs – I think particularly the effort data – at the end of the year and not having the numbers and the chart plus this graphic up here.

I know that there were several folks who really liked being able to see this information and to see visually what the contribution is from each of the different recreational sectors. This request has kind of come before us again. Jack will probably speak to it a little bit, but I think the issue is really displaying the effort data, which are those lines that you see on the graph up there.

That information is really difficult to parse out in timeframes less than a year. Bonnie might be able to speak to that a little bit. I just wanted to do another check around the committee to see if you all still want to see this graphic information as well as the tables with the numbers.

I think a compromise could be that next data point just gets filled in on an annual basis with regard to the effort. That was just one suggestion I had; so I don't know, Jack and Bonnie, if either of you have something to add to that; and then I'd like to hear from the committee as to what your preference is.

DR. McGOVERN: Yes, in particular the effort data is the comment I got from folks because it takes a lot of time to put that one data point together. The folks I talked to felt like it would be more informative just to present that at the end of the year because it takes a lot of work just to provide that one point.

DR. DUVAL: I guess the question is do you want to continue to see these graphs; and if you do, are you okay with just not seeing that effort data point until after the year-end data are in and can be processed because of the length of time it takes for staff to actually do that? Mel.

MR. BELL: Yes; I'm fine with that. I'm looking at the presentation that was in our briefing book, and they didn't put that in there for 2013/2014.

DR. DUVAL: Right; the regional office had just received the updated information between when the second briefing book was mailed and today; so they've been able to actually fill in that point for the 2013 data.

MR. BELL: But I'm fine with – since that is so much work and it is not the complete year, leave it off if you need to.

DR. DUVAL: Okay; I'm seeing heads nodding around the table to go ahead and leave that data point off. Do folks still want to continue to see these graphs that show how the landings were distributed amongst the sectors? Okay; I see nods. All right, I think that's it. Jack I think were also going to talk about red snapper a little bit.

DR. McGOVERN: Bob and Gregg asked me to update folks on where we are with a possible red snapper season for 2014. Just to remind you, Amendment 28, which went into effect on July 24th of last year, specified the process for determining if there would be a season and the ACL for that season.

What Amendment 28 did is it indicates that a fishing season would occur if the mortality in the previous year was less than the ABC for the previous year. For example, last year the ABC was 96,000 fish; so if the landings and the dead discards are less than 96,000 fish, then we can have a fishing season in 2014.

Amendment 28 also provided an equation to determine what the annual catch limit would be for the fishing season and then existing allocations would be applied to the overall ACL to come up with sector ACLs. Amendment 28 specified that the management measures for the season if it occurred; and it would be no minimum size limit – we would get rid of the 20-inch minimum size limit – a commercial trip limit of 75 pounds and a recreational bag limit of one fish per person per day.

If there is a fishing season, Amendment 28 also specified the timeline for that fishing season. It said that the commercial fishing season will begin on the second Monday in July and the season will end when the commercial ACL is met; so the science center will monitor that quota. The recreational fishing season will begin on the second weekend in July; and it will be just weekends.

Our data branch in our office would estimate the length of the fishing season and announce it before the start of the fishing season based on the magnitude of the recreational ACL. In 2013 we didn't open the fishing season in July. Remember we opened it in August; and this was because the final rule for Amendment 28 did not publish until the end of July. Roy asked the

council last year, realizing this was going to happen, when they want the fishing season to start; and you folks said in August.

Where are we with this in 2014? Well, right now the 2013 data aren't final; and they're being finalized. We're also expecting a report from Florida on a special study that was conducted. We're expecting this in April. The science center is going to provide us with a report in May; and they will be considering the report that was conducted by Florida.

The science center's report will include information on recreational and commercial landings and also dead discards. Then that estimate of landings and dead discards will be compared to the 96,000 fish from last year to determine if we can have a fishing season in 2014. If we can have a fishing season, then our data branch will then use the equation from Amendment 28 to determine what the ACL is for 2014. Then they will apply the existing sector allocations to determine what the recreational and commercial ACLs are. Then there will be an announcement expected in May of what these ACLs are and the length of the recreational fishing season.

DR. DUVAL: Are there questions from the committee regarding where we are with red snapper right now or what information we'll be seeing in June? All right, I guess, Jack, one question I would have is just from the information that you showed us on commercial landings, obviously the commercial sector exceeded their ACL for red snapper this year. I don't recall if we have anything in place to dock that ACL for the upcoming year. We don't; okay. Well, if there are no further questions on red snapper, I guess we'll just move on to status of amendments under formal review.

DR. McGOVERN: Okay, I'm going to talk about three items. The final rule for Amendment 27 published on December 27th and became effective on January 27th. Amendment 27 removed blue runner from the Snapper Grouper Fishery Management Plan. If you noticed when I presented the landings, blue runner wasn't in there. It extended management of Nassau grouper into the Gulf of Mexico. It increased the number of crew members on dual-permitted vessels and allowed captain and crew to retain grouper and vermilion snapper bag limits on for-hire vessels.

Regulatory Amendment 14 includes actions that would change the fishing years for greater amberjack and black sea bass and change accountability measures for vermilion snapper and black sea bass and modify the gag trip limit. That was submitted by the council on January 15th and the proposed rule package is in headquarters. We expect the proposed rule to publish soon.

Then the last item is the blueline tilefish emergency rule. On December 10th the council sent a letter to NMFS requesting an emergency rule to implement an ACL associated with the yield at 75 percent of Fmsy when the stock is at equilibrium to slow down the rate of overfishing while Amendment 32 is being developed to put more permanent measures in place to end overfishing of blueline tilefish.

It also requested that the ACL be adjusted for the deepwater complex with the removal of blueline tilefish. The environmental assessment and the rule package have been completed.

What the emergency rule will do if implemented is it will remove blueline tilefish from the deepwater complex.

It will establish ACLs for blueline tilefish, commercial and recreational ACLs. The overall ACL is about 224,000 pounds; and it is about a 50/50 allocation. The sector allocations will be roughly about 112,000 pounds. It will also establish accountability measures for blueline tilefish. The accountability measures will be that there is an in-season closure for the commercial and the recreational sector when the ACLs are met or projected to be met.

Then it will have new ACLs for the deepwater complex; and these new ACLs will be simply the ACLs for the complex with the old part of blueline tilefish removed from that. The rule package is under review in the region; and it is expected that it will go to headquarters pretty soon. The emergency rule could be effective in late March or early April. It can be effective for 180 days and can be extended for an additional 186 days. That's it.

DR. DUVAL: Are there any questions for Jack on any of our amendments? The next item on our agenda is status of the Oculina Experimental Closed Area Evaluation Team work; and Anna Martin is here to update us.

MS. MARTIN: This is just a brief status update on that project. The Oculina Evaluation Team is scheduled to discuss the experimental closed area and provide recommendations to the council on the effectiveness of the regulations in this area this year. That status review is due. As you know, this is an area within the Oculina Bank that prohibits possession and fishing for snapper grouper species.

The 2014 deliverables and timing; we have had a slight change in the schedule. We are having our first webinar with the Oculina Evaluation Team next week. This was moved from a February date that had to be rescheduled due to one of the winter storms and some issues that resulted from that.

Next Wednesday we are convening the first webinar with this group. This will be followed by a series of breakout webinars specifically for research participants on the evaluation team. That session will be held next Thursday. We have an Outreach Webinar with specific participants representing the outreach sectors on the evaluation team. That will also be held next Thursday.

Finally, there will be webinar with the law enforcement participants on the evaluation team. That session will be held next Friday. These breakout groups will be tasked with commenting on their specific sections of the original Oculina Evaluation Plan. The next step, after we get the evaluation team together, will be to vet any recommendations that come out of this group through the advisory panels that are meeting this spring; and also the SSCs, which meets in April.

At your next council meeting you will receive a report from the lead drafters of the evaluation team that are working on the research, outreach and enforcement sections of the plan. You will also receive input that the advisory panels and the SSC have provided into the process. That just gives you kind of an outlook on this particular project.

DR. DUVAL: Are there questions about the Oculina Evaluation Team work? The final report would be expected to be complete when?

MS. MARTIN: We've got a timeline for having that towards the middle to end of April. It will kind of be in a draft working format up until that point; but it will be included in the council's first briefing book for your June meeting.

DR. DUVAL: So then that would be the final draft that we would then approve in June?

MS. MARTIN: Yes.

DR. DUVAL: The next on our agenda is Regulatory Amendment 16, which is modification of the black sea bass pot closure. This is Attachments 2A and 2B in your briefing book; and Myra is going to take us through the document and the public scoping comments that we received during our January and February meetings.

MS. BROUWER: Yes; Attachment 2A contains a copy of all the written comments that were received as well as a summary, which I will go over with you momentarily. It also has a copy of the scoping document that was taken out and the minutes for all the scoping hearings that were held in January.

As of February 6th there were ten written comments. There were no other comments submitted after that date. The Humane Society supported no action and suggested two additional alternatives for analysis. We'll be going over those when I walk you through the decision document. The National Park Service suggested a combination of Alternatives 4 and 5 as presented in the scoping document; combined with the addition of all national park areas. This is for the black sea bass pot closure to be applicable.

North Carolina fishermen strongly support removing the black sea bass pot closure since the winter fishery is their most profitable. Pot fishermen feel that they're already complying with the Atlantic Large Whale Take Reduction Plan Measures that protect whales and the annual closure on pots is not necessary.

Folks felt that measures implemented through Snapper Grouper Amendment 18A have minimized the potential of interaction between whales and pot gear; and these measures have not been taken into consideration. There was general support for constraining the closure spatially as proposed in Alternatives 4 through 6.

The quality of the black sea bass harvested during winter months is superior to that of fish caught in the summer so that there is more demand and a better price for winter-caught fish. There was support for maintaining the closure outside of the right whale critical habitat, which is displayed in Alternative 4 that we will be going through shortly.

One comment stated that the council should consider establishing an area where the use of black sea pots is allowed; and that area would be about 15 to 20 miles offshore. The for-hire fleet has

a 13-inch minimum size limit; and they claim that pots are catching most of the 13-inch fish before the for-hire fleet has access to them.

There was concern about restriction of black sea bass pots possibly affecting a future pot fishery for lionfish. Finally, the council should address threats to migrating whales separately from threats to calving. The November 1st through April 30th closure encompasses a longer period than what has been documented to be the primary calving season for right whales. That is in a nutshell what is included in your package for the scoping comments for this amendment. Any questions?

DR. DUVAL: Are there any questions for Myra? All right; moving on.

MS. BROUWER: Okay, I'm going to walk you through the decision document for this amendment. The background, as you know, is at your December 2013 meeting you reviewed the amendment and approved it for scoping. Those meetings were held in January and comments were received until February 3rd.

The proposed timing is to review those comments at this meeting; modify actions and alternatives; provide any guidance; continue to do that in June; choose preferred alternatives then and approve for public hearings. Those hearing would be held in August. Then you would review public hearing comments, modify the amendment, and approve all actions in September. The final review would take place at your December 2014 meeting. That is the proposed timing.

We're going to start on PDF Page 2, which is the purpose and need for the action. The IPT does have a suggestion for editing the purpose and need as you see on the screen and in your attachment. The purpose would read, "The purpose of Regulatory Amendment 16 is to reconsider the annual November 1st to April 30th prohibition on the use of black sea bass pot gear."

The need for the amendment is to minimize potential negative socio-economic impacts to black sea bass pot endorsement holders while maintaining protection for ESA-listed whales in the South Atlantic Region. What we would be looking for from the committee at this point is to consider those changes and approve the purpose and need for this amendment.

DR. DUVAL: All right, we would need a motion from the committee to approve the language or modify that. Mel.

MR. BELL: Madam Chair, I move that we approve the IPT-suggested edits to the purpose and need of Regulatory Amendment 16.

DR. DUVAL: There is a motion by Mel; seconded by Jessica. Is there any discussion? Anna.

MS. BECKWITH: I would get rid of "potential" and just say "to minimize negative socio-economic impacts". I don't think "potential" is really a question.

DR. DUVAL: There is a suggestion by Anna to remove the word "potential". Myra.

MS. BROUWER: Well, from what I recall there was an IPT member that felt pretty strongly that the word “potential” really needed to be there because the socio-economic impacts aren’t going to be able to be quantified very well; and so they really felt that needed to be there.

DR. DUVAL: Are there any other comments on the IPT’s proposed changes to the purpose and need? All right, seeing none; is there any objection to this motion? **Seeing none; that motion stands approved.**

MS, BROUWER: Moving on to Page 3 is the proposed action; and there is only one. The action is to modify the annual November 1st through April 30th prohibition on the use of black sea bass pot gear. There are multiple alternatives. The council, of course, can choose multiple preferreds. Alternative 1 is no action. Alternative 2 would remove the annual November 1st through April 30th prohibition on the retention, possession and fishing for black sea bass using black sea bass pot gear. Alternative 3 would prohibit pots annually from November 15th through April 15th.

I should say that throughout this decision document we have included notes pretty much verbatim from our last IPT call just to make sure that the committee is aware of the issues that have been brought up. There are several. I’m not going to read through all the notes, but please feel free to stop me and discuss any of these comments and concerns and notes that are throughout the document.

One thing that we discussed at the IPT level is to expand Alternative 1 to including existing protection to whale through the Atlantic Large Whale Take Reduction Plan and the measures that have been put in place through Amendment 18A. Protected Resources staff noted that Alternative 3, which is the one that shortened the closure, would likely not offer any protection to large whales off the coast of North Carolina.

Whales migrate southward from the North Atlantic in the winter months and are going to arrive in the northern portions of the South Atlantic Region first; so the animals arriving prior to November 15th or remaining after April 15th are going to be at risk of interaction.

The IPT discussed this and discussed whether the council should consider a time area closure alternative that would – you know, specifically Alternative 3 which is not going to really provide any protection off of North Carolina and not offer any economic benefits to the black sea bass fishermen; and there is no point in the council considering it.

What we are looking for from the committee so far for these alternatives is to go ahead and let us know if you want to expand Alternative 1, as was suggested, with everything that is included in the Large Whale Take Reduction Plan and 18A provisions; and then consider what to do about this time area closure issue; whether we should go ahead and analyze it even though it is not really going to be addressing the appropriate timing off of North Carolina, which is where the bulk of the pot fishery exists.

DR. DUVAL: I think just considering some of the public comments that we’ve received and some of the comments that I’ve gotten, I certainly think it would be beneficial to expand the information that is included in Alternative 1 to include the existing protections that have been

provided as a result of take reduction team actions, as well as the actions that the council has taken previously in Amendment 18A.

I think obviously we significantly reduced effort and gear in the water going by – certainly, we’ve reduced the number of participants in the pot fishery by over 50 percent and went from virtually unlimited numbers of pots down to 35 pots per participant. I think it is very important for that information to be included so that the public knows what is being considered.

There was a lot of comment at least at the public hearing that we had in North Carolina regarding what data there were available to support some of the other alternatives that Myra will get to, but I would like to hear some committee discussion on the suggestion to consider expanding Alternative 1. Then we can consider other time area closure alternatives. Charlie.

MR. PHILLIPS: Yes, we need to put this in there so the public can know where we are and make an informed decision. It has got to be part of the record.

MR. COX: I agree with Charlie. Amendment 18A; we’ve put a lot of measures in place. I’m just sitting here looking at all the things that we’ve done. Just like you’ve mentioned; we’ve reduced the gear from as many as a hundred pots to 35. We’ve put provisions in place to bring our gear back home after fishing.

We’ve got breakaway links in our gear in case there is some kind of entanglement. We’ve lowered our trip limit now to where we’re at a thousand pounds. We catch that with our pots in a day easy and we’re coming on home. We don’t leave our gear in the water. We do need to do some more analysis and think about letting the public weigh in on this more.

MS. SMIT-BRUNELLO: I absolutely agree; all that information should go in here so that the public and council has everything in front of them. I just want to make sure that we present that information clearly because your no action alternative should describe kind of what is going to stay in – what exists now; and then this whole amendment is geared toward potentially changing the November 1 to April 30th closure.

I just want it to be clear to the public that if you choose not the no action; but you choose one of these other alternatives, a lot of these other measures that you’re talking about putting in the no action alternative aren’t going to go away. They stay in place; so maybe it should be something like as background the following measures are currently in place, restrictions are in place regarding the black sea bass pot fishermen or some way make it clear that choosing another alternative doesn’t mean that all this information you’ve just talked about putting in there from weak links to number of pots, but all those other restrictions are going to stay in place.

The council is not trying to change the numbers of traps you can take out or any of the other restrictions or you can’t change the restrictions that were put in place by the Large Whale Take Reduction Team. Just to be clear to the public in how you present it.

DR. DUVAL: That is a good point, Monica. I think the IPT can certainly structure that to indicate which measures were put in place as a result of Amendment 18A and which measures

are in place as a result of the Take Reduction Plan and any selection of an alternative beyond the no action alternative would not change those measures. That is really just information for the public to know what has already occurred. Mel.

MR. BELL: So would we accomplish what the IPT suggested by simply adding additional information explaining the current state over in the background, maybe, because that is the current state for all three. You couldn't really put it in one and not put it in all of them; so would that work?

DR. DUVAL: I think that probably would work. Certainly, the IPT can put that information in the most appropriate place and come back to us with that.

MR. BELL: It is important. Jack mentioned that we've done a lot. This fishery has been ratcheted down and there are a lot of things already in place, and we want to just make sure we point that out. As Monica said, it is relevant regardless of which thing might happen; so that might be better to just really spell it out a little more clearly.

DR. DUVAL: I think the next thing that the IPT was looking for input on – well, first of all, let's deal with this. Myra had some language up on the screen, guidance to expand Alternative 1 with existing provisions in the Atlantic Large Whale Take Reduction Plan and Amendment 18A but clarify that existing measures would stay in place. Is everyone in agreement with that? Okay, so you're good with that as guidance.

I think the other thing that the committee is being asked for input on is consider whether a time area closure alternative such a November 1st through April 30th for North Carolina and November 15th through April 15th for the rest of the South Atlantic is a reasonable alternative. I would like some input from the committee on that. It seems to me that November 1st through April 30th for North Carolina doesn't change the status quo; and that is certainly one of the purposes of this document is try to mitigate some of those economic impacts. Input from other committee members is valued. Jack.

MR. COX: That particular time from November through the end of April is our primetime to fish for these species. This is when we need to do our harvest in North Carolina; and it is just important that we find some time during those months to do some fishing.

DR. DUVAL: I guess the thing that the IPT is looking for is it takes time and effort to work up these alternatives; so is there any desire on the part of the committee to have the IPT work up an alternative that would have a different closure period of time for one portion of the region versus another? That is really what we're trying to get at here. Is it the committee's desire to maintain the same time area closure throughout the region? That is where we need some direction. Zack.

MR. BOWEN: As you mentioned earlier with the large whale migrations coming down from the north in late fall and returning in early spring, maybe a consideration for North Carolina a closure for the month of November and the month of April only and giving the pots a soak time in November, December, January, February and March – excuse me, December, January, February and March. Just a thought.

MR. COX: I have another thought that this habitat area is – so we would work outside of 25 meters; maybe we could work during that time and just work in deeper water; how does that sound?

DR. DUVAL: There are a couple of different options being thrown around; one to sort of split up the closure period off North Carolina. A second option would be to allow for working in deeper water outside of those depths. I'm wondering, Myra, if maybe it would be informative to run through the rest of the alternatives as they exist and then maybe we can circle back around to this topic of are there additional alternatives that the committee might to see for analysis. Does that sound okay right now? I just don't us to get sort of bogged down in the middle of this.

MS. BROUWER: Okay, if you turn your attention back to your decision document, on PDF Page 5 we have Alternative 4, which reads, "The black sea bass pot closure applies only in designated right whale critical habitat in the South Atlantic Region." We have a map of what that area currently looks like.

Here the IPT recommends specifying the timeframe of the closure from November 15th through April 15th in this alternative since the closure would apply off the coast of Georgia and Florida only and not North Carolina, so it would just make it more complete for analysis purposes to do that.

Also the committee should know that a re-evaluation of existing right whale critical habitat is ongoing. Protected Resources staff did state that there has been no official change in the designation thus far. The council should consider that Alternative 4 may change as a result of this re-evaluation.

Our question to you was do you want to – if you choose Alternative 4 as the preferred, would it be your intent for that area to change if NOAA Fisheries re-evaluates this critical habitat designation and determines that changes are needed; or, would the existing right whale critical habitat boundary as it exists now remain in place even if that critical habitat area is changed as result of this re-evaluation. Here we just need some guidance on your intent.

MR. PHILLIPS: If they're going to change the boundary and this is not going to be – I don't want to see staff bringing forth alternatives that we're not going to be able to use. If we're pretty sure they're changing it, I don't see the utility of having this necessarily as an option to discuss.

DR. DUVAL: I think what is uncertain is really a timeframe for that re-evaluation and when that might be completed or when an answer might be expected. Anna.

MS. BECKWITH: It would be my intention to create this into waypoints and have it be this area that we're currently considering; so if there were future changes, those changes would come back to us for future evaluation. That would be instead of naming it Northern Right Whale Critical Habitat, come up with a different phrase for that and firm it up with waypoints.

MR. COX: Yes, I agree with Anna. Looking at this map, I can't really tell exactly how far out we are and how deep of water that is; and if we're looking at Alternative 4 for something we

may want to look at down the road to vote on and it is going to do some changing, well, I'd certainly like to know exactly what is changing in it.

DR. DUVAL: I agree; I think there needs to be more information in terms of exactly how far offshore this covers, what the coordinates are so that people understand what they might be dealing with. Based on what Anna has said, the committee's intent is that this alternative would apply only to this geographic area as it stands now and not phrased as Northern Right Whale Critical Habitat as it could change in the future; but the intent would be to maintain this particular set of coordinates as the area to which the pot closure would be applied.

Now don't forget that we also need to specify a timeframe here. What the IPT has suggested is November 15th through April 15th. Myra has up on the screen here that the intent would be for the area depicted in Alternative 4 to remain unchanged even if Right Whale Critical Habitat boundaries change as a result of its re-evaluation.

As Anna mention, any changes could be brought back before the council to reconsider. Are there other thoughts from the committee around the table regarding that? Is there any disagreement with that intent? I'm seeing heads shake. What about a timeframe? We should specify a timeframe for this and what has been suggested is November 15th through April 15th. David.

MR. CUPKA: Madam Chairman, I think the suggested timeframe is a good one considering the area that is impacted; and we certainly don't want to close anymore area for any longer period of time than is necessary to protect these things. I think their suggestion is a good one.

DR. DUVAL: I think that is guidance to the IPT that the suggested timeframe of November 15th through April 15th would be included in this alternative. Is there anything else on this alternative? There is still a couple more to go through, I believe.

MS. BROUWER: Okay, next in your decision document is Alternative 5 as it was presented to you in December of 2013. This is the one that you approved to include in the scoping document, so we went ahead and left it there, even though the Protected Resources Division submitted a revision to that alternative, mainly just for clarification purposes.

That revision is included in your decision document. In addition, right before the briefing book was sent to you and this decision document was put together, Protected Resources resubmitted another Alternative 5 and that is included in your PDF portfolio. From what I gathered – and Barb is here to answer any questions about any revisions, but I think there was just some clarification to the map and the waypoints I believe were just reduced by one. The previous list of waypoints went through A through P, and the current one only goes through the letter O. Let me go ahead and bring that up on the screen here momentarily.

DR. DUVAL: This is part of Attachment 2B, which is the Regulatory Amendment 16 Decision Document. That is a PDF portfolio. I think if you click to the little icon next to the house, you can get a list of the documents that are in that portfolio; and if you double click on the icon, it will actually bring it up. The one you're looking for is Alternative 5 for Snapper Grouper

Regulatory Amendment 16 Map Revisions. That shows the changes that were put forward by Protected Resources and shows the modification to the language as well as the coordinates in there.

MS. BROUWER: The new re-revised Alternative 5 is up on your screen. There is a correction or an edit we'd like to make to the language of the alternative. It is very minor. The black sea pot closure applies to waters inshore of points A through O listed below; approximately Ponce Inlet, Florida, to Cape Hatteras, North Carolina; and the closures to the "V" area annually from November 1st through April 30th. Here is the table showing the waypoints; and this is what the area would look like.

MS. BECKWITH: So if we eventually double back to Alternative 3 and added some additional time option closures; would we be able to pair those with potentially opening 25 meters or deeper say off of North Carolina in certain portions of the year; or do we need to add additional alternatives that would suggest that as well? Does that make sense?

DR. DUVAL: Yes, that is a good question, Anna. I understand what you're trying to get at is selecting multiple alternatives. In other words, if you have this particular map could you select this alternative in conjunction with perhaps a different time closure for different portions of the area indicated; correct?

MS. BECKWITH: Or would it be better to put all those options within under Alternative 3?

MS. BROUWER: Right off the top of my head without having thought through it, it sounds like we could simply add subalternatives to this that would have different timeframes that would apply to that specific area. What we need from you is, first of all, to give us the go-ahead to replace Alternative 5, the one that you approved for going out to scoping, with this revised version and approve the suggested edits.

DR. DUVAL: Just to remind the committee, the original alternative was having the pot closure apply to waters 25 meters or shallower from roughly Ponce Inlet, Florida, to Cape Lookout, North Carolina; and from Cape Lookout north the closure would apply to waters shallower than 35 meters.

This revised version of the alternative really just establishes waypoints as opposed to exactly following those depth contours and modifies the language a bit. I think we would be looking for some direction from the committee to replace the Alternative 5 that went out to scoping with this modified version of Alternative 5 that has been proposed. Roy.

DR. CRABTREE: I move that we accept the language in the Revised Alternative 5 as suggested by NMFS Protected Resources.

DR. DUVAL: Motion by Roy; seconded by Charlie. Discussion? Is there any opposition?
Seeing none; that motion stands approved.

MS. BROUWER: Okay, the next one is Alternative 6. Again, the one that we are looking to be the one that gets approved for analysis is the one that was submitted by Protected Resources, which is also found in your portfolio. This alternative reads, "The black sea bass pot closure applies to waters 25 meters or shallower from 28 degrees 21.5 north, approximately Cape Canaveral to Savannah, Georgia; from the Georgia/South Carolina border to Cape Hatteras, North Carolina.

The closure applies to waters under SAFMC management that are 30 meters or shallower. The closure applies to the area annually from November 1st to April 30th." Again there is a map that provides the approximate location of the proposed boundary; and that map is on the screen. Again, here we are simply asking for the go-ahead to include this alternative as it has been revised in the document for analysis purposes.

DR. DUVAL: Again, we're just looking for a motion from the committee to include this as an alternative in the amendment. Again, this was proposed by NMFS Protected Resources after we had already approved the document for scoping. This was included in scoping, but this is the first time we're seeing it. Doug.

MR. HAYMANS: So why didn't we have the waypoints included in 6 as we did with 5? It would just seem with both of them being new or revised that we would have done that.

DR. DUVAL: I think Barb is going to try to answer that question for us. I would suspect the first set of waypoints are the same because it is 25 meters from I think the southern end all the way up to Cape Lookout, I believe, and then they move into 30 meters. Barb.

MS. ZOODSMA: Doug, Alternative 6 is actually the one that was requested. It is a boundary based on depth and right whale locations within that depth. We've literally traced the bathymetry line. It is very messy and we debated about trying to establish waypoints to make it easier, but the people that were lobbying for just keeping the bathymetry line won over the rest of us.

MS. BROUWER: Just to clarify, Alternative 6 was included in the scoping document. It just did not have these suggested edits that you see up on the screen, which are very minor.

DR. DUVAL: If you attended a scoping hearing, you saw this. This was in the scoping document. It is just we did not see it at our December meeting.

MS. ZOODSMA: I was just going to add that it could be very easily – if this is an alternative you guys want to include, the waypoints could be very easily included and it would be simplified similar to Alternative 5.

MR. HAYMANS: Yes, I would think we would want to do that.

MR. CUPKA: Madam Chairman, I just had a question back on Revised Alternative 5. I think we took action to replace Alternative 5 with Revised Alternative 5; but I'm not sure we approved the suggested edits to Revised Alternative 5. I'm wondering if we need to do that also.

DR. DUVAL: The motion that we approved was to accept the language and revisions to Alternative 5 as submitted by the Protected Resources Division, so I think it does include the language changes.

MR. CUPKA: I wanted to make sure.

DR. DUVAL: I think what we would be looking for here, if the committee would like to include this, is a motion to include this alternative as proposed and perhaps as Doug has indicated including waypoints along with that. David.

MR. CUPKA: I would so move, Madam Chairman, that we include this alternative along with the waypoints. I think it gives people a much better idea of what areas they're talking about and the fishermen can relate to the depth aspect and see how that may or may not impact them.

DR. DUVAL: Motion by David; seconded by Doug. I'll let Myra get that up on the screen. Discussion? Mel.

MR. BELL: I was just going to say the two don't seem to fit perfectly together; because if you are following the depth contours as Barb was talking about it; does this? When you go to waypoints, you're going to be cutting off area or you're going to be adding it, however you look at that. It seems it has to be one or the other.

It is either going to be waypoints or it is going to be following the 30 meter or shallower contour. Of course, you can draw your waypoints outside that, and that is where you're going to be kind of cutting out some area. Then I was thinking from the law enforcement standpoint for enforceability, we talked yesterday a little bit about lots of waypoints. I don't know which is easier to enforce, a depth contour or a lot of waypoints. It is something to think about.

DR. DUVAL: I don't know; I think maybe from a fisherman's perspective a depth contour is probably a little bit easier, but I know from law enforcement I think it sounded like waypoints are better; and the fewer number of waypoints is even better than that. Charlie.

MR. PHILLIPS: I would use the waypoints definitely. Different people; the tides, the way their boat is set up, their fathometer is a couple of feet off; if you use a waypoint, it is there, it is solid. There is no fuzziness with it, so it is going to have to be waypoints; and set along what we want to be a depth contour, but it's going to have to be waypoints.

DR. DUVAL: We have a motion up on the screen that reads include Revised Alternative 6 in the document for analysis but use waypoints to delineate the boundary. Is there anymore discussion on this motion? Any objection to this motion? Seeing none; that motion stands approved. Anna.

MS. BECKWITH: The North Carolina contingent would like to complicate things by adding an alternative that would consider – so I guess it would be Alternative 7. The intent is to have a pot

closure November 1st through December 15th with an additional subalternative of a pot closure from November 1st through December 15th, 25 meters or shallower as one subalternative.

A second subalternative would be November 1st through December 15th, 25 meters or shallower. Then on the backend we would be looking at March 15th through April 30th as a full closure with an additional subalternative of March 15th through April 30th and 25 meters or shallower.

DR. DUVAL: Let's make sure everyone understands what you're proposing here. You're proposing adding an Alternative 7 that looks at different time area closures for pots specifically for North Carolina?

MS. BECKWITH: Yes.

MS. BROUWER: What was the last one?

MS. BECKWITH: March 15th through April 30th with an additional alternative that would look at March 15th through April 30th and 25 meters or shallower.

DR. DUVAL: So basically the difference between all of these subalternatives, it looks to me like Alternative 7 applies only to the waters off North Carolina; is that correct, Anna?

MS. BECKWITH: That is Jack's intention, yes.

DR. DUVAL: And the first subalternative would have a pot closure from November 1st through December 15th in all EEZ waters off North Carolina. The second subalternative would close pots from November 1st through December 15th in all waters shallower than 25 meters. The third subalternative would close waters from March 15th through April 30th in all waters of the EEZ. Then the last subalternative would close waters March 15th through April 30th in waters shallower than 25 meters.

MS. BECKWITH: Sure; and the intention as I've understood it is if our concern is the migration off of North Carolina, then those dates would cover the majority of the migration times right off of our coastline; and it would allow our fishermen to fish their pots when they're not migrating off of our waters.

DR. DUVAL: Anna has made a motion; seconded by Jack. Discussion? Roy and then Zack.

DR. CRABTREE: So if we chose this as a preferred, everywhere else would be just open.

MS. BECKWITH: Or we can choose multiple alternatives.

DR. CRABTREE: You would choose this with some other preferred and this would supersede what happens off North Carolina.

DR. DUVAL: So it seems like if – I think what Roy is trying to get at is that if you choose this alternative, you're going to have to have a different alternative for the rest of the areas off South Carolina, Georgia and Florida.

MS. BECKWITH: Such as potentially Alternative 4; so this could work in conjunction with Alternative 4.

MR. BOWEN: And kind of to Roy's point, just to be clear, so the waters off of – if this was the preferred, this would mean that the waters off of North Carolina would be open to pot fishing from December 16th through March 14th; is that correct?

MS. BECKWITH: That would be the intent, yes.

MR. PHILLIPS: So potentially what we're looking at is having North Carolina open and those fishermen able to fish when other pot fishermen in other states, Florida, for instance, couldn't fish, giving them a potential advantage on catching a greater share of the TAC.

MS. BECKWITH: Well, if we chose Alternative 4 potentially as an option, then there would be no closure off of North Carolina at all, so we would still potentially have an advantage. And if it is about the whale migration, then let's make it about the whale migration and not about who has access to the fish at what time. Certainly, North Carolina has got weather issues that Florida does not and South Carolina does not sometimes. I don't know that it should be about owning the fishery for two months.

DR. CRABTREE: Well, part of my question was what Charlie raised; and then, okay, Anna, so we'll make it about whales. What is it about the whales that makes it okay to fish December 15 to March 15? What about this works based on the whales?

MS. BECKWITH: We're at the upper end – the early end of the migration pattern and at the late end of the migration pattern. Hence, the desire to close North Carolina in one of the options November 1st to April 30th while everyone is closed November 15th to April 15th; so if we have a higher opportunity to have whales in our area during those times, then it would seem logical to me to concentrate the protection during those times, but not to disenfranchise our fishermen when we have less opportunity to have whales in our area.

DR. DUVAL: Is there other discussion? I know folks are kind of processing this at this point. Clearly, there would need to be other alternatives to address areas off the other states. Jack.

MR. COX: I was just going to say we have the majority of the fishermen in North Carolina; so I think what we're trying to do here is find a little wiggle room that may when these whales are coming through and we're on that northern end, that there will be some time allowance when they've already traveled through to have some fish during those prime months when that certain size fish that we're trying to harvest is there. That is what we're looking for here.

DR. DUVAL: I see the wheels turning in people's heads around the table. Mel.

MR. BELL: I follow the logic of focusing the protection on where you think the contact would come with the gear. That makes some sense, but I'm just a little – depending on how this goes, I could see us not having a fishery off of South Carolina or it being open all the time, depending on what combination here.

I just think we maybe need some more alternatives or something. I just wouldn't want to be excluded. I realize we don't have a lot of fishermen, but we have some out of Little River and they may fish off of North Carolina actually. I'm sure there is a lot of fishing off South Carolina as well. I wouldn't want to exclude them from the fishery.

MR. PHILLIPS: I don't think I can go there. If we could come to something where everybody has got equal access and maybe we're all working over 25 meters or something, I would be a lot – and it's simpler. I would be a lot more inclined to follow something like that and keep everybody on a level playing field as much as we possibly can. I think there are a lot of worms in this can.

MS. BECKWITH: Well, certainly, we're just adding the alternative for analysis so I think it would be fair to allow this to go through to be able to see what the options would look like. In terms of fair and equal access, it's relative. We don't allow fair and equal access because the weather doesn't always allow it.

North Carolina and Florida habitually don't have equal access to the fisheries at any given time. If that's the argument that we're going to focus on, then the argument is going to keep coming up with every fishery. That is a very difficult goal to have is complete fair and equal access to all the fisheries amongst our entire region. When one state can actually have access to the fish even a little bit longer; I don't know, Florida has a lot of access to fish that North Carolina does not.

MR. COX: I just wanted to say what Anna was saying, that we get hammered with the weather in North Carolina. This is just a fishery that we really need; and I guess what we're saying here is this allows us to work a lot rougher water than we're anchored up snapper grouper fishing. It is dear to my heart; I've done it for many years.

We've never had any whale interaction that I know of. We're just trying to find a place here to continue to make a living and keep our communities alive. We want to put alternatives up there to get people thinking. This might not be the perfect alternative, but we certainly want to – this winter fishery is very important to North Carolina.

I also want to throw in there that when this whale take team started doing this; we've got a lot more whales than we had. I've been told that we've gone from 150 to 400 right whales. I don't know if that's true, but we're just looking for some more alternatives; because I'm afraid when we leave this, we won't have an opportunity to go back and come to it. That's all.

MS. BECKWITH: My last point would be we keep hearing calls for flexible management and regional considerations; and this would be an example of that.

DR. DUVAL: Is there any other discussion on this particular motion? Again, this would be an alternative for consideration. David.

MR. CUPKA: I think I would certainly have some concerns if we were picking a preferred; but what we're doing is adding an alternative that can be analyzed and to look at what the impacts would be. From that standpoint, I have less heartburn with it at least as far as seeing what the analysis shows. It is just another option.

MS. BROUWER: Before we vote on this motion, I would ask whether it's okay to just make a slight change to the language and say "add an alternative" and maybe put a parenthesis here. Well, apparently I can't type this morning, but you see what I'm saying; so that we can arrange it in a way that is going to make it easier to analyze and easier for the public to understand.

If we're going to have this many alternatives, I wonder if you wouldn't consider maybe getting rid of one of the previous ones, maybe Alternative 3 that only looks at that time from November 15th through April 15th, because evidently that is not going to address when the whales are off of North Carolina.

DR. DUVAL: Thanks for that wisdom, Myra. Mel.

MR. BELL: I'm fine with analyzing this as an alternative. It's something we can look at. As David said, we're not voting on it as preferred at this point. But when we say off of North Carolina, I guess are we going to use – remember, we've been through this before, the line, which way does the line go? Does it run straight out; is it a latitude in the analysis, because that will affect – if our guys kind of tend to go more south of that line but not that line. That needs to be figured into this; what we mean by off of North Carolina for us.

DR. DUVAL: Right, and certainly for the northern zone and southern zone mackerel issue, we used a line that was already contained in the regulation. That is sort of the slanted version of the line as opposed to parallel and straight out. Yes, that consideration definitely needs to be given to that. Are folks ready to vote on this motion?

The motion reads add an alternative(s) that would close pots in waters off North Carolina from November 1 to December 15 in all EEZ waters off North Carolina; November 1 to December 15 in waters shallower than 25 meters; March 15 to April 15 in all EEZ waters off North Carolina; March 15 to April 30 in waters shallower than 25 meters. There is also guidance to staff to structure in a manner that will facilitate analysis. Could I please see a show of hands of those in favor of the motion. **I see six in favor. Those opposed. One opposed. Okay, the motion carries.** David.

MR. CUPKA: Madam Chairman, I would like to make a motion that we remove Alternative 3 to the considered but rejected appendix.

DR. DUVAL: There is a motion by David to move Alternative 3 to the considered but rejected appendix. Is there a second to that motion; seconded by Jack. Discussion? I think in terms of rationale this is the alternative that has the closure from November 15th to April 15th. I guess the

rationale is that it would not fully provide protection to migrating right whales during that time. Other discussion? Is there any opposition? **Seeing none; that motion stands approved.** Monica.

MS. SMIT-BRUNELLO: Myra, were you going to bring up the two other alternatives that we received in public comment? Myra is shaking her head yes.

MS. BROUWER: Yes, they're actually included in the decision document. First, on PDF Page 11 of your decision document are some notes again from our conversations at the IPT level regarding when a biological opinion can be expected. I'm going to quickly go through these. I'm not going to read it verbatim.

Basically, the Protected Resources Division in the Southeast Region undergoes some level of ESA analysis for every amendment. It goes on sort of behind the scenes between Sustainable Fisheries and PR; and it is only in the case of a biological opinion that the council would likely be aware of this ESA process.

The decision on whether a biological opinion would be triggered will be based on the council's choice of the preferred alternative. Not all the alternatives would automatically require a biological opinion. For example, the selection of either Alternatives 1, 5 or 6 as preferred alternatives would possibly decrease or eliminate the possibility that a biological opinion would be required.

Here we need to stress the possibility. It is not a guarantee that a biological opinion would not be triggered by selection of these particular alternatives. Then just some added information; the Protected Resources Division has 135 days to produce that biological opinion from the day that all the data are received – that are needed for the analysis.

I will also remind you that the Snapper Grouper AP did look at some of these alternatives and they recommended Alternative 4 as their preferred. They did indicate that off North Carolina migratory whales are frequently encountered in waters 30 to 60 feet deep off the coast; and then just reiterating the fact that migrating whales are distributed from the Gulf of Maine south and they encounter a lot of gear in that region more so than in the South Atlantic.

On PDF Page 12 of your decision document begins the proposed additional alternatives from the scoping comments. The first one is a closure in the petitioned critical habitat area. That petition was found to present substantial information demonstrating that a revision of that critical habitat may be warranted, which as you know has been going on.

Basically they would want the council to consider the area that is going to be the new designated critical habitat for right whales as one of the alternatives. They've included a map showing the petitioned critical habitat area. Then on PDF Page 13 there is another potential alternative. The agency should evaluate prohibiting black sea bass fishing in waters already designated as a Southeast Seasonal Gillnet Restricted Area. That was put in place by NMFS in 2007 to prevent entanglement of right whales in high-use areas off of Florida and Georgia. That area is depicted in this map.

These comments were submitted before we had our IPT call so we did have a chance to discuss these recommendations. Protected resources staff stated that the Humane Society recommendations would provide protection to whales. Some IPT members noted that the two recommended alternatives would extend the prohibition 30 nautical miles from shore and beyond areas where fishermen are most likely to fish with pot gear.

Some of these IPT members questioned whether these alternatives would meet the purpose and need to relieve adverse socio-economic impacts. In addition, Protected Resources staff reported that the southeast seasonal gill net restricted area proposed for the closed area by the Humane Society is also currently being proposed as a trap/pot restricted area under the take reduction plan.

Other alternatives that were during the scoping period were fishermen recommended that the regulations should be a distance from shore. The IPT noted that this would be difficult for enforcement and waypoints would be needed in the regulations. As I mentioned earlier, the National Park Service suggested a combination of Alternatives 4 and 5 in addition to all national park areas.

The council should consider establishing an area where the use of black sea bass pots is allowed. This has to do with the conflict with the for-hire fleet. Another comment urging the council to address threats to migrating whales separately from threats to calving; they saw these as two separate issues and in need of different types of analyses. Here we would need for you to give us guidance on whether any of these other alternatives should be included for analysis purposes in the amendment.

DR. DUVAL: Again, these are two additional alternatives that were put forward by the Humane Society in their comments. One is the southeast gill net restricted area. The other is the petitioned alternative for critical habitat. Again, the purpose and need of this document is to provide protection to right whales while also attempting to mitigate some of the socio-economic impacts to the fishery. How do folks feel about including these additional two alternatives in the document for analysis? Monica.

MS. SMIT-BRUNELLO: At this point I see no problem in adding them in terms of the NEPA aspect to consider them because they probably fall within the reasonable range scenario. Then once some analysis happens for all these alternatives, you may find that they're not reasonable for one reason or another and you may want to move them out to the considered but rejected appendix. You may want to keep them in, but it is kind of hard somewhat for you to evaluate without seeing analysis before you. My suggestion – well, you've heard my suggestion. I'll let you guys talk and then I'll jump back in.

DR. DUVAL: We've heard the NEPA suggestion from our General Counsel. What we would need is a motion from the committee to include these two alternatives as proposed for analysis. Gregg.

MR. WAUGH: Just to balance this with the number of amendments that you have your staff and the regional staff working on, and the plan here is to have this analyzed and brought back to you to approve for public hearing in June; so while it's fine with NEPA to add these, there is a limit to what humanly can be done between now and June.

I would just urge some caution here that if there are viable alternatives suggested that someone is interested in moving forward, by all means let's include them; but if these are alternatives that nobody has any interest in pursuing at all, then I'd just urge some caution in asking our respective staffs to analyze a lot more alternatives.

DR. CRABTREE: I understand the workload issues, but I don't think that will impress a judge. My advice to you would be either add them or if you choose not to add them, you need to explain now on the record why they are not reasonable alternatives. This is going to get a great deal of scrutiny and we need to make sure we do it right. **I would move that we add the two alternatives suggested to us by the Humane Society.**

DR. DUVAL: Motion by Roy to add the two alternatives as suggested by the Humane Society. Is there a second to that motion; seconded by Zack. Further discussion? Mel.

MR. BELL: I'd just as a question; so on the first one, closure of petitioned critical habitat, the map that is on here; it is the blue line we're talking about? I'm looking on the printed version. Anyway, it is that line that kind of runs kind of along the 30 meter contour already? It is just there is not much difference from the 30 meter contour on that. The second one, which is the gill net restriction, that is a little bit different. That is what we're talking about, right?

DR. DUVAL: Right; so it looks like the gill net restriction is that black line that sort of cuts straight down.

MR. BELL: Right; so that does change it a good bit from the 30 meter contour. The other one is kind of right on top of the 30 meter contour. Okay, that is not going to be much different from what we're already analyzing.

MR. CONKLIN: Just looking at the Figure 1 and 2 as well, the black line that is drawn, if we wanted to maybe have a reason why it wouldn't work is it is too far inshore. It doesn't provide adequate protection for the whales. It comes inshore of the 30 meter line in several places, especially down – I'm referring to Figure 1 – off of Jacksonville there.

Then Figure 2, it jumps on inside there off of South Carolina. Then perhaps another observation I'm getting out of it is if we're going to – I mean, I know this is about the whales, but that black line for the gill net there, that is way offshore, and it would put pot fishermen in Georgia and Florida not able to fish extremely outside where there is no fish, anyway. Just my thoughts.

MR. BOWEN: As of today there are zero pot fishermen in Georgia, just Chris will know.

DR. DUVAL: Right; and I think – Roy may speak to this – including these two alternatives would provide us with additional analysis in terms of the economic impacts to the fishery. Roy, you look like you might want to say something, so I would just call on you preemptively.

DR. CRABTREE: I at this point don't know whether both of these provide enough protection for the whale or an unreasonably high level of protection because they haven't been analyzed. Clearly, these folks who have an interest in whales seem to feel that they would provide enough protection.

I think, like Monica said, we may come in at the next couple of meetings when we have an analysis and say these don't make sense, and then we can move them to considered but rejected; but at least then we have a solid rationale for doing that. I'm just reluctant to dismiss them right now because I don't really have anything in front of me that tells me how well they would perform or whether they would meet our purpose and need or not.

MR. CONKLIN: I just wanted to say I don't have any reservations if we do include these in as options to be looked at. I just was wanting to point some stuff out; that's all.

DR. DUVAL: **Any other discussion on this motion? Is there any objection to this motion? Seeing none; that motion stands approved.** I did have a couple of questions with regard to the biological opinion. We do have an existing biological opinion for this fishery, which was approved in 2006 when there was certainly significantly more effort and gear in the water.

Just looking at the opinion right now, the language from that reads, "Though spatial and temporal overlap may occur, the best available information indicates there are no documented entanglements or other interactions between black sea bass pot gear and right whales. In 2003 the Atlantic Mixed Species Trap/Pot Fishery, of which the black sea bass pot fishery is a component, was elevated from a Category 3 to a Category 2 fishery in that year's listed fisheries.

"This change in status was a precautionary action based on the known impacts of similar gear types on marine mammals. The 2005 listed fisheries noted the only known interaction between the Atlantic Mixed Species Trap/Pot Fishery and a humpback whale occurred in the Gulf of Maine, well north of the action area.

"Thus, there have been no documented interactions between black sea bass pots and any marine mammals in the South Atlantic. The lack of evidence suggesting interactions between black sea pots and marine mammals in the proposed revisions under the amendment to the Atlantic Large Whale Take Reduction Plan lead us to conclude that any adverse effects resulting from the continued authorization of the Snapper Grouper Fishery are extremely unlikely to occur and are discountable."

So, I think based on that biological opinion, we need a lot more information in this document to support why this is necessary. I think based on some of the comments that I've been receiving from the public, there is some sense that these are the kinds of issues that the take reduction teams were set up to evaluate and deal with are impacts to marine mammals from fishing gear

and that this is almost a little bit of an end run around that process, putting alternatives in place before the take reduction team has really had the opportunity to consider these.

Now, I understand that one of the two alternatives that we just voted on here is being considered by the take reduction team as a pot closure; but there is also a lot of frustration out there on the part of the fishing community that needs to be addressed with regard to the level of restrictions being applied down here as opposed to up in the northeast where certainly one lobster pot fisherman has far more pots, hundreds of pots, whereas we have 1,120 pots throughout the southeast region. There are no pot closures in that area. There are a couple of small gill net closures, but there are no pot closures.

That gear is significantly heavier; it is significantly bigger. I would encourage the IPT to fully address and include all information in here to support why these kinds of closures over this length of time are needed given the level of effort and gear down here compared to other areas because there is certainly the public perception that the protections being afforded to these animals are disparate and that the treatments of the fisheries are disparate. That's all I wanted to say. Jack.

MR. COX: I just wanted to say to your point with that biological opinion – I've said it before – if we've grown a population from 150 to over 400 of these whales since the team took place, that is showing that we're doing the right thing and going in the right direction here.

MS. SMIT-BRUNELLO: And to all those points, I think there is a lot of new information available, too, other than or in addition to what you've read in the 2006 biological opinion. I think that this document needs to discuss all that so you have all those analyses before you. To Gregg's point, I know this is on a certain schedule, but I want you to consider whether it is reasonable – well, I guess you'll see what you get in June.

I think staffs might need more time to get all of this together. I'm kind of just thinking ahead here. We've added a bunch of new alternatives, and I think it is appropriate to add those alternatives. I think, though, that you need adequate analysis before you; so just be thinking in the back of your head that this may – I'm not quite sure that you'll receive as complete a document as maybe you thought you were going to get in June, but I could be surprised and maybe you'll get the best document that has ever been written. I just think it is going to take a little bit of time.

DR. DUVAL: Thanks for that, Monica. I think we're definitely aware of the fact that we've given the IPT more work, and I apologize for that. Is there anymore action or guidance from the committee that you need on this document, Myra?

MS. BROUWER: I don't think so.

DR. DUVAL: With that, I think we'll go ahead and recess for lunch. We're scheduled to reconvene at 1:30; does anyone object to reconvening at 1:30 or would you like an extra 15 minutes and reconvene at 1:45? I'm seeing heads nod for 1:45. Okay, we will stand in recess until 1:45.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Madison Ballroom of the Hilton Savannah DeSoto, Savannah, Georgia, Tuesday afternoon, March 4, 2014, and was called to order at 1:45 o'clock p.m. by Chairman Michelle Duval.

DR. DUVAL: We're going to go ahead and get started. We finished up with Regulatory Amendment 16 prior to lunch. The next item on our agenda is an update from NOAA GC on Amendment 22. Remember, this was the Recreational Harvest Tag Program; and we had sort of tabled any discussion on this from our December meeting until after we had a little bit more information as to whether or not this would be considered a Catch Share Limited Access Privilege Program. I think I'm going to turn it over to Monica to give us the benefit of her wisdom.

MS. SMIT-BRUNELLO: I have limited wisdom today because we're not done with our analysis, but it is much closer and it is much better than it was before. Since this item was on the agenda, I thought I would just take a few minutes on asking a couple of questions that have come up in the drafting of this memorandum analysis, I guess.

It would be really to each state director, if you could just answer a few questions on terms of what you require for fishing permits for an individual angler and then for a charter vessel and then for a headboat. I know there is discussion in the document. You actually don't have the Amendment 22 Options Paper before you; and that's fine. I think the last one was in the December Briefing Book.

We went through it and some of the drafters of the analysis were asking some questions in terms of the different fees and that sort of thing. I guess I would just start with Doug and ask a question for an angler who wants to go fishing in saltwater, what do you require, what does Georgia require of that angler?

MR. HAYMANS: A recreational fishing license and a saltwater information permit.

MS. SMIT-BRUNELLO: And a saltwater what?

MR. HAYMANS: Information permit. In order to satisfy the requirements of the National Saltwater Angler Registry and because we have a singular license which allows fishing in both fresh and saltwater, we had to identify those saltwater anglers; and so we came up with a free permit that is similar to the HIP stamp, the migratory bird stamp. It is free and it is renewable every March 1st; and everyone fishing in saltwater needs it.

MS. SMIT-BRUNELLO: Okay; and do you differentiate between an in-state fee for an in-state resident as opposed to an out-of-state resident?

MR. HAYMANS: Yes. Do you want to know the fee?

MS. SMIT-BRUNELLO: Sure.

MR. HAYMANS: If we're talking about just a fishing license, resident is nine dollars. I think it is seventeen for a non-resident, but I have to go look.

MS. SMIT-BRUNELLO: That's good enough.

MR. HAYMANS: And then we have a variety of combination licenses and sportsmen's licenses and all those sorts of things with varying pay scales, but that is the basic fishing license.

MS. SMIT-BRUNELLO: When you say a sportsman license; does that have anything to do with saltwater fishing?

MR. HAYMANS: A sportsman's license conveys the right to fish. In other words, a sportsman's license would be all of our WMAs, our big game, small game, everything inclusive; and it includes a fishing privilege. That is why I'm saying that is the same as a hunt and fish combination. That is a different license that you can buy. It doesn't include the WMAs or big game/small game, but it conveys a privilege to fish. There are lots of combinations. I think most every state has a similar setup where there is a variety of licenses that all give you a fishing privilege.

MS. SMIT-BRUNELLO: Do you issue anything specific for those people who want to go out and fish in federal waters as a private angler?

MR. HAYMANS: No; our Memorandum of Agreement states that with this SIP they don't need anything additional. Otherwise, they would be buying the twenty-five dollar federal fishing license, which never got established because all the states came up with an exemption.

MS. SMIT-BRUNELLO: Okay; and what about for charter vessels and headboats?

MR. HAYMANS: We have a customer license that a charter guy can buy the – the guides can buy a license that is \$150 for the charterboat; and then they can add on – excuse me, it is a twenty-five dollar license for the guide and then they can add on a \$150 license for a six-pack or a \$400 license for unlimited, which will allow their customers to fish without a license on their vessel.

MS. SMIT-BRUNELLO: Other than charging money; do you restrict it in any other way in terms of like a limited access system or anything like that for those for-hires?

MR. HAYMANS: No; there is some discussion – there are some charter guides who would like to see a limited access to charter fisheries; but at this point we don't. We have 126 guides who have bought the twenty-five dollar charter license in Georgia.

MS. SMIT-BRUNELLO: Okay; and the reason I'm asking some of these questions is because one of the options that you all have in Amendment 22 is that you might require some sort of state license to allow an individual to apply for a fish – to be in the fish tag lottery, so to speak.

MR. HAYMANS: Right; I think at least in remembering the discussions of the committee was whether or not to require a license prior to being able to get into the lottery and not just for a hundred million people to be able to apply for a permit and hold a tag permit without actually having a license. That was the discussions of the committee.

MR. BOWEN: And to add to Doug's point, the twenty-five dollar fee that the state requires is supposed to be mandatory for all guides. The \$150 license or the \$400 license for the anglers, whether it is a charterboat or a headboat, is optional. The twenty-five dollar charge is supposed to be mandatory.

MS. SMIT-BRUNELLO: I'm assuming most of the other states – I mean, this is actually kind of involved when we start getting into the combo packs and then the sportsman or whatever different kinds of licenses; so I think what I'll do, as Doug has taught me in asking him these questions, I'm not going to take up the council's time in going through all this right now.

I think I'll talk with each state representative separately so I can get a better handle on this. I don't think I got all the different license fees down and I think it just depends; so I think me having a conversation with you separately; that will probably be good and I will do that with each state representative.

MR. HAYMANS: And I think we're the simplest one.

MS. SMIT-BRUNELLO: Exactly; and so I'm finished. I anticipate having an analyzed memo or whatever for you in June. I mean, it's that far along and I think it covers it most of the bases; but there are still a few bases that aren't covered. Rather than me giving you something that is not completely baked, we will wait for the cake to fully bake and take the matter up in June, if that all right with you.

DR. DUVAL: I think that's great. Just listening to the list of questions that Monica had for Doug, I was hurriedly scrambling around in some of my previous briefing materials because I think I've told the council recently North Carolina just changed its for-hire licensing structure as a result of legislative changes that occurred during the last session; so we're in the process of actually making those changes which involve a couple of new licenses and deleting some others and fee restructuring.

The license that we require for our private angler, the coastal recreational fishing license for a private angler to go fishing, of which there are a similar variety, as Doug laid out, unified sportsman licenses and whatnot that allow you to fish both in saltwater and inland waters and et cetera; it is going to be easier for me to simply e-mail you the materials that have what those license fees are as opposed to go through it here. I think that is probably going to be easier for everyone; so thank you.

MS. SMIT-BRUNELLO: That would be great; thank you.

DR. DUVAL: All right, the next item on our agenda is Snapper Grouper Amendment 29. This is the only reliable catch stocks, or ORCS, and Gray Triggerfish Amendment. What I was going

to ask Myra to do is if she could take us through some of the comments we received during public hearings on this and then walk us through the ORCS alternatives in particular that are in this document and we will have some discussion about that and then move on to sort of the gray triggerfish portion.

MS. BROUWER: This amendment, as Michelle, mentioned was taken out to public hearings in January. Attachment 3A I believe is the public hearing package, which contains all the written comments that were submitted, the minutes from the public hearings, the summary document that was presented to the public and a summary of the comments, which I will quickly go through for you.

We received eight written comments as of February 6th. As far as the ABC Control Rule changes and the ABCs for ORCS, there was general support for the proposed update to the control rule and application of the ORCS methodology in general. There was also a request for the council to delay action on this amendment until the SSC has had another opportunity to review the proposed application of the methodology.

There was a statement that Amendment 29 would result in ABCs that are 20 to 80 percent above the highest reported landings for each species, and certainly there was concern about that. Some commenters expressed concern that the ORCS approach seems overly risky. There was concern that the approach has a high probability of allowing severe overfishing and does not reflect the best scientific information and methods available for the management of data-limited stocks.

There was a comment that the council should abandon the proposed changes contained in Action 1 of this amendment and work in coordination with NMFS, the states and other partners in a comprehensive and systematic process for applying the best assessment and ACL-setting methods available.

There was concern over ACLs increasing for all but two of the species when the majority of the ACLs being adjusted have never been met. There was concern that the selected interpretation of the ORCS methodology deviates from the version developed by the original ORCS Working Group; and as such does not adequately protect the majority of unassessed snapper grouper species from overfishing and would likely lead to biomass reductions and overfished statuses for those species.

I guess I'm going to hold off on the comments on gray triggerfish until we get to those actions so that you don't forget. At this point if you open Attachment 3C, that is the decision document for the amendment. The draft amendment is also included in your briefing book as Attachment 3B. The whole amendment document, including the appendices, is all there.

First of all, we have some suggested changes to the purpose and need. This is on PDF Page 2 of your decision document. We'd like to suggest that the purpose of the action would be to update the South Atlantic Fishery Management Council's (South Atlantic Council) Acceptable Biological Control Rule to incorporate methodology for determining the ABC for Only Reliable Catch Species (ORCS); adjust ABCs for the affected species; and establish management measures for gray triggerfish in federal waters of the South Atlantic Region.

As far as the needs statement, we propose it to read, “Specify ABCs for snapper grouper species based on the best available scientific information, lengthen the commercial season for gray triggerfish to diminish and/or prevent derby conditions, and ensure that overfishing does not occur pending a new assessment of the gray triggerfish stock in the South Atlantic Region.” The rationale for those changes is also included. The IPT felt that adopting the recommendations of the SSC is really not a need. The need is rather to adopt the best available scientific information. For reason we’re suggesting these changes. That is what we would looking for from the committee at this point.

MR. HAYMANS: Madam Chair, I would make a motion to accept the IPT’s recommended changes to the purpose and need.

DR. DUVAL: Motion by Doug; seconded by Charlie to accept the IPT’s recommended changes to the purpose and need. Is there any discussion on that? Any objection? Seeing none; that motions stands approved.

MS. BROUWER: The next bit in the decision document is what you’ve already seen before. I included this in here just to make sure everybody is aware of how this all works. It is a very quick explanation of what is involved in the ORCS approach; the selection of a catch statistic and what that is; the risk of overexploitation, which has been recommended to you by the SSC; and you actually made a motion to approve it – it is displayed on the screen on that table.

Then what the council is being tasked with doing in this amendment is to select the risk tolerance level for each of the risk of overexploitation categories for the ORCS species. Action 1 is on PDG Page 4. Here again we have some suggested changes to the language. Under Alternative 1, we suggest striking the words “continue to utilize” and simply make it read “utilize the South Atlantic Council’s ABC Control Rule as adopted in the Comprehensive ACL Amendment.”

Then actually the language for Action 1 I believe was actually already approved at your previous meeting, and that action would read instead of saying “amend the ABC Control Rule”; it would say, “Update the ABC Control Rule”. Below that you have the table that was approved in the Comprehensive ACL Amendment that details the various levels and tiers included in the control rule.

What you would be doing in this amendment is updating this Level 4; and so Preferred Alternative 2 contains a modified table that includes under Level 4, OFL and ABC would be derived on a case-by-case basis; apply ORCS approach using a catch statistic, a scalar derived from the risk of overexploitation and the council’s risk tolerance level.

That would be the change that Action 1 would accomplish. We included some rationale to explain for NEPA purposes why there are only two alternatives considered. At this point maybe just go ahead and approve the changes to the language and then we can get into more detailed discussions about the numbers.

DR. DUVAL: I would be looking for a motion. Doug.

MR. HAYMANS: Madam Chair, I would move that we accept the IPT's recommended changes to the wording for Action 1 and Alternative 1 under Action 1.

DR. DUVAL: Motion by Doug; seconded by Zack. Is there any discussion on the motion? Any objection? Seeing none; that motion stands approved.

MS. BROUWER: We do have included in the amendment a table that shows the species that would not be affected by the revisions to the control rule and some background as to why. The SSC indicated that there were some landings or data collection issues with a number of these species; others had issues with species' identification; so they excluded them from applying the ORCS methodology for these species.

That is Action 1 and then Action 2 would then take these revisions to the control rule and apply it to the appropriate species. Here again we have some edits suggested. Under Alternative 1 it would simply read, "ABCs for selected unassessed snapper grouper species are based on the current ABC Control Rule." Then we go into the various alternatives, each of which deals with a different category of overexploitation. I will walk you through those and perhaps just take care of this adjustment to the language real quick.

MR. HAYMANS: Madam Chair, I would move that we accept the IPT's recommended language for Action 2, Alternative 1.

DR. DUVAL: There is a motion by Doug; seconded by Charlie. Is there any discussion? Any objection to that motion? Seeing none; that motion stands approved.

MS. BROUWER: Okay, then we move into Preferred Alternative 2, which deals with species that are deemed to have a low risk of overexploitation, and that happens to be only bar jack. Subalternative 2A would apply a risk tolerance scalar of 0.75. Your current preferred is Subalternative 2B, which would apply a risk tolerance scalar of 0.9.

For species with a moderate risk of overexploitation, Subalternative 3A would apply a risk tolerance scalar of 0.75. Under this table white grunt is highlighted because we wanted to point out an issue that came up. For white grunt, the scalar in Alternative 3 is applied to all landings for white grunt and not just the south. Notice that in parentheses in the table above, it says "south". Also, the scalar in Alternative 4 is applied to all white grunt landings and not just north.

So we're talking about the same amount of fish; so it is conflicting to choose white grunt in both Preferred Subalternative 3B and Preferred Subalternative 4A. It would not be appropriate to do both; so what the IPT is suggesting is to apply the most conservative of the two risk tolerance scalars – that would be the one under Subalternative 4A – to all of the white grunt landings, north and south.

Then have the SSC recommend whether the ACL for white grunt needs to be specified separately for the northern and southern stocks. Here we are looking for your guidance on how to go about incorporating white grunt in the alternatives. You can see that under Preferred

Subalternative 3B, which applies a risk tolerance scalar of 0.8, the new ABC for white grunt would be 883,048 pounds.

Then under Preferred Subalternative 4A, which puts white grunt under a moderately high risk of overexploitation category, the new ABC would be 643,889 pounds; so it actually would go down.

DR. DUVAL: I'm trying to think back to some of these conversations that the SSC had with regard to white grunt. I think the conversations were that there were possibly two subpopulations of white grunt – I think may John or Mike can clarify that – and so that's why we had white grunt in two different risks of overexploitation levels. What the IPT is asking for here is really just guidance from the committee to approve using the more conservative risk tolerance scalar of 0.7 and then have the SSC take another look at this and clarify as to whether or not white grunt actually needs to be split up. John is going to potentially enlighten us with some wisdom on white grunt.

MR. CARMICHAEL: You summed it up pretty good. They looked at the life history and the stock information that's known and has been some work done on it. It hasn't been assessed and carried all the way through, but it is believed that there are two stocks. When they applied the characteristics to it, they separated the two stocks out and treated them as separate one.

DR. DUVAL: So the issue is really that we don't have separate landings for white grunt, north and south. That is what the issue is here; so at this point it would probably be best to just apply the more conservative scalar and shoot this one back to the SSC to see what they have to say about trying to split that out.

MR. CARMICHAEL: Yes; otherwise, you have to start treating them as two separate groups and separate everything out from landings to allocations and everything.

MR. HAYMANS: Madam Chair, I'd move that we approve the use the risk tolerance scalar of 0.7 and request the SSC to provide guidance on whether separate ACLs are needed for white grunt.

DR. DUVAL: Motion by Doug; seconded by Charlie. Is there any other discussion on this? Is there any opposition to this motion? Seeing none; that motion stands approved.

MS. BROUWER: At this point we'd like to upload a presentation that John Carmichael has graciously put together to explain all this to us.

DR. DUVAL: While John is getting that loaded up, I'll just say there the Comprehensive ACL Amendment was approved finally in September of 2011. I know a number of us came onto the council in that timeframe who were not around for all the discussions that the SSC had had previously with regard to how do we set catch levels and how do we set ACLs for all of these unassessed stocks. We've also had some new council members who have come on board in the last six months since we've been having these discussions about how to use the Only Reliable Catch Stocks or ORCS methodology.

I thought it would be helpful if John could kind of give us a little bit of history on sort of how did we get to this place, what were some of those past discussions with regard to setting catch levels, really just a refresher I think for everyone around the table on what we're trying to achieve with the use of the ORCS approach; and then I think maybe address some questions that have come up during the comment period. Myra highlighted some of those. Then it allows the committee to ask some questions of John as well; I think particularly some folks who are a little newer to this approach sitting around the table.

MR. CARMICHAEL: No one ever said that ORCS was easy; it certainly hasn't been. As Michelle said, the idea was just to try and bring people up to speed on this and in looking back it has been a long time in coming. A lot of questions have come up about the recommendations and what the SSC has done on ORCS and then to try and sort of see if where the SSC has been trying to go is achieving one of the important goals. As I said, it has been a while.

This really goes back to talking about the Reauthorized Act and the ABC and OFL discussions the SSC began back in June 2007, looking at unassessed stocks. One of the first things that came up was, well, set the limit at the average catch. Well, over time it was realized that kind of has a lot of consequences because when you start thinking of something that is a limit that you shall not exceed, if you start setting that at the average, then all of those observations above the average that contributed to the average are suddenly longer going to be allowed.

You're really going to shift things around and your future average will be lower. That was sort of the thought of the SSC over time and there was a lot of debate on that over numerous meetings. We had an effort in December of 2008 to have an SSC Workshop; and they looked at data that was available, different CPUE trends, and kind of started doing the first comprehensive gather all the resources, look at what information is known and see what can be done with these unassessed stocks to get ABC and OFL recommendations.

Of course, a common argument throughout this all along has been the SSC dealing with the fact that they're unassessed stocks. That means the status is unknown. We don't know if they're overfished; we don't know if they're overfishing; we don't know what the biomass level is; we don't know what the exploitation levels are.

The challenge for the scientists which has come out through these meetings and through the different National SSC Meetings was how do you give a recommendation based on poundage when you don't know any of the information that the scientists are trained to consider when they give recommendations for things like quotas traditionally.

That has been what we've been dealing with nationally and certainly within our region since 2007. What came out of the first workshop was kind of a realization that we needed to do more looking at the rules, realizing there should be an ABC Control Rule, so one of the first big steps was the SSC in March 2009 getting together to work on an ABC Control Rule.

At the same time other regions are looking at this, we had the National SSCs which were meeting; and at the second National SSC they formed what became known as the ORCS

Working Grouping, Only Reliable Catch Stocks. The idea was to deal with those species for the only reliable information you had was catch. That right there tells you something.

If we had information on surveys or indices which might tell us something about that population, they probably wouldn't be in this group to begin with. There are other methods that have been developed in response to needing to get these limits. One of them is DCAC, depletion-corrected average catch. That was kind of a pretty straightforward method. It didn't require a lot of inputs.

One of the things we did at the council staff early on was apply that to all of our unassessed stocks. This SSC reviewed it and kind of recognized it was a simple method, but lots of assumptions were required to apply it; so it really didn't get beyond an exploratory stage. Then come along in August 2010 we're still trying to deal with these unassessed stocks and trying to decide if we can give an OFL or an ABC recommendation and what the process needs to be. That led to what is known at the tiers where there are multiple tiers within the ABC Control Rule.

About a year after that, continuing to have the discussions, we had lawyers involved in discussions with the SSC about on what circumstances the SSC could say OFL is really unknown and we needed a process, so that led to what was this ad hoc decision tree approach, recognized as trying to provide an overarching way of looking at these stocks and making sure information is viewed across the board fairly and evenly.

Well, while that is going on, the ORCS Group was continuing and their report came out in May 2011. Then we had the SSC giving the ABCs on the decision tree. That's like the third highest for some stocks; other stocks on the median; and a couple of other stocks with something slightly different.

The ORCS came out and the SSC recommended using the ORCS because there are a number of people on our SSC involved in that, and they thought that came them a better framework; so they began down the path of trying to figure out how we apply ORCS. Along the way, just a little sidebar that came up, is we looked at a detailed DCAC analysis for wreckfish.

I think it summed that up with just saying it turns out it is deceptively complex to apply that simple method. A lot of work went into preparing the runs. A number of SSC members spent quite a bit of time after hours at that meeting just trying to decide on the best inputs for just a handful of parameters and realized that the method, while it seems very simple, the outcomes that you get are obviously very tied to those few inputs that you have and what you assume for what are many known unknowns, essentially, in dealing with these stocks.

The SSC was doing this and they recommended considering ORCS. We started doing that with a series of workshops. The SSC looked at the ORCS method. We had again another comprehensive prepared by staff application of ORCS to all of the unassessed stocks, which basically led the SSC to say, wow, there are a lot of decision to be made here.

We need to do this in an open, transparent way. We want to bring in people from the AP and people from the council and folks with a lot of experience and knowledge to make sure that when we start making the value determinations for all the parameters, that we do this in a way that's fair and objective and we get a big picture look at this so that we get good answers.

That led to a workshop that we held in August 2012. During that workshop, as those of you who remember we're getting a little bit closer to our memories are probably holding a little bit better, only got through about a third of the work that was hoped at that first workshop. It really just came down to trying to apply what is on the surface very simple, with a lot of uncertain data and a very large list of species, takes a lot of time.

That led to the SSC having a second workshop in April 2013 where we finally got the ORCS process buttoned up. I will point out that along the way we came to the council with the talk about scalars, and we came to the council for guidance on like the risk tolerance scalar. Then we came to the council saying here is the method and here are recommendations and then went back to the SSC in April.

They said, okay, we've gotten the feedback from the council a couple of times; here is the method; we applied it; here are your ABCs. That brings us I guess to where we are now on Amendment 29. It has taken quite a ways to get here. First, what is the ORCS approach? Well, ORCS, remember, stands for only reliable catch.

How it has been done in the South Atlantic here, as Myra just showed, the stocks are assigned to a risk of overexploitation level; so these stocks range from low to moderate in terms of their risk of overexploitation. The wording is very carefully chosen, risk of overexploitation and not simply overexploitation levels.

The SSC looked at that and saw that most of their stocks came low to moderate. It doesn't mean that there are no stocks in the region that are high; because there are 25 stocks which didn't even make the ORCS cut. A number of those stocks are things that likely would end up in something with a high risk, things like speckled hind and Warsaw grouper where there is some other ancillary information known that tells us something about those stocks.

The SSC realized with the lack of resolution in that moderate risk, that they wanted to spread that out a little bit and apply their expert judgment to say, well, rather than treat all stocks within moderate the same, they came up with a high moderate, medium moderate and a low moderate. The next step was the reference statistic.

This was a very large portion of the second workshop and the first workshop as well was trying to decide what the appropriate reference statistic is. Ultimately, the SSC decided on the maximum catch over the reference period from 1999 to 2007. In getting there, there were really two discussions going on.

One is what is the statistic that is an appropriate limit as well as, well, what is the period of time over which you calculate that; because that obviously has consequences for what your outcome is if you took the entire time period versus you took some more recent time period. They

decided to largely rely upon the time period that was used in the Comprehensive ACL Amendment for the reasons that it was chosen there.

They did truncate out 2008 because of concerns about the economy and how that was affecting people's fishing effort particularly in the recreational fishery, which a lot of these stocks are primarily recreational, as it turns out. The next step is the risk of over – so if they get the reference statistic, then we get the risk of overexploitation scalar, which that is something that varies with the risk of overexploitation. Myra showed those values.

Then the next one is a risk tolerance scalar, which is the one where the SSC wanted the council to weigh in on what their risk tolerance is for these different stocks. That became an SSC recommendation, but it was based on the council's risk tolerance. It is kind of complicated because there are two scalars in there and we're just getting to ABC.

Remember, we still have ACL in the mix down the road somewhere. So to just show what this looks like – and this is how it was summed up in the workshops by one of the SSC members who said, you know, if I start with this reference statistics, say maximum catch, and I apply this risk of overexploitation scalar, which ranged from 1.25 to 2 for those different stocks, and then I apply the risk tolerance scalar, which tended to below 1, and then I do something that increases it, then I do something that decreases it, well, the example given is like so if I have the reference statistic is just 1.

If the overexploitation scalar is 1.5, which was kind of the midpoint of that moderate group, and then I do the risk scalar to that of .75, I end up with an ABC that is like 1.125 times the reference statistic; or, in other words, it gives you an ABC that is a little bit higher than in this case the maximum catch.

So the SSC looked at this and they looked at different lines on these graphs. They looked at all these species repeatedly during these workshops; and they looked at where the lines fell within the context of the overall uncertainty in all these different stocks. I think that is an important point. They didn't just pick these at random.

They kind of knew where these things were falling out on the continuum of these stocks. So some of the questions that – you know, council members have been talking about a lot, so I want to just hit some of the highlights of things and remind about what the SSC has done. One is did the SSC consider CPUE?

Well, they have throughout the process in dealing with this. One of the earliest things was that December workshop; the staff put together just a nominal fishery-dependent CPUE to try and give some sense of where these stocks might be lying. That was really just outright rejected by the SSC because they felt like nominal CPUE in these fisheries with their complicated regulatory history and whatnot just really wasn't capturing what was probably going on.

There was a request for more robust approaches and really wanted a CPUE for all stocks; but the reality is – and Bonnie mentioned this earlier this morning – the same folks who would be doing that work are the folks that are doing the SEDARs. It has been kind of hard to pull people off of

many of these highly controversial stocks we've been working on since 2008 and say, "Oh, by the way, spend a year doing indices for all of these species."

It takes a lot of time to do an index for a single species, as we've seen in the stocks that we've assessed through SEDAR; so imagine trying to apply this to 25 species. It is not as simple as just coming up with a method and hitting the button and go and doing it. So, really, unfortunately, there just haven't been the resources within those charged with all these tasks to go and do this kind of exploration.

One thing we have done, though, is the MARMAP Program regularly gives the CPUE of the species that they encounter. Marcel is on the SSC and he has been presenting these to the SSC on an annual basis for the last couple of years. These were reviewed in great detail by the SSC when they did the decision tree approach and also when we went through and did the ORCS Workshop.

So trying to make use of that information that we have for these stocks wherever possible was to kind of put some of these stocks in maybe the little bit better than ORCS; but as we've learned there is a lot of effort in trying to apply these stocks even with a CPUE to some of these other techniques. The biggest downside of that is that we just know that MARMAP, because of spatial and geographical coverage, just doesn't cover every stock. They just don't get that deep. They don't get off the shelf and a lot of these species occur out there.

If you want details on that and what covers what and what is necessary – I think this is important, what is necessary to cover all of those stocks adequately is to look that fishery-independent workshop report from about 2010. The other question is did the SSC look at effort. I thought this was kind of interesting because I hadn't look at effort recently, but I thought the trend was kind of surprising.

They have looked at general effort trends; and here is an example just looking at the recreational effort. We have kind of known in recent years the effort has been down some. You can see this decline. The red is the total recreational effort and then the blue is for the ocean, which is greater than three miles.

I will point out these scales are not the same for the red and blue because the blue recently is only like 7 percent of the total. What that tells us all the MRFSS/MRIP trips that took place, all the private/charter recreational trips, only 7 percent went beyond three miles for anything. That means dolphin and tuna trolling, mackerel fishing as well as all the snapper grouper fishing.

Well, what is interesting is we kind of knew that effort had dropped down after the economic issues of the late 2000's; and it dropped off pretty sharply, as you can see, in both sectors, particularly though in the offshore component. While a couple of years ago it looked like maybe things were turning the corner and heading back up, we can see in this component here, in those blue lines, that it stayed low.

In fact, it went up and now it has come back down, which when we were talking about how many years of a survey do you need Bonnie talked about, well, it depends if it goes up and up or

it goes up and down and up and down. Here is one where, well, if you looked at just these two, you might have thought, okay, it is recovering, but now it's back down.

What I really noticed is the offshore effort is really down 50 percent from what it was back in the peak in 2000. The total is only down 18 percent, but the offshore is really showing this marked decline and it is really down to the levels that it was, as you see, in the earliest years of the time series, which is pretty interesting.

This is the kind of stuff that the SSC considered when they were putting the reference time period as well as the statistic and the risk of overexploitation into perspective. We're worried about the risk of exploitation now. That was a lot of discussion; and I think Ben will probably remember that. A lot of it was what is the risk of exploitation now; and not in 1980 or 1990 or even or during the reference period, but what is it now?

All of those were the kinds of discussions that the SCC had over and over throughout this process. One question, of course, is did we miss any data sets; did the SSC overlook anything; I would say not intentionally. Remember, ORCS is only reliable catch stocks; so we're focusing on catch. Throughout there was a lot of debate on what really means reliability; what is reliable catch when you're very uncertain?

We know the sampling was; we've talked about them many times around this table. That was a lot of discussion; but along the way we've amassed over a hundred references which deal with life history characteristics of these snapper grouper stocks, what is known about stock assessments.

There are some historic stock assessments going back to work at the Beaufort during the eighties and nineties, even some into the seventies. We tried to look at all that information. What we know and what came out of the simulations I will talk about in a second is age composition in a survey is a key data source.

There was a data-poor workshop in Miami in the middle of January. That is something else that came out; there are a lot of techniques being developed. If you have some age composition, if you have a survey, you can do a heck of a lot more. In our region, as we know, getting the surveys has been challenging.

We've made a lot of progress through SEFIS but there is more progress to be made. We know from the workshop we had back in 2010 that it would take a heck of a lot more money than what we even have now to really do a good job on those deepwater species. The biological information is helpful; just one year of age composition can do a lot and could inform these.

Our sampling issues even with the species we've assessed are well documented and we struggle with getting the ages and interpreting the ages. Of course, we know with all of these species, it is really costly and difficult to sample these rare events. That is really what a lot of these species come down to; it is just sort of being rare things in the data.

It is hard with anything and not just fish but any type of rare event, it is very costly to sample that well. Another question I was asked is whether or not the SSC recommendations on the scalars contradict their exploitation assignments. This I think really comes down to semantics. A couple of things that we had from the ORCS Workshop, which came out loud and clear from the SSC, is the exploitation level is unknown for these stocks. We simply don't know it.

The stock biomass level is unknown; the harvest levels are highly uncertain; so the stock status and the exploitation are unknown. Their recommendations really are focusing on the risk and not the exploitation status, the actual overall exploitation status. That was a lot of discussion. It seems like kind of a fine point maybe arguing the head of the pin or the edge of the razor blade, but it really is a very important point, that there is a difference between the risk of overexploitation and the exploitation status.

A stock that is at high risk isn't necessarily today overexploited. We simply don't know. What I realized in looking back at the workshop is in a way this was really a problem with the terms of reference. Hindsight is 20/20 but the terms of reference said develop the scoring method for assigning stocks to exploitation categories and determine the appropriate catch statistic for different exploitation categories.

I think when we developed the terms of reference we weren't considering this in terms of not knowing exploitation and having to look at the risk. I think what we know now and if we did this again, then obviously those probably weren't the best words to use in the terms of reference and we should have brought more of the idea of risk.

But, that is the purpose of doing these workshops, so learn what we know and we learn what we don't know, and we're careful with the interpretations and conclusions that we put forward. I just wanted to point this out, that this was a wording issue I think in the terms of reference that I realize now several years later.

One point that is interesting is whether or not ORCS stocks are likely overexploited since many assessed stocks are. The reality is to draw that conclusion is really not valid because the stocks that were chosen for assessment so far through SEDAR were not chosen at random. Most of them were chosen because they were in rebuilding plans; they had some type of assessment pre-SEDAR that showed that they were in some kind of trouble so they needed to be assessed.

It is not a random sample of the universe of stocks. It is interesting because this came up in the earliest years of SEDAR; and the fishermen's claim was every stock that you assess in SEDAR is overfished. Your methods are biased; you're doing something to make all these stocks come out overfished.

My answer was, well, it's not because we didn't choose these stocks at random. As I said, we chose these stocks because of concern. The analogy I've given them is that it is assuming that most people are sick because you went into a doctor's office and took a sample of how many people were sick and most of them were sick.

They're in the doctor's office; they're not a random group of people. If we had a random assortment of stocks which have been assessed, then we might be able to say something about the amount of unassessed stocks which are overexploited, but we don't have that. I just thought it's interesting to see that sort of go full circle.

One question -- and we talked about the scalars -- is whether or not the range of scalars is too high. This falls squarely into the SSC expert judgment. I staffed the SSC in trying to convey what they talked about; but as far as what they think, they as individuals have to speak on this. Certainly, one thing is there is maybe not as much in the report about that. It should be, but there is a lot in their transcribed minutes of their endless discussion about these types of scalars and how they would play out.

What I do remember, as I said, is they did look at them in the context of the uncertainty of all these stocks. It is kind of hard to say just what is too high; and it is the expert judgment challenge, I think. The question then is what kind of uncertainty are we talking about? Here is an example I pulled, just using MRIP data as an example to keep it simple, cubera snapper, because it is one that had kind of a pretty big increase between the third highest ABC and the new ABCs.

I just wanted to highlight some of the aspects of this data. The blue box here shows the reference period. This is 1999 to 2007; so the red line is the actual observed landings. You can see the kind of variability that occurred in landings during this time, basically from zero to 28,000 or so thousand pounds. This is pounds and that is what we're doing the ABCs in.

You'll notice the number of years where you have zero; those are actually zero. There are a lot of years where there are no landings observed. There is no poundage reported. In this example we see what the OFL does. We have the scalar of 1.5 for the risk of overexploitation and then the risk tolerance scalar of 75 percent.

If you had the maximum value here being the red line, then you would have your risk of overexploitation being the blue and then you have the purple line coming and being your ABC. When you look at this within the context of the observed range of data that we've seen over time, I think it doesn't seem as extreme as saying it is above the maximum. It is above the maximum in that period, but not over the full range of data that we've seen.

Again, I didn't pick this to find one that was particularly noisy. I just picked one off the list. There have been some questions about the analysis the SSC received in October from Dr. Caruthers about looking at the different levels and ways of getting ABC for unassessed stocks. It is true they got a presentation on the suite of data-poor methods in October 2013.

There was an associated manuscript with it that I guess also led to a tool which was part of the workshop in January, which is pretty neat because it came up with a way of applying really rapidly and through simulations all these different methods that are developing and have been developed since 2007 and new things keep coming out.

You can apply a lot of different methods to your data quickly and start evaluating which ones seem to work with your data and which ones don't. They did a lot of simulations to try and draw generalities about what is working and what is not. I think it is probably a stretch to say they got a presentation on a full analysis. They weren't really at to review the methods.

I think the expectation was it was largely a for your information and try to see these as some of the cutting-edge things that we can probably work on. Some of the SSC comments that – you know, the ORCS was in there on one of the figures and I'll show that, but it was kind of last minute, which is useful, but it is not quite the same as a full evaluation of how the ORCS method has applied to these stocks.

The SSC I think was very intrigued by those developments and the tool and what it is showing and kind of seeing how these methods perform. The issue that really remains throughout is that the exploitation is unknown; so in doing the simulations, it had to assume to different levels of exploitation for the stocks and see how they perform in these different methods for assigning ABCs.

That is kind of what SSC has grappled with since 2007 is where do you draw the line and what things you assume about these stocks for which you know very little? I'd actually say that has probably been really one of the big reasons for the delay in even getting ABCs for these stocks because, as I said, the scientists have been hesitant to say this level of landings will prevent overfishing.

Their earliest discussions were that, well, the only way you prevent overfishing is to just end fishing. Well, the flip side of that coin, of course, is that Magnuson tells the council you're supposed to prevent overfishing while achieving optimum yield. The SSC immediately realized, okay, well, we've got another boundary over here; so somewhere in there we've got to find this compromise that prevents overfishing when we don't have any scientific information we know to give you overfishing recommendations.

But, we've got to achieve optimum yield so we can't just say fish really, really light because then you're in jeopardy of the other stressor, which is maintaining optimum yield. The simulations, as I said, are very interesting and applied lots of different methods and gave some figures. I'll show you the figure because it really brings a lot of information and you can see how these things perform.

The concerns that have been expressed are that the true biomass level and B_{msy} are unknown. What they did was Dr. Caruthers just used a range of options for stocks, so then you can see how if your biomass is at this level, then this is how this thing performs. A couple of conclusions were that the catch methods performed poorly across the board in terms of sustaining yield and preventing overfishing; and that the higher the catch and the lower the assumed B over B_{msy} , so the higher your catch history was and the worse your stock was, the worse the catch methods performed.

But the methods that accounted for current abundance performed the best; so I think that gives us somewhere to go down the road when we get more than just ORCS; but if you do something that

is more dynamic or maybe iterative that reflects the current abundance, you can actually perform quite well even with some of these very data-limited methods.

This is from the presentation that Dr. Caruthers gave to the SSC; and it convinces a lot of things that are in the manuscript down to one page, which is great. The upper corner here, the upper left-hand corner shows you this is how methods perform when your biomass is below half of B_{msy} ; and the little cloud of points that you see down here in the corner is how all these different approaches calculating ABC has performed.

What this tells us is that all of them gave a pretty high risk of overfishing while giving us a pretty low yield, because yield is on the Y-axis and the risk of overfishing is on the X-axis. If I'm up here, I'm giving up some yield without much risk of – I'm getting a lot of yield with a low risk of overfishing; so this is kind of where you'd to see things.

Catch methods in general, if biomass is low, they're not going to do very well. Now, if biomass is between half of B_{msy} – and B_{msy} , they start to get a little better. I see some like there is the third highest and here is the median; so the median catch over the last ten years start to do a little better. As my biomass gets better, these sort of pop out.

These ones all based on percentages of maximum catch start to stretch out; but the ones with very high maximum catch continue to hold a high probability of overfishing and the low yield. One of the issues that – you know, that pretty much is expected and what I say is so the observed catch histories – if you assume an observed catch history gave you a stock biomass below B_{msy} and then you simulate some future using that catch, or some fraction thereof, even, so then the stock in the future will experience overfishing and reduce yield.

So, in other words, if you tell a model that the stock was overfished based on this history that you gave it, then when I project that forward, the model is going to tell you, well, those landings will likely lead to this stock being overfished and possibly even collapse. It kind of makes sense; so how these landings things perform really depends very much on where you assume your stock is.

The other outcome, which I think was really useful and probably something we're going to work toward in the future, is that the performance was improved by being adaptive in obtaining some abundance information. We would love that; that would be very good. I think that was probably a good outcome out of this thing; that if you have some abundance information, you can use it. Otherwise, if you assume your stock was in bad shape and you told it this landings put your stock in bad shape, well, guess what?

When you project in the future, your stock is going to be in bad shape. The key thing, though, which the SSC has argued since 2007, is we don't know if the stocks are in bad shape. The uncertainty in the catch has really been the underlying theme throughout this. There is some uncertainty applied in those simulations.

They used a CV approach to assume that; but if the landings limit being evaluated were, say, 120 percent of the maximum, then the catch that you got is going to be about around that 120 percent

of the maximum. If it was the median, the catch is going to be around the median. To me that is really a key point about this because what the SSC has been trying to do is find a statistic that maintains the status quo.

The expectations in these where the SSC set those statistics at the maximum catch is not that these fish would suddenly shift and take the maximum catch. But if you do that in the simulations, what to me that really is like is you're giving it a shifting base line and suddenly my catches are now all going to be up toward the maximum and a lot of those low observations are falling out.

I talked with Tom some about this and said I think this would be a lot more useful if it treated this as a limit and then let the real observation variation we've seen go into the catches so you got some really incredibly low years; but maybe you maintain the average. He thought that probably had some promise.

This is important because the SSC has really focused on maintaining the current catch levels despite these uncertain catch measurements that we have. Here is our friend cubera again. So, 31 of years had no poundage reported whatsoever. So looking over the entire series, that means that of all the sampling that went on the year there were no fish observed, all waves, modes, areas and MRIP.

Five years had no fish observed at all and not just any observed and weighed but no fish even seen by a port sampler. That means that there are some very high years and there are some very low years. While some of these high years may be excessively high, so were some of these low years, but this is the data that we have.

So it is hard to go in and say, well, I decide this one is an outlier or that one is an outlier or maybe these five down here where I had zeroes are outliers; because this is the data that we had and we had measures of uncertainty around it. Those measures are pretty high. The PSE; just looking across years and calculations PSE, as they do for any annual estimate, is about 60 percent; so it means the variation is 50 percent of what the overall mean is. That's pretty variable for a catch statistic. John.

MR. JOLLEY: As I look at that, John, is there any value in looking at the trend in the big catch years and the trend in the low catch years; in other words, the highs and lows? They look to me like they're both going down.

MR. CARMICHAEL: Potentially. I mean, I think your eye is sort of fooled by this really high point. You're probably seeing fewer zero years here, but maybe not as many super tall peaks. One of the issues that happens then is – and this is where the SSC was early on when you talked about, well, if I set the catch limit at the average; what happens?

Well, if you did that at the average, then in the future, as you went ahead, all of these years here – you know, these years could no longer exist, really. They would be over the ACL and you'd have to have accountability measures kicking in and such, so that would bring your average

down, right, because I'm taking off all the high years that contributed to the average unless there was some way to take out these low years; but there really isn't a way to take out the low years.

To me that was sort of one of the issues with the simulations and that. If I apply some CV around, say, one of these particular statistics such as a mean or third highest or something, I'm not really getting the possibility of these really low years, so I'm probably affecting the overall average and changing it from what the past really showed me.

This brings in that idea to the next thing of what really happens with this shifting base line idea. If we take this data, here is the reference period, here is the yield average during the reference period, the green line, and you see there are several years that happened after that; so if we take in this example 120 percent of the maximum, which is one of the examples that was looked at, if we assume this becomes the new landings, well, then obviously the average has gone way up.

In this case we have gone from an average here up to an average of here. To me that is analogous like if you've created a shifting base line. In this case there is some harvest over the reference years with 73,000 pounds; but there is some harvest over here if this is the new – you know, what you're evaluating is 275,000 pounds.

If I take the maximum and apply it for nine years in a row, I'm getting an average obviously of total removals, which is much higher than what really existed during that reference period. I think this kind of distorts what really is going on during that reference period and what the SSC is hoping to achieve with trying to achieve the average while setting a limit at this higher level.

Even with the CV I've put around this, if they used a CV of, say, 0.1 to 0.5 as mentioned in the paper, I would presume that means it is a CV that is normally distributed about those observations, so I get some that are actually even higher and some that are even lower, as shown by this box.

But think about the real variation that we see during the reference period is really much greater. It is like this; it is from all the way down here to virtually no landings to all the way up here. So I think in a way there is a level of precision put into the simulations that may not really reflect what is going on with these stocks that are in ORCS for us to deal with.

The question that the SSC has asked along the way – and I've talked with some of them about this – and certainly the debate that they had during their workshops is here at the bottom, is whether or not it is really realistic to think that a stock that is a minor component of the fishery, that is really not targeted and is often absent from the catch, is going to suddenly experience these sustained increases in catch.

That was the kinds of things that they discussed when they considered how appropriate is this maximum statistic; what is the scientific risk that is within this maximum statistic when they consider where these fish lie within the complex? Another outcome that I noticed in the simulations – and we saw it in the figures – is like a low long-term yield from some of the approaches that result in higher ABCs.

When I first saw the presentations, I think, well, that is kind of odd because you'd think with a higher ABC I should get yield, but, of course, I'll drive my stock down. In a way that was at first counterintuitive, but really what is going on is that at those higher ABCs – so they do these simulations over 30 years – they can lead to the stock's declining; because, as I said earlier, if you assume your stock is at low biomass and this landings' history drove me to low biomass, well, over 30 years if I take that full amount I'm going to continue to drive that stock down to lower levels.

The yield calculation that is reflected in those charts is from the last five years; so if the stock had collapsed or if the stock is like virtually down to very, very low abundance, then obviously my yield at the end of 30 years is going to be much lower. That just brings the question in reality if we set a higher ABC on some of these species that are not significantly targets – you know, these are not black sea bass that we're not talking about; it is not red snapper that we're talking about – will fishermen then be able to do that, to pursue this species down and take these higher landings that will drive it to collapse?

Maybe or maybe not, but these are the kinds of things the SSC was thinking about. Another question through this is whether or not the SSC is being true to the ORCS principles. To that I think we can look to the authorship, and we know that three of the authors on the ORCS Report, they're from the South Atlantic SSC.

During these deliberations they discussed the intent of the ORCS Group against what they were doing at the SSC. They noted that there were some changes expected in the approach as difference areas applied the ORCS method; and I think they learned about it in applying it. Certainly, the SSC recognized the intention of the ORCS approach.

Really, summed up and mentioned a couple of times in the comments as well is that the ORCS intent is maintaining the current catch levels for moderately exploited stocks, reduce the catches for heavily exploited stocks and allow limited increases in lightly exploited stocks. In terms of what the SSC was doing is say those with a moderate risk of exploitation, let's try to maintain the current – reduce for those with high risk – and we didn't have any there – and allow some limited increases for those with low risk; and I think there was one stock with low risk.

So exploitation being unknown, none at high risk, and the really endless debate about maintaining the current catch levels; the SSC was trying to maintain their focus on these principles. Remember, there are 25 stocks that are not in ORCS; and some of them the SSC believes would probably likely end up in some of these other categories.

There was discussion of making provisions for dealing with those categories versus waiting until later; and they decided to wait until later and decided if something else comes up, that they can deal with them. The real big question is how do you maintain the current catch levels when there is such uncertainty? That came down to what statistic best represents current catch.

So the median, the average or the maximum are all statistics to consider really depends on what you're trying to do. If you want to capture the central tendency of current catch, then the median

or the average makes a lot of sense. If you're trying to catch something that is a limit that you're not going to go above, then those maybe don't make as much sense.

To really kind of summarize what the SSC was achieving is that by setting the limit near the upper bound of the observed catch over that time period, the reference period, not overall time period, but during that reference period will allow the fishery to yield its average in the future, to not end up making that shifting base line in the average.

So given that, I really felt like the simulations that showed what the median will achieve are probably more realistic to what the SSC is hoping to achieve, which puts it in for the low biomass, all of them doing pretty poorly, but we see the median and third highest is pretty similar here for the moderate biomass levels, really reducing overfishing and raising yield if your biomass is pretty high; and then maybe giving up some yield for your biomass between – I guess a lot higher than 1.5 Bmsy.

So taken holistically in terms of the limit that prevents you from going too high but allows your fishery to operate with its observed uncertainty, the medians in a lot of ways don't perform all that badly for these analyses. I think that is what the SSC really saw in a lot of these figures. It is certainly what I saw out of it.

Then that begs sort of the last question here, I promise, is what happens if the ABC is set at the average catch? Really what that means is all of the observed catches that are high are bad, future fisheries should be capped at that limit. In reality some years are going to be lower; so your future average is going to be lower than the past.

And it sort of comes out like this; we're back to the same series of data, looking at cubera, the same observation. Going beyond the future, all I did was take the last ten years and append them to the most recent year to just say here is the same variability carrying on into the future. So if you took something and you chopped out these years that you actually observed and said now I set my limit at the average, I get a new average, which is the green line.

Instead of having the blue observations here in the end, I have the green observations. Every time that I would have gone over, I just cap it, I don't get that, so what happens is my average, when I look back, is going to be lower. In this case it dropped the average by like 50 percent. So in terms of what means to the fishermen; that would be like 50 percent foregone yield.

You've given up 50 percent of what you could have taken because now you've created a new base line. You've set your fishery average a lot lower; and so that really does not maintain the current catch. If I were to set the limit, make a limit the ABC the average, I'm not maintaining the current catch; and by giving up that 50 percent of yield, am I achieving optimum yield? I think that would say possibly not.

Now what happens if you do the same thing but let's set it at 1.125, because that was the reference example at 1.5 and 7.5; so the red line becomes the 1.125 new limit level. We go forward into the future – and there was one year where even with the observation variation that we've seen – appending them all, you can see this year right after the reference period where the

landings were over, the 1.125 level, and even some of these higher years in here the landings were over that level; so while it may seem like very high – we talked about what is extreme – when you put it in this perspective and see the variation that has really existed in these fisheries, it is not unreasonable. It is certainly not out of the range that these fisheries have experienced.

Even this, you know, relatively recently we know our data collection has gotten better, we still had this point where we had this year pop up. You have to think of some years there is just a lot of cubera are caught or a lot of cubera are encountered. But in this case, by setting the limit in this way, it seems more that maintaining the status quo is achieved because there is no measurable change in the average catch.

There are occasional years where maybe you'll have to put a limit on it; or in the case of the accountability measures, you may look at the fishery to examine what is going on to make sure not a trend is happening. But you are achieving that base line yield in this approach. The last thing is this catch variability.

I mentioned how variable the catch estimates were from year to year, so I brought in the PSEs from the MRIP, which is just a measure of how good their estimates are each year; and so you can see the 1.125 laid on here with the purple line, which shows the upper confidence interval for the catch estimates each year, and quite a few years end up being over the 1.125 based on the point estimate.

So even within the variability of the catch, again you can see that these numbers probably don't seem that extreme. That is kind of the background on where we are and how we got here and maybe some things to think about for these different analyses and put it into perspective and bring you guys up to speed with what the SSC has been grappling with since 2007.

I also want to leave with some things maybe think about as we look at this amendment and what actions the council may take in the future. This is just sort from me personally – since I've got the floor, so I will take the opportunity, I guess, and get on the soapbox – I think the risk to the stock is really going to come from a gradual increase in the average more so than suddenly harvesting the maximum.

I think that is where we should be worried about the risk. If something happens across the board in the fisheries and more people start targeting some of these stocks in some way or they become more available or whatever happens, you know, we have some regulation that we don't foresee the consequence on another stock, which happens to us all the time, then you could have that average going up.

With an ACL and an AM only tied to that upper limit, there is really nothing in there to address kind of this increasing average. What I was thinking is kind of old-fashioned fisheries management, as we would call it – and, you know, you had things like triggers where if this measure gets to here, then we do this; if this measure gets to there, then maybe we look at this option on the stock.

The things I was thinking of along those lines is that if the three-year average over the last three years was above the reference period, that '99 to 2007, well, maybe that should trigger a consideration or ask the SSC to say is there something going in this stock or is this just the noise; or, maybe if there are three sequential observations that are up above the average, is something going on; so I think something that made us look at these stocks and evaluate the data on them and maybe look at – you know, put the effort into trying to do a CPUE index for one or two at a year.

With 25 or 50 stocks we're looking at, this is going to happen just by the law of average to a couple of stocks a year. That is a fact with that much out there; we're going to have it on four or five stocks. It would give us something to know that we have a little more of a safeguard and not just landings getting up to that maximum and then we trigger them.

Another thing is the council could consider adjusting the ACL based on the uncertainty. We've seen the OFL to ABC; you know, that is a scientific determination. Scientific uncertainty addresses that. We have the scalars based on uncertainty and risk tolerance. But then going from ABC to ACL, that is the management determination.

If the managers think that there is some uncertainty there in applying the management, they could make an adjustment in the ACL to bring that down from ABC. Considering that this is catch data and the catch data is uncertain, the MRIP showed 60 percent on average variability in the estimates of catch, management based on catch is going to be uncertain.

I think the council could have a reasoning there to reduce the ACLs perhaps on these stocks that are managed only by ORCS and receiving this method. Then kind of the big picture where we probably need to go is the simulations were pretty clear; and Dr. Caruthers has commented that current abundance, historic effort and stock depletion are critical information.

I think research focused on these topics for the ORCS as well as those 25 that didn't make the ORCS cut would be the way to start getting more information for these stocks and improve the scientific basis for these recommendations. The simulation really helps to highlight what data sources really will kind of give you the most bang for your buck, which is probably what we're all looking for. That is the last slide; and I know you are glad to hear that. Michelle, see if there are any questions on any specifics in there.

DR. DUVAL: I want to thank John for giving this overview. I thought it was important that everybody kind of have a sense of where we started from and how we got to this point. Just given the makeup of the council over the last few years, I certainly was not around for the discussions back in 2008 when the SSC was first struggling with how to set catch levels.

Are there questions or comments for John on what he has presented here? I know it is a lot of information to grapple with. I think that has been probably the struggle is that this isn't something that is intuitive or easy to necessarily wrap your head around. First of all, what is a good catch statistic?

Second of all, what is a good scalar or number by which you multiply that catch statistic that will still allow you to incorporate scientific uncertainty, maintain catch levels at their current level if you're apply the ORCS approach, and then it comes into our sandbox and we have to determine what multipliers we want to use to incorporate management risk and management uncertainty. That is just more background stuff; but are there questions for John? Mel.

MR. BELL: This is real basic; what is the total number of species in the complex for the management unit now; it is 70 or –

DR. DUVAL: Well, now we only have like 60, I think.

MR. BELL: Okay, 60, so this means that 25 right there failed to even meet ORCS; and then how many hit ORCS?

MR. CARMICHAEL: I would say there are about 16 in ORCS.

MR. BELL: Okay, and then the rest we're dealing with individually; okay.

DR. DUVAL: The goal is we had all these unassessed species and here is another method by which we are trying move species from that unassessed tier into some assessed tier. Zack.

MR. BOWEN: Let's see if I can say what I'm thinking. With this ORCS; how do know we're not going to look back in four or five years and say, oops, these species, we overfished them? Is there a way to know that; and if not, would one way be to apply this method to some species that are assessed right now that would go backwards over the last four or five years and see how they come out?

MR. CARMICHAEL: Well, the first question is the only way you know that is you do an assessment. Once we assess the stock, we look back and we decide if we did good or we did not so good. I think one example of that we all know is blueline tilefish. We looked back at that and go, wow! That catch limit was probably a little bit high.

The MSY estimates are lower than what the SSC had put in on that; so that just tells you when you're dealing with catch, it is hard to know whether or not it is going to pan out in the future. It all depends on where your status is. In terms of the second question, that was done. In looking at ORCS and applying this, a number of the assessed stocks were run through the mill, as it were, to see how they turned out. It came out just as you would anticipate.

It really depended on what the status was during that reference period and what the trend in average landings was relative to the actual MSY. If the landings were below MSY and the stock was in pretty good shape, then it would work good. If the landings during that reference period, if that was a period of high landings in the stock and the stock was going down and your biomass was low, then it would have hurt the stock. You just have to know what the biomass is to really say that this is working out or it is not.

DR. DUVAL: Are there other comments or questions for John on the presentation? We're at the point in terms of timing on this where we are to – we have some preferred alternatives that we have selected in terms of the management risk scalars; and we need to determine if we want to change those at all.

I think some of the things that I take away from John's presentation, this is to establish a limit. This is not necessarily a target that should be achieved in terms of catch levels. This is to establish an upper limit. If we are uncomfortable with some of the outcomes of the application of the scalars applied by the SSC to the catch statistic, we have the option of choosing management risk scalars that are lower than the ones that we've chosen as preferreds right now.

Right now as our preferreds we have 0.9 for stocks with a low risk of overexploitation; 0.8 for those stocks with a moderate risk of overexploitation; and 0.7 for those stocks with a moderately high risk of overexploitation. We can change those or we can reduce those. I think the other thing that we can do, although this might require another action in the amendment – and I just don't know how feasible that is at that point, and I see Gregg getting up – is to set the ACL less than the ABC. What we have done traditionally is set ACL at the ABC.

There are two sort of levels of backing off from that catch statistic times the scientific uncertainty scalar that we have from the SSC. I think the SSC is actually going to see this amendment again at their April meeting; is that correct?

MR. CARMICHAEL: Yes.

DR. DUVAL: So the SSC will be seeing this one more time; so we're scheduled to take final approval of this amendment in June. I want to put that out there. Monica.

MS. SMIT-BRUNELLO: One of your last comments was something I was going to bring up. The alternatives are kind of couched in what the ABC is and it is not what the ACL is; so we do need an action in some – whether you want to include it in these particular already existing actions to have ABC equal ACL, somehow ACL needs to get in here. Then I was going to suggest what you had just put out to the group for discussion, which was perhaps you don't want to have an ABC equals ACL and maybe you want to have an ACL that is stepped down from that. Those seem to me to be reasonable alternatives.

DR. DUVAL: Following up on that just procedurally, we took this out to public hearing in January and the end of February; so if we included an additional action to have a range of alternatives for setting ABC starting with ABC equals ACL and stepping down through there, what does that mean because that was not an action that was actually taken out to the public?

MS. SMIT-BRUNELLO: Assuming you want to take final action in June, you'll have a public hearing at the June council meeting; so I don't see any problem there. If you wanted to wait because of whatever reasons and wanted to take final action in September, I think maybe you have some kind of more public hearings going on in August usually and those sorts of things, so you've got some ways to deal with that.

MR. BOWEN: Just for a comment on the record, gray triggerfish is on this list along with scamp. It will be very interesting to see how close we as the council get this right with the upcoming assessments on those two species. It is something to look forward to and maybe we can get an idea of how close we were on this judgment.

DR. DUVAL: And certainly gray triggerfish would be removed from this once that assessment is complete. Here is what I'm going to suggest. Perhaps let's take a quick ten-minute break, refresh ourselves and then come back and be prepared to make some decisions on this document. Once we make those decisions on the ORCS piece, then we'll move into the gray triggerfish. Does that sound agreeable to everybody?

DR. DUVAL: All right, it seems like everyone back around the table; so I think the first thing I would like to do is review what our preferred alternatives are under Action 2. Recall at the last meeting what we did was we restructured this action so that we have a different alternative for each of the risk of overexploitation levels. Alternative 2 deals only with those stocks deemed by the SSC to be under low risk of overexploitation; and the only one in that alternative is bar jack.

Right now our preferred subalternative is 2B, which is to apply a risk tolerance scalar of 0.9. The other subalternative would apply a risk tolerance scalar of 0.75. I want to review our preferred alternatives for these different levels with regard to risk of overexploitation and see if there is any desire on the part of the committee to change our preferred alternatives.

Then I think once we're done with that, we can come back to the action that Monica and I were discussing right before we broke, which was adding an action to establish a range of alternatives for setting the ACL. What this does is the result of Action 2 would set the ABC; and according to what we already have established in our Comprehensive ACL Amendment, those ABCs would then become the ACLs for these species; correct, Monica?

MS. SMIT-BRUNELLO: Yes; unless you changed your mind; and you're perfectly within your rights to change your mind and choose something that is different than ABC equals ACL.

DR. DUVAL: Right; so is everybody okay with that approach moving forward? All right, we have Preferred Alternative 2 up there; is there any wish on the part of the committee to modify our risk tolerance scalar from 0.9? That is our preferred subalternative right now. I'm taking silence as no desire on the part of the committee to change the preferred subalternative.

Okay, let's move on to the next alternative, which is Alternative 3. This looks at stocks deemed to be under moderate risk of overexploitation. You can see the tables under the two subalternatives there. 3A would apply a risk tolerance scalar of 0.75; 3B, which is our preferred, applies a risk tolerance scalar of 0.8. You see what the resultant ABCs would be.

Is there any desire on the part of the committee to modify the preferred subalternative at this point? I am seeing heads shaking around the table. Then we move on to Alternative 4, which deals with those stocks deemed to be under a moderately high risk of overexploitation. There are three subalternatives here; 0.7, 0.75 and 0.5.

Our preferred subalternative is to apply a risk tolerance scalar of 0.7. Any desire to change that on the part of the committee? I'm not seeing any desire there. Okay, so we have no plan to change our preferred subalternatives. Next would be if we'd like to do something other have ACL set equal to the ABC; so adding an action to establish an ACL and include a range of alternatives.

No action sets ACL equal to OY equal to ABC. Alternative 2 could set ACL equal to OY at 90 percent of the ABC and then a third alternative could set that 80 percent of the ABC. What this would do is essentially establish our management uncertainty with using managing by these catch levels. This is a relatively new approach.

When we discussed this back in September, there was a lot of comment from the committee to have this approach reviewed at some timeframe like three to five years. I think if were to do something like this, back the ACL off from the ABC, that just establishes our recognition of the fact that this is a new method and incorporates some of that management risk. Doug.

MR. HAYMANS: Madam Chair, I make a motion that we add an action to establish ACLs and include a range of ACL alternatives to include no action and an alternative to be 90 percent of ABC and an alternative to be 80 percent of ABC.

DR. DUVAL: There is a motion by Doug; seconded by Mel. Further discussion on this?

MR. PHILLIPS: Madam Chair, I was at the workshop. We've had a lot of discussion about this, and it is new. I think when we chose our risk tolerance scalar, we de facto set in some wiggle room for our own uncertainty. I think this would be double – we'd be doing it twice if we went away from ACL equals ABC. I don't mind this going in if it is not going to put a lot of extra work on staff; and if it is not, I could vote for it. If it is going to be a lot of extra work on staff – because I think we've already built this in when we chose our risk tolerance scalars.

DR. DUVAL: Myra has indicated that this needs to be done, anyway. It needs to be an action so it is I think work that would already have to be done is what she is saying? Mel.

MR. BELL: I appreciate what Charlie is saying. It might appear redundant in terms of an additional level, but I looked at it more as taking the product of this process presented to us from the SSC as an ABC and then we as basically the next step is have the ability to add some additional degree of – based on management uncertainty; and since it is a new process, I felt like that is a reasonable thing to do is to have that in there if we want to go that route.

MS. BECKWITH: I think this council would probably be more apt to choose 0.9 versus 0.8 potentially. Can we also add in one that would look at 0.95 as an option? I understand Charlie's concerns. I think we have built in some recognition of risk into our choices already so certainly making ACL equal OY at 0.80 is probably going to be more conservative than we're looking for; so maybe a 0.95 might be something that would give us actually a little bit of a risk protection but not be quite so dramatic.

DR. DUVAL: It is up to you. I think if you're offering that as a friendly amendment; I would just look to the motion maker and the seconder if they would agree with that; Doug and Mel.

MR. HAYMANS: I'm fine with that. Do we want to leave 80 for analysis purposes or do you want to remove it? I thought we were just adding 95.

DR. DUVAL: Anna, was your intent to add 95?

MS. BECKWITH: Well, that's probably how I'd like to see it; but if you guys want to keep 80, that's up to you guys.

MS. BROUWER: The reason that we structured it that way or why that was up there as a suggestion is because that's the alternatives that the Comprehensive ACL included; so just for consistency.

DR. DUVAL: The way this reads now your alternatives would be no action, ACL equals ABC; Alternative 2 would equal 95 times ABC; and Alternative 3 is 0.9 times ABC. Do you want to keep it like that?

MR. HAYMANS: Madam Chair, I would leave an Alternative 4 at 80 percent.

DR. DUVAL: Is there any other discussion on this motion? Gregg.

MR. WAUGH: Yes; just a similar plea for – you know, if someone is willing to set the ACL to 0.8 times the ABC, then let's keep it in there and analyze it; but if nobody is interested in doing that, we've got plenty of work to do. We don't need an alternative in there that nobody is going to choose.

DR. DUVAL: What is the pleasure of the committee? Doug.

MR. HAYMANS: Gregg, I need to ask a very stupid question. I'm sorry, but I need to ask it. What is involved besides adding another formula for 80 percent versus 95 percent? It seems to be it is another couple of columns and a table that is generated by a change in number. I know that is very naïve, and I'm sorry.

MR. WAUGH: You have to analyze the change in the ACL from its existing value to that value. Then you have to compare that new Alternative 4 to Alternatives 2 and 3; and you have to look at the biological, economic, social and administrative impacts. It is just more work.

It is not a huge amount of work; but if you do this multiple times across many amendments, it adds up. I'm not trying to hinder you all from choosing an alternative. If someone really wants that in there, we'll gladly analyze; but if nobody has any interest in choosing it, why put it in there?

MS. SMIT-BRUNELLO: Perhaps the question is better phrased as is it a reasonable alternative – fall within the range of reasonable alternatives as opposed to whether anyone is going to

choose it or not, because you don't have the analysis before you. Who knows; you might choose it for a certain species if you saw the analysis and then made a decision.

MR. BELL: That led to a question that I was going to ask is the advantage of that, even though it is a lot of work, is that it may be the right answer for a particular species. I guess the way this would work is based on individual species we might pick different factors to use, right, or is this one size fits all across the whole board?

DR. DUVAL: I think if you were to pick and choose one of these for each species, then the analysis that Gregg just spoke about becomes significantly compounded; and I wouldn't recommend that.

MR. BELL: All right, as far as the actual outcome or decision, but it would be kind of interesting to know what the answers were.

DR. DUVAL: Well, you would certainly have tables in the analysis showing what ACL looks like at 90 percent of ABC, 95 percent of ABC and 80 percent of ABC. Is there any other discussion on this motion? Zack.

MR. BOWEN: Personally I would like to see the 0.8 analyses especially for the species with the high risk of exploitation, personally.

DR. DUVAL: Is everyone ready to vote? **The motion reads add an action to establish ACLs and include a range of ACL alternatives. Alternative 1, no action, is ACL equals OY equals ABC; Alternative 2, ACL equals OY equals 0.95 times ABC; Alternative 3, ACL equals OY equals 0.9 times ABC; Alternative 4, ACL equals OY equals 0.8 time ABC. Is there any objection to this motion? One objection. Any abstentions? The motion passes with one objection.**

I'm going to go out on a limb here and assume that there is not a desire on the part of the committee to choose a preferred at this point because we don't have the analyses in front of us; and I'm seeing heads nod. I think we can move into gray triggerfish.

MR. BROUWER: Going back to the comments that we received on the amendment, I'll just brief you on what was said regarding the proposed actions for gray trigger fish. Most of the folks that commented supported a 12-inch minimum size limit off the South Atlantic states. However, they did voice some concerns about the potential increase in regulatory discards.

There was some support for increasing the minimum size limit to 14 inches off East Florida and implementing that also off the rest of the South Atlantic states. There was also some support for removing the size limit. There was a comment that said the council should have included an alternative to implement a 12-inch total length size limit in federal waters off the South Atlantic.

One commenter was in support of Alternative 1 on the size limit change. One commenter was of the opinion that is not enough data to justify making changes to the gray triggerfish ACL at this

time. Most commenters supported a commercial split season using equal allocation of the ACL for each half of the year.

Most commenters expressed support for commercial trip limits; but some thought the council should consider more alternatives for the step-down trip limit such as 50, 100 and 150 pounds. There were no support for a commercial trip limit of a thousand pounds and some support for a 500 pound trip limit.

There was a suggestion for a 1,000 pound limit until 75 percent of the ACL is met, at which time the trip limit would be reduced to 500 pounds. There was a comment to consider eliminating the circle hook requirement and consider a bag limit for species that are often caught together in order to minimize discards.

Going back to the decision document, Action 3 is on PDF Page 28 of your Attachment 3C. Here we have some suggested changes to the language of the action itself. We would suggest that the action read, "Modify the minimum size limit for gray triggerfish" and strike the wording regarding the measurement method from the title of the action. That is the only suggestion we have as far as changes to the language.

MR. HAYMANS: Madam Chair, I would move that we accept the IPT's recommended edits to Action 3.

DR. DUVAL: Motion by Doug; seconded by Charlie. Discussion? Any objection? Seeing none; that motions stands approved.

MS. BROUWER: Okay, here your preferred alternative is Alternative 3, which would specify a minimum size limit for gray triggerfish of 12 inches fork length in federal waters off North Carolina, South Carolina, Georgia and East Florida. The decision document includes – I'm not going to go over the effects, but it does have a summary of the biological, economic and social effects. At this point, unless you want to consider changing your preferred, we can go ahead and keep moving.

MS. McCRAWLEY: Well, I would kind of like to see an alternative – and I don't see one listed there – that would allow for a 14-inch fork length size limit off of Florida; so that maybe two preferreds could possibly be chosen for this alternative where the other states could have a 12 inch and Florida could have a 14 inch. I would prefer the 14 inch because that's what we have in the Gulf; and going back to the discussions, those of you that were involved in the South Florida Committee, we're trying to get regulations the same on both coasts of Florida. It is problematic in the Keys.

MR. BOWEN: I don't know that I would agree with that. You don't have the same regulations on red snapper; and there are a lot of different species on the west coast of Florida and the east coast of Florida that are not going to be the same. I would like it to be consistent for the whole South Atlantic, for sure, instead of having the east coast of Florida having one measurement and the rest of us having a different measurement as it is now. I would just like to see some

consistency whether it be 12 or 14. I'm fonder of 12; but I think the triggerfish are sexually mature at eight inches, so 12 inches is good with me.

MR. BELL: I was just going to say I thought a 14-inch fork length made more sense to me. A 12-inch fish can't have much of a meat yield on it; but I guess that is a preference thing. Maybe it is driven by market considerations or whatever, but I'd be comfortable with 14 myself.

MR. PHILLIPS: I'm on the South Florida Group; and to Jessica's point, if that is what they would like to see off of Florida and it's not an awful lot of work for staff and we can do it, yes, I don't see a problem seeing it as an alternative at all.

MS. BECKWITH: While I know that my recreational guys in North Carolina want a 12 inch, I would absolutely support Jessica putting in a new additional alternative because it goes back to regional management and flexibility.

MS. McCAWLEY: I make a motion to add an alternative to this action that would allow for a 14-inch fork length gray triggerfish off of Florida.

DR. DUVAL: There is a motion by Florida; seconded by David. Further discussion on this motion? Ben.

MR. HARTIG: Just one thing; in South Florida we have lots and lots and lots and lots and lots of gray triggerfish, tons of them. We just don't have very many large gray triggerfish. I don't have a problem with putting this in here, but I think you'll hear from the Florida headboats in particular that 14 inches is going to be too big for the animals that they catch in that neck of the woods.

MR. BOWEN: I agree with Ben. I know we're just talking about Florida, but 14 inches for a charter or headboat is a big triggerfish. With the regulations in place right now being so restrictive, 12 inches would benefit the for-hire fleet all up and down the seaboard in the South Atlantic.

DR. DUVAL: All right, we have a motion on the screen to add an alternative that would establish a 14-inch fork length minimum size limit for gray triggerfish off East Florida. Is there further discussion on this motion? I guess, Myra, from an analysis standpoint, do you have any comments on that? All right, is everyone ready to vote? **Is there any objection to this motion? I see one objection. Any abstentions. The motion passes with one objection.**

While Gregg is coming up to the table, I'm just thinking that a preferred alternative right now to specify a minimum size limit is Alternative 3, which is 12 inches off all of the states. We've now added a new alternative. Is there a desire on the part of the committee to select a different preferred alternative? I think what I'm wondering is if we also need an alternative that would just specify a minimum size limit for gray triggerfish of 12 inches off North Carolina, South Carolina and Georgia maybe to complement that; I don't know. Gregg.

MR. WAUGH: Jack and I were talking and we need to determine – again, you’re approving all actions here and you’re going to see it in June for final approval. We need your preferreds here. If the new alternative is going to be a preferred off of Florida, then we need to know that. If you do choose that as a preferred, then you need to alter the wording of your current preferred to change the size limit there off of Florida.

MR. BOWEN: Madam Chair, I’d like to make a motion that we keep Alternative 3 as our preferred.

DR. DUVAL: Motion by Zack; seconded by Chris. Discussion? Jessica.

MS. McCAWLEY: After we dispense with this motion; I would like to make a motion to add an additional preferred alternative.

MS. BECKWITH: It seems like it would have been easier just to take Florida out of Preferred Alternative 3 and 4 and just make Alternative 2 with two subalternatives. That would have been more reasonable for organization to me.

MR. BOWEN: Anna, I love you and everything; but if that is the case, it makes more sense to take the east coast of Florida out of all the regulations and separate them. We’re looking for some simple consistent regulations here that everybody, whether they put in at Jacksonville or Mayport, they have the same regulations. I just think being simple and consistent is the way to go.

MS. McCAWLEY: Well, I’m going for the same thing for Florida. We have people within the state of Florida and literally you put in one side of a bridge and it is going to 12 inches; and you put in on the other side of the bridge and it is 14 right now. We’re trying to get consistency even within the state; and if you go down to the Keys, this is a massive problem.

MR. BOWEN: Wouldn’t that same bridge allow you to keep a snapper at certain times of the year and the other side of the bridge not keep a snapper the other times?

MS. McCAWLEY: Yes; to that point, yes, that another thing that we’re trying to fix with the South Florida Committee. One of the discussions was trying to make the same size limits for species that are affected in the South Florida Region, and this would be one of those species. I’m trying to get a regulation that would be consistent for Florida fishermen in the Keys. We’re also working on that same thing that you’re talking about right now. That is what I’m going for and that is why I was suggesting special alternatives just for Florida so that it doesn’t necessarily affect the 12-inch minimum size that I think you guys want.

MR. BOWEN: Again, maybe the council should consider having Florida with their own council and own allocations.

DR. DUVAL: Well, that has been brought up during the South Florida Committee discussion. I have Chairman Boyd.

MR. BOYD: I just had a question. What is the length of about a four-pound triggerfish if you were just out fishing and catching one; any idea?

MR. COX: I can probably answer that. A four-pound triggerfish would probably be about 20 inches, maybe a little bigger.

DR. CRABTREE: Gregg, can you remind us when are we expecting the stock assessment for gray triggerfish? I know it was delayed.

MR. WAUGH: It is in with red snapper.

DR. CRABTREE: So we'll get it in early '15?

MR. WAUGH: Fall of 2015?

MS. BROUWER: Fourteen.

MR. WAUGH: This fall.

DR. CRABTREE: It seems to me if this is going to turn into a contentious issue, our going over the size limit, I suspect there is a good chance we will be right back to redoing all of this triggerfish stuff once we get the new stock assessment. It is one thing if we can come to an easy agreement; but I'm not sure spending a lot of time trying to figure this out right now is worth it.

DR. DUVAL: I will just remind folks that, first of all, gray triggerfish is in, as Gregg mentioned, with red snapper. That stock assessment is not set to begin until August of this year; so we're not actually going to be getting that back until probably a year from August; so in 2015 some time. History repeats itself very quickly.

We originally had these measures in Regulatory Amendment 14. We took them out because we had a stock assessment that started with blueline tilefish through SEDAR 32 for gray triggerfish; ran into a bunch of aging issues; took these actions out Regulatory Amendment 14 because we wanted to wait for the assessment; decided that since the assessment was delayed, there was some concern about gray triggerfish, that we would put them back into this amendment.

We have done that. Now we have South Florida discussions that are going on; and this is a big issue having consistent regulations on both sides of a bridge; and this is one of those species. I'm just reminding the committee of where we have come from and where we are going. I guess I would defer to some of the folks on the South Florida Work Group.

I was unfortunately not able to be there for those discussions, but what do you want to do with this action? Do you want to keep it in here? Zack wants a 12-inch limit and consistency up and down the coast. Jessica is really just trying to get something that is consistent on both sides of a bridge.

If we're trying to set a consistent limit for Florida, then we need to select this new alternative as a preferred. We would also have to add an extra alternative that would establish a 12-inch minimum size limit fork length off the remaining three states only. Probably the simplest way to do that would be to just remove East Florida from Preferred Alternative 3. David.

MR. CUPKA: I'm certainly for trying to get as much consistency as we can down in South Florida; and I think that's the direction we ought to move. I would not vote for this motion unless it was modified to remove Florida.

I think then I could support it as a preferred for the other three states, but I would think we'd end up with two preferreds; to modify three plus a new one for Florida. That is what I would be inclined to support.

MR. BOWEN: I just wanted to remind the council there is a bridge on the St. Johns River as well that separates Georgia and Florida.

DR. DUVAL: Point taken. I think we should just vote this up or down. The motion reads to retain Alternative 3 as a preferred. This would specify the minimum size limit for gray triggerfish of 12 inches fork length throughout the South Atlantic through the east coast of Florida. Charlie.

MR. PHILLIPS: And just a quick question to Gregg; how much work does this put in?

MR. WAUGH: I don't know if I should say anything anymore; I'm batting 0 for 2. This will be more work but a lot of the analysis has been done for the current preferred. Alternative 4 has the 14 inch, so it would be a matter of pulling information from Alternatives 3 and 4 to make these new ones. It will be more work, but it looks like the numbers are there. It is just a matter of presenting it differently.

DR. DUVAL: Is everybody ready to vote this motion up or down? Doug, did you have a comment before we vote?

MR. HAYMANS: I just want to verify the motion is to retain Alternative 3 as the preferred; that is the motion we're voting on?

DR. DUVAL: Right; and Alternative 3, as it is currently structured, which is 12-inch fork length minimum size limit, North Carolina, South Carolina, Georgia and East Florida. Mel.

MR. BELL: So if that motion were to fail, then Alternative 3 is still the preferred motion on this document; right? We're back where we started?

DR. CRABTREE: Yes.

DR. DUVAL: Can I rule this out of order and we're just back where we started? **All right, I'm going to rule this motion out of order. We already have a preferred.** Jessica.

MS. McCAWLEY: I make a motion to restructure Alternative 3 and remove East Florida from that alternative.

DR. DUVAL: We have a motion from Jessica to restructure Alternative 3 and remove East Florida from that alternative; seconded by Doug. Discussion? Let's let Myra do a little bit of modification so we can see what that looks like. That would now read, "Restructure Alternative 3 to remove East Florida from the alternative; so that Preferred Alternative 3 reads, 'Specify a minimum size limit for gray triggerfish of 12 inches fork length in federal waters off North Carolina, South Carolina, and Georgia. Jessica.

MS. McCAWLEY: I could also modify the motion to make that the preferred alternative as well.

DR. DUVAL: Well, it still is the preferred.

MS. McCAWLEY: A preferred alternative.

DR. DUVAL: It still is the preferred alternative; it has just been restructured. This does not preclude us from selecting another preferred alternative. Zack.

MR. BOWEN: Madam Chair, is this where I could make a substitute motion?

DR. DUVAL: It is.

MR. BOWEN: Well, I would to do that; to keep all four states at 12 inches.

DR. DUVAL: A substitute motion by Zack – Roy.

DR. CRABTREE: Point of order. You would just vote against this motion then if that is what you want to do.

MR. BOWEN: I'm just fighting to keep it consistent, Doctor.

DR. CRABTREE: Yes; so you would vote against this, I think, would be the proper thing to do.

MR. BOWEN: "Fighting" is the wrong term; I'm arguing to keep it consistent.

DR. DUVAL: And I will just say it is inconsistent right now because there is no size limit anywhere else except for the east coast of Florida within the council's jurisdiction.

MR. BOWEN: Right; and I would like it consistent; I agree with you.

DR. DUVAL: Is there anymore discussion on this motion? **Can I see a show of hands of those in favor of the motion – it is the motion; there is no substitute – I count nine in favor. Those opposed, one opposed. The motion passes.** Jessica.

MS. McCAWLEY: I would make a motion to make in addition another preferred alternative for the new alternative – I believe it is going to be Alternative 5 – that would specify a 14-inch fork length size limit for East Florida.

DR. DUVAL: There is a motion by Jessica to select new Alternative 5 as a preferred; seconded by Doug. Discussion? No discussion; is there any objection? Seeing none; that motion stands approved. Doug.

MR. HAYMANS: Madam Chair, is there a reason we are going to retain Alternative 2? If the current in Florida is 12 and the preferred is going to 14; is there a reason to have 2?

MS. McCAWLEY: The reason it is in there is because it is currently at total length instead of fork length; so this would just fix the conversion from total length to fork length. That's why it is in there.

MR. HAYMANS: Then, Madam Chair, I would suggest along with our IPT-suggested wording for Alternative 1; that we need to fix the wording in Alternative 1 because it indicates that it is fork length in both – no, it doesn't. I've just got to keep wording; I'm sorry.

DR. DUVAL: No problem! Okay, are we ready to move on from this action?

MS. BROUWER: I believe so.

DR. DUVAL: Okay, moving on to Action 4.

MS. BROUWER: Action 4 is on PDF Page 46 of your decision document; and that action would establish a commercial split season for gray triggerfish. Here the IPT has a number of suggested edits; mainly instead of referencing ACLs for each of the seasons; call them "quotas" because it is a single ACL that has been split into two quotas; the same thing we have currently for vermilion snapper. We would suggest making those changes; and so we would need a motion to approve that.

MR. PHILLIPS: Madam Chair, I make a motion to approve the suggested edits to Alternatives 2 and 3 under Action 4.

DR. DUVAL: There is a motion by Charlie; seconded by Doug. Discussion? Is there any objection to that motion? Seeing none; that motion stands approved.

MS. BROUWER: Okay, here I was just reminded that Alternative 3 is one that when you last saw this amendment, we actually didn't have a percentage. Then looking at the distribution of the landings, the IPT analyzed a breakdown of 60 percent of the quota to the first half of the year and 40 percent – I'm sorry, 40 percent to the first half of the year and 60 percent to the second half of the year. That is where that alternative came from was from looking directly at the distribution of landings over a period of time. You don't currently have a preferred for this action; so I would encourage you to possible go ahead and select a preferred.

DR. DUVAL: There are some tables following that show expected dates that if we were to split the gray triggerfish season into two quotas, when those quotas would have been expected to be met under each of these different Alternatives 2 and 3.

MS. BROUWER: Right; and keep in mind that the tables are displaying the current gray triggerfish commercial ACL and also the proposed under Action 2.

MR. HAYMANS: Myra, would you remind us whether there was the public comment on this action.

MS. BROUWER: Most of the comments supported a 50/50 split.

MR. HAYMANS: Madam Chair, I would make a motion that we select Alternative 2 under Action 4 as our preferred.

DR. DUVAL: There is a motion by Doug to select Alternative 2; seconded by Mel. Discussion? Alternative 2 would allocate the ACL into two quotas 50/50 January through June and July through December. In your decision document, I believe that is Table 4.4.2. David.

MR. CUPKA: I think that is a little better approach than going to 40/60. I know for the time period they looked at, which I think was 2008 through 2011, that it did work out to 40 percent; but there may be times when it won't. If we've got a carryover provision from Season 1 into Season 2, I think we'd be better off having it higher than 40 percent during the first season; and then you could have a rollover if you needed it and have a higher amount to harvest during that first quarter since the whole thing is controlled by the overall ACL, anyway. To me it would be preferable to have a little higher quota than 40 percent during that first season.

DR. DUVAL: I think that is a great rationale; and I would also add in there that I think the intent behind this action was to try to align the gray triggerfish and vermilion snapper seasons. Vermilion snapper is also split 50/50 along the same lines. Chris.

MR. CONKLIN: David was actually reading my mind.

MS. BECKWITH: And while I support the 50/50, I just want to point out that it does benefit just like B-liners south of North Carolina during that first season, because clearly we don't get the equal shot at the apple during that first season. I'm just pointing that out.

MR. PHILLIPS: And if I'm reading Table 4.4.2 correctly, we may end up closing the triggers some time in March, which means there will be no grouper; i.e., trigger. It is going to be pretty hard on some restaurants and markets and stuff if it works out that way. I'm not a hundred percent sure these numbers are going to be exactly – you know, we're always guessing where they're going end; but I am concerned about the distinct possibility of having no fresh grouper substitutes in April. That might be something we want to revisit at some time.

DR. DUVAL: And I think we'll probably have the opportunity to do that once the stock assessment is out there. I think really what we're trying to balance is having multiple things

open and co-occurring species at the same time. We've heard concern about having to throw back a lot of triggerfish in the fall when B-liners are open; so I think we're just trying to line those up, but I understand. Ben.

MR. HARTIG: Charlie, if you want some bandit-caught golden tilefish in April, just call me.

MR. PHILLIPS: And the discard mortality on triggers is really low. I think it is 12 percent or something, so I'm not really worried about discard mortality on triggers. And, yes, I may take you up on those tiles.

MR. HAYMANS: Does the analysis in 4.4.2 take into account if the size limit was increased; going from no size limit to 12 inches? I mean, that is basically using current landings, right?

MS. BROUWER: Yes.

MR. HAYMANS: So if we have a 12-inch size limit, we're going to affect those dates in some way that we don't know right now.

MS. BROUWER: I think you're right. I would have to defer to Jack. I don't know if he is familiar with the analysis and it was conducted, but I don't believe that the size limit change was incorporated. Here comes Jack.

DR. DUVAL: Dr. McGovern, give us the benefit of your wisdom.

DR. McGOVERN: It doesn't include the size limit change; but the size limit change doesn't have much effect on the reduction in harvest. The 12-inch size limit doesn't have much of an effect, but the 14-inch size limit would. We'd probably have to redo that with the new preferred alternative for Florida.

MR. COX: I was just going to say remember we've got this assessment we're going to start in August. My question is if we go through all of this, by the time this gets implemented won't we be looking at this again here pretty soon?

DR. DUVAL: We will be looking at the assessment, but that doesn't force us to make changes to management. What the assessment would do is most likely update any ACLs, but that is up to the committee and the council if you want to make any changes in management. We have kicked this ball back and forth for a long time. **Any other discussion on this motion? Is there any objection to this motion? Seeing none; that motion stands approved.**

MS. BROUWER: Action 5 is on PDF Page 53 of your attachment. That action would establish a commercial trip limit for gray triggerfish. Here we have again some wording suggestions. You also don't have a preferred. We have a note here that says the way these alternatives are written, Alternative 3 can only be selected if Alternative 2 is selected; so the council could consider editing Alternative 3 as shown above to also establish a commercial trip limit and the step-down. That is what you see on your screen. Here we would want you to consider these

suggested edits. You can either approve the way we structured it or not approve it and then select two preferreds.

DR. DUVAL: It seems like we may still need to select two preferreds, under Alternative 2 what the trip limit is, and then under Alternative 3, what a step-down might be if we want a step-down. I think first we would just need a motion from the committee to approve the IPT's suggested edits to Alternative 3 under Action 5.

MR. HAYMANS: Just to make sure, Madam Chair, that suggested wording is adding "establish a commercial trip limit for gray triggerfish in the South Atlantic Region?" That doesn't exist there now, correct?

MS. BROUWER: Right.

MR. HAYMANS: Okay, so, Madam Chair, I'd make a motion that we accept the IPT's suggested edits to Alternative 3 under Action 5.

DR. DUVAL: Motion by Doug; seconded by Charlie. **Any discussion? Any objection? Seeing none; that motion stands approved.** Now we come to the point where we need to select some preferred alternatives. What is your pleasure?

MR. HAYMANS: Madam Chair, again I would ask for a reminder of what the public comment was.

MS. BROUWER: The suggestion was mainly 4,000 pounds. There was some support for a 500-pound trip limit. The majority of folks supported the 1,000 pounds. Then there was a suggestion to look at additional step-down trip limits that are much lower, maybe in the range of 50 to 150 pounds.

MR. PHILLIPS: We don't have any analysis for anything under 200 pounds; do we?

MS. BROUWER: There is actually a Table 4.5.1 which looks at various trip limits starting with a hundred pounds, and then it looks at the percent of trips just for 2012.

DR. DUVAL: But I think Charlie is saying we don't have any analysis on sort of the step-downs and what closure dates might be under step-downs lower than 200 pounds. David.

MR. CUPKA; Looking at Alternative 3, though, it just says establish a commercial trip limit, but there are no subalternatives there to establish that level of the commercial trip limit, right? Like in Alternative 2, you're going to establish a trip limit and it gives you three choices. 500, 1,000 or 1,500.

Just by adding that verbiage to Alternative 3, it says you're going to establish one, but it doesn't give you the options of what you're going to establish the trip limit at. It just gives you subalternatives for a step-down. Do you see what I'm saying; it is not a complete alternative even with the wording change, I don't believe. I guess one of the things they were trying to do

was modify Alternative 3 so that you would only need one preferred alternative when in fact you still need two because you don't have a trip limit in there.

DR. DUVAL: So it seems like the motion we just approved to add that wording is really – it doesn't really do anything because you're still going to have to choose two preferred alternatives if you so desire a step-down. David.

MR. CUPKA: Well, maybe the simplest way – and I guess we've already passed the motion to add that verbiage to 3. Maybe what we need is a motion to take that verbiage off and then we can select our preferreds from there. **Madam Chairman, I would so move that we removed suggested IPT wording from Alternative 3.**

DR. DUVAL: Motion by David; seconded by Charlie. Everybody understand kind of what we did here?

MR. HAYMANS: It's the last time I take IPT motions. (Laughter)

DR. DUVAL: Your heart was in the right place, Doug. **Is there any other discussion on this? Is there any objection to this motion? Seeing none; that motion stands approved.** Charlie.

MR. PHILLIPS: Madam Chair, just to get us moving, I'm going to make a motion we make Alternative 2, Subalternative 2B our preferred with no step-down and see where we go.

DR. DUVAL: A motion by Charlie to select Alternative 2, Subalternative 2B as the preferred for a trip limit; seconded by Chris. Discussion? Charlie.

MR. PHILLIPS: Well, it still gives us enough fish to go catch. It is not going to be an overly long season, but then again we've got an assessment coming up; so this is going to be in place for probably a couple of years. I'm concerned if we went to a step-down at 75 percent, there is a possibility we may not land all the fish. We don't have an analysis on when it would end, anyway, so I would like to just keep things simple for a couple of years until we get an assessment. That is why I made the motion.

MS. BECKWITH: When we went through this exercise for vermilion, Charlie and I had fantastic arguments back and forth about 500 pounds versus 200 pounds as a potential step-down. We decided on 500 on vermilion, right, but the original intent of the step-down is to make a discard reduction bycatch-only fishery.

I guess my personal view is if you were going to step down, it should step down at 85 percent, 90 percent to 200 pounds or something along those lines and make it a true bycatch-only fishery. I don't see the benefit – I don't see it for vermilion and I don't see it for gray triggerfish to step down to 500 pounds. Unless we're going to do it right and consider alternatives for a step down at 90 percent to hundred pounds or 85 percent to a hundred pounds or 150 pounds, then I think I agree with Charlie to just keep it at a thousand.

MR. HARTIG: I'll put this out there. I talked to some of our commercial guys in the back there and essentially these two species, vermilion and gray triggers, are caught – basically gray triggers are caught fishing for B-liners. It seems to me we should try and mirror the step downs of vermilion with triggers if we're going to keep these fisheries together and operating – trying to operate at the same time so you don't get into the situation where you'll be trying to target triggers and you'll be throwing a whole bunch of B-liners back dead. If that is possible – I'm thinking out loud here, but that makes the most sense to me of anything I've heard so far for this.

MR. PHILLIPS: Ben, I agree; when the fishermen go fishing, I want them to be able to catch some fish, keep some fish and come back. The discard mortality on vermilion is much higher than triggers; so theoretically we want to catch our triggers first so if we're discarding something, we discarding triggers and not vermilion from a biological point of view.

I would rather make sure we catch our triggers before we catch our vermilion; and again if we're going to throw something back, throw the hardiest of the fish back. I'm not locked in stone on this, but I'm thinking this probably is – and again it is only going to be two years or something before we're going to get our assessment and we're going to change all this again.

MR. COX: I was just going to say to Ben's point; I agree with him. What I've seen from the six or seven boats we've offloaded so far this year that it has been a lot easier to catch the triggerfish. We've seen a lot more triggerfish than we have vermilion; so if they have a thousand pounds of triggerfish, they'll have 600 pounds of vermilion. I would certainly like to see some sort of step-down to kind of mirror that. Now, I don't know, Kenny, what your fishing is like, but that is what we've seen in Morehead.

DR. DUVAL: I just had a question on – and I don't know if Dr. McGovern might be able to inform this, but I had a question on Tables 4.5.2A and 4.5.2B where the projected dates of achieving the commercial ACL are met and there is a column for 75 percent. My question was is this when 75 percent of the ACL would be met in the absence of a trip limit?

So, in other words, in 2008, because the first table, 4.5.2A, are the dates when the ACL would be met under the current 272,000 pound ACL; and 4.4.2B are the dates under a slightly higher ACL. I'm just wondering if that 75 percent column is the date when the ACL would have been achieved without any trip limit.

DR. McGOVERN: That's correct, Madam Chair. We will have to redo the analysis for the different ACL alternatives, also the January through June period and the July through December, so these will change a little bit.

DR. DUVAL: We have a motion on the table and that is to select Alternative 2, Subalternative 2B as a preferred with no step-down, so that would establish a thousand pound trip limit, and that's it for both seasons. We have heard support for a step-down. Is there any other discussion on this? Are people ready to vote? I don't see any other discussion. **Could I please see a show of hands of those in favor of the motion, 7 in favor; those opposed, 4 opposed. The motion passes.** That means we do not need to consider a preferred under Alternative 3.

MS. BROUWER: Okay; that's all the actions in the amendment. On your PDF Page 63 of your decision document is the proposed timing. Public hearings were held in January; so your review and final approval for this amendment is scheduled for the June meeting. We'll see if we can have the analyses ready for you to approve it by then.

DR. DUVAL: All right, thank you, everybody; I know that was a pretty long amendment to get through, but we still have time on our agenda today, and I'm not going to let you go. Do people need a break? Okay, five minutes.

DR. DUVAL: All right, folks, we'll see if we can knock this one out. Gregg is going to take us through the options paper for Amendment 32, which deals with blueline tilefish.

MR. WAUGH: This is Attachment 4 in your material. The first thing I wanted to mention is on Page 3 we show the motions from the last meeting. I just want to briefly orient you to what is in here and then we'll come back and go through and get your guidance on the motions. We were directed to do a regulatory amendment to modify the definition of MSST. That is being done in Regulatory Amendment 21; and we'll talk about that tomorrow.

You accepted the alternatives proposed by staff; that is in Amendment 21. Then you wanted to add management measures alternatives to Amendment 32; and we've done that. We requested the emergency action; and that has been done as well. Next if you look at what is the status of blueline – and this is from the assessment – it is overfishing and overfished.

The overfished ratio – and again we're on Page 4 – the overfished ratio is 0.909, so it is slightly overfished. Again, that is shown in Figure 2. The error bars are shown here for overfishing in Figure 1 and overfished in Figure 2. We're slightly overfished, but we're overfishing by quite a bit. The overfishing ratio is 2.37; so that is quite a bit in terms of overfishing.

Then on Page 21 we show the timing. This was the timing approved at the December meeting at the bottom of Page 21. The SSC is going to review the projections at their April meeting and provide them to the council for the June briefing book. The Draft Amendment 32 will be reviewed, modified and approved for public hearings at our June meeting; public hearings in August; then review public hearing comments at September; and approve the document for formal review at September. That is where we are with this amendment.

If we start then with Action 2 on Page 6, this is redefining the MSY for blueline tilefish. No action shows what is in place now for all of our other species – I think for all the remaining ones we've MSY equal to the yield produced by Fmsy, the fishing mortality rate that produces the maximum sustainable yield or the Fmsy proxy.

MSY and Fmsy are recommended by the most recent SEDAR/SSC. In the future we won't have to address the MSY here, but we have to address it in this amendment because this will be the first time we're changing the definition to track what comes out of the assessment. We need your guidance to select Alternative 2 as the preferred alternative. It shows what the value is right now for Fmsy and what the numerical estimate is. Fmsy is 0.302; the MSY in pounds whole

weight was 226,500 pounds. In the future as an assessment is done, then those numbers would just be updated.

DR. DUVAL: All right, we would be looking for a motion from the committee here to select Alternative 2 as the preferred for Action 1. David.

MR. CUPKA: So moved; Madam Chairman, I would move we select Alternative 2 of Action 1 as our preferred.

DR. DUVAL: There is a motion by David; seconded by Charlie. **Discussion? Any objection to this motion? Seeing none; that motion stands approved.**

MR. WAUGH: Moving on to Page 7, at top of Page 7 we talked about the acceptable biological catch. One thing that is a little different here is the assessment was done using Atlantic-wide catches of recreational and commercial sectors. Now, the catches north of North Carolina are not that large, but they are included.

The ABC that we are getting is for the Atlantic Coast; and we need to address that when we get to setting an ACL, partitioning out a portion of that for the South Atlantic Council's area of jurisdiction. Through this amendment we're adopting the ABC that is recommended by the SSC based on the council's control rule.

They reviewed a previous projection that used the high landings for 2014. We've requested the emergency action that will lower the landings in 2014 to the yield at 75 percent of Fmsy or 224,200 pounds. We've asked for additional projections that the center has agreed to provide. That is shown at the top of Page 7.

The first set of projections will be run with the 2014 catch levels at that yield at 75 percent of Fmsy; then followed by fishing at the mortality rate that results in both a 30 percent and 50 percent chance of overfishing occurring in 2014 and beyond. That will give us the numbers that come out of the control rule.

We also asked for a second set of projections to be run with the 2014 bluefin tilefish catch level at the yield at 75 percent of Fmsy followed by four additional years at the same catch level. The idea here is we're requesting another stock assessment; and so we don't want to implement very low ACLs with that assessment looming.

That set of projections would give us an idea of what would happen in the future if we were to stay at the 75 percent of Fmsy, the yield at that level, until we get the next stock assessment. The ABC values that come out of the current projection that we have are shown in that Table 9 there. They range from 21,192 pounds in 2015 up to 55,608 pounds in 2017.

You can see that is a significant reduction from the 224,200 pounds that is already reduced from prior landings. The preliminary planning suggests that an update could be conducted in 2015 using landings through 2014. That means we would get that information and we take final action at our June 2016 meeting and hopefully have those new ACLs in place for 2017. The question

here is do you want to ask the SSC to provide some guidance as to their thoughts on leaving the ACL set at that 224,100 pounds until we get the new stock assessment?

DR. DUVAL: And I think we've had a little bit of discussion during the SEDAR Committee earlier today about getting some SSC guidance based on these two sets of projections as to what would be the most appropriate tool, an assessment update or a standard assessment. I think tacking onto that their recommendation for some guidance as to whether or not to maintain harvest at that 224,000 pound level versus using a difference set of projections in light of potentially having an assessment. I'm hoping that would be wrapped up into their discussion. I think it would help to have some guidance or a motion from the committee specifically asking for that.

MR. WAUGH: To me it would be better to have it clear so they do provide us, because they may be a little uncomfortable offering that opinion unless it is solicited. John may be able to add to that, whether he thinks that the SSC will provide us guidance on the two sets of projections sufficient that we don't need to clearly ask them what are their thoughts if we want to leave the ACL at the 224,100 pounds until we get the next assessment.

MR. CARMICHAEL: I think if the projection includes that, they will, but it certainly won't hurt to make note that is something we'd like them to consider.

DR. DUVAL: Would you just want a motion requesting the SSC's guidance regarding maintaining catch levels at the yield at 75 percent of Fmsy until we receive a new assessment? Is someone willing to make a motion like that? Doug.

MR. HAYMANS: Madam Chair, I would make a motion that we request the SSC's guidance regarding maintaining catch levels at the yield of 75 percent of Fmsy until the next stock assessment.

DR. DUVAL: Motion by Doug; seconded by Anna. Discussion? Roy.

DR. CRABTREE: And we're asking them to give us the equilibrium yield; correct?

DR. DUVAL: All right, the motion reads request the SSC's guidance regarding maintaining catch levels at the yield at 75 percent of Fmsy (equilibrium) until the next stock assessment. Any other discussion on this motion? Any objection to this motion? Seeing none; that stands approved.

MR. WAUGH: The top of Page 8; we've got Action 2 which would establish the ACL and OY for bluefin tilefish and revise the ACL and OY for the deepwater complex. Under no action, bluefin is included in the deepwater complex. You can see the numbers and the allocation there.

Alternative 1 will be updated once the emergency rule is out to show those values; and those are shown below. You can see that the total goes from 711,025 pounds 224,100 pounds; and you

can see the effect on each sector. Alternative 2 would separate blueline tilefish from the deepwater complex and establish annual catch limits for blueline.

Under Alternative 2 the blueline fish ACL would equal OY equals the ABC; and we'd use the existing allocation. Alternative 3 would be the same except set the ACL equal to 90 percent of the ABC. Alternative 4 would set the ACL equal to 80 percent of the ABC. We have a note here that we would recommend moving Alternative 4 to the considered but rejected appendix; but we may want to consider modifying these percentages because the ABC is for the entire east coast. We need to set an ACL for the South Atlantic Council area. Do you want to step it down 95 percent, 98 percent? The level of landings north of North Carolina are very low; so I think as long as we just step it down a little bit to acknowledge that there is some harvest up there, then that should be sufficient.

DR. DUVAL: It is my understanding just based on when I've made landings' requests previously that landings outside of our jurisdiction are not counted against the ACL.

MR. WAUGH: I'm sure Monica will weigh in on this; but it depends on how the ABC is determined. If the ABC has been calculated using landings' information only from our council area, then we don't need to count them. If indeed in this case we're getting an ABC for the whole Atlantic Coast, then we need to make some adjustment for that.

MS. SMIT-BRUNELLO: It has been a while since I've looked at that, but I think that's right, Gregg.

DR. DUVAL: I guess, Gregg, what you're looking for is maybe potentially having a little finer resolution on some of these percentages by which we would back off from the ABC in order to establish our ACL for the South Atlantic Region, because right now Alternative 2 implies that the entire ABC would only be for the South Atlantic Region and that any landings north of North Carolina would not be allowed. Not very long ago we established an alternative to establish ACL equal to OY equal to 95 percent of ABC just in Amendment 29; so that is an alternative that we could consider in there. Ben.

MR. HARTIG: Gregg, do we actually know the percentages of what is caught above our jurisdiction?

DR. DUVAL: According to the assessment, it is really pretty small and several of the states have established landing limits. Like Virginia, you can't land more than 300 pounds; and I think Maryland you can't land more than 300 pounds. I forget about New Jersey.

I mean, they're caught all the way up to Montauk. I'll put Pres Pate on the spot; Pres, I don't know if you're aware of the blueline tilefish landing limits in some of the other states. I'm just aware of Virginia and Maryland. I know those are 300 pounds.

MR. PATE: I don't know what the landing limits are, but there are quite a few landed in New York, so you have them going that far north if not farther.

DR. DUVAL: Really, this kind of begs the question of an amendment that I know the council considered a while ago, which was extending the management jurisdiction of snapper grouper. Kind of like what we have for mackerel, it goes all the way up to New York, but we're not set to deal with that in this amendment. What we do right now is just carve out a good chunk of the ABC as the ACL for us. David.

MR. CUPKA: I don't know what the numbers are, but it almost sounds like 95 isn't a high enough percentage. Maybe we ought to look at something even higher than that, like 98 or something; I don't know. I get the impression there are very low landings up there. We're going to be taking a drastic reduction and we certainly don't want to give up any more than we have to.

DR. DUVAL: Is it possible to give direction to staff to look at the proportion of landings that occur in the South Atlantic area of jurisdiction versus landings north of North Carolina and perhaps add an alternative or two that would encompass that?

MR. CUPKA: I would make a motion to that effect; and after that, I would make a second motion to move Alternative 4 to the considered but rejected. I guess we need to take them one at a time.

DR. DUVAL: I think that would probably be best. While Myra is getting this motion up, Preston.

MR. PATE: Just to support the request you made of the staff; this fishery has continued to grow over time and there are a lot of fishermen out of Wanchese in Dare County that catch quite a few of them and land them in Virginia and Maryland and some in North Carolina. I have no idea what the numbers are, but their landings are growing as we speak. We certainly don't want to cut out a viable fishery. This fishery has more vitality than – that's all I have to say about that.

DR. DUVAL: We have a motion by David to direct staff to look at the proportion of landings in the South Atlantic versus north of North Carolina and calculate a percentage of the ACL for the South Atlantic area. Is there a second to that motion? Seconded by Charlie. Gregg is indicating that we'll get that for full council. Is there any other discussion on this motion? Any objection to this motion? Seeing none; that motion stands approved. David.

MR. CUPKA: Madam Chair, I would move that we remove Alternative 4 to the considered but rejected appendix.

DR. DUVAL: Motion by David; seconded by Mel. Any discussion? Doug.

MR. HAYMANS: I just have a simple question. The wording here is "to the considered but eliminated from detailed discussion appendix"; is that a different appendix from the considered but rejected appendix or is it just –

MR. WAUGH: No, it is the same; it is just too many words to say over and over; but the correct verbiage is eliminated from detailed consideration.

DR. DUVAL: Any other discussion on the motion? Is there any objection to the motion? Seeing none; that motion stands approved.

MR. WAUGH: Okay, that brings us to Action 3 on Page 10, establishing a recreational annual catch target for blueline and revise the recreational ACT for deepwater complex. Under no action, that would retain the current recreational ACT for the deepwater complex as a whole. That is currently ACL equals 1 minus the PSE or times 0.5, whichever is greater. Poundage is 205,516, but that is including blueline tile in there.

Under Alternative 2, the recreational ACT for blueline would equal ACL times 1 minus the PSE or 0.5, whichever is greater. We would adjust the recreational ACT for the deepwater complex to exclude blueline tilefish. Alternative 3 would set the recreational ACT for blueline at 85 percent of the recreational ACL and then adjust the ACT for the remainder of the deepwater complex. Alternative 4 would make that reduction 75 percent of the ACL.

Under Alternative 2, that is the one we've used for most of our other species. If that is your intent that we look at that, then we just need some guidance as to which years to look at for the PSE. Given that we have data through 2012 in the assessment, you might want to look at the last three or the last five years. That is what we've done in the past.

DR. DUVAL: All right, I think first is there a desire on the part of the committee to move Alternative 4 for Action 3 to the considered but eliminated from detailed consideration appendix? Motion by Anna; seconded by Charlie to move Alternative 4 for Action 3 to the considered but eliminated from detailed consideration appendix. Is there any other discussion on that motion? Any objection to that motion? Seeing none; that motion stands approved.

Then staff would like some guidance as to I think a range of years to use for determining the PSE. It sounds like we have used the most recent years and the most recent five years for that. It seems to like maybe a longer span of years would be better. How do folks feel about using the most recent three years versus the most recent five years for that PSE calculation? Charlie.

MR. PHILLIPS: Madam Chair, I move we use the most recent three years.

DR. DUVAL: Motion to use the most recent three years; seconded by Mel. Discussion? My only concern is that three years is pretty short and you can have pretty huge PSEs. We've had this discussion before. I'm just wondering if five years might not be better. Charlie.

MR. PHILLIPS: Madam Chairman, I'm not locked into it and I'm more than willing to change it to five.

MS. BECKWITH: I would make that as a friendly amendment.

DR. DUVAL: And the motioner and seconder accept that? Okay; the motion reads use the most recent five years of recreational landings to obtain the PSE to calculate the

recreational ACT. Other discussion? Any objection? Seeing none; that motion stands approved.

MR. WAUGH: Action 4; we've got a note at the top of Page 11 that explains why we have an amendment that is looking at making our accountability measures consistent across snapper grouper species. We're addressing blueline tilefish here because we're splitting it out of the deep water complex, and so it would not have accountability measures now.

This amendment is scheduled for final approval in September and the Generic AM Dolphin Allocation Amendment is scheduled for final approval in December. That is why we're pulling it out and addressing it here. Action 4 deals with accountability measures for the commercial sector. You can under Alternative 1; that is for the deepwater complex.

Alternative 2 tracks what we have in the Generic AM Amendment. If blueline commercial are projected to reach the commercial ACL, the Regional Administrator shall publish a notice to close the commercial sector for the remainder of the fishing year. What these subalternatives do is Subalternative 2A would apply it only if the species is overfished. 2B would apply it only if the total ACL is exceeded; and Subalternative 2C would apply it only if the species is overfished and the total ACL is exceeded.

Alternative 3 has a mandatory payback provision. Our recommendation is to move Alternative 3 into the considered but eliminated from detailed consideration appendix; such that we would analyze Alternative 2. That is consistent for what we're looking at in the Generic Accountability Measures Amendment.

DR. DUVAL: All right, is there a desire on the part of the committee to move Alternative 3 to the considered but eliminated from detailed consideration appendix? Charlie.

MR. PHILLIPS: So moved, Madam Chair.

DR. DUVAL: Seconded by Mel. Discussion? **The motion reads move Alternative 3 to the considered but rejected appendix. Any other discussion? Any opposition? Seeing none; that motion stands approved.**

MR. WAUGH: So then we would analyze the remaining alternatives. Action 5 specifies the accountability measures for the recreational sector. Again, no action includes the deepwater complex. Alternative 2 would split out blueline. If the recreational landings as estimated by the Science and Research Director exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for persistence in increased landings.

Under 2A, if necessary, the Regional Administrator shall publish a notice to reduce the length of the fishing season and the recreational ACL in the following year by the amount of the overage; and then it varies. 2A is only if the species is overfished; 2B is only if the total ACL is exceeded; and then Alternative 2C is only if the species is overfished and the total ACL is exceeded.

Alternative 3 has the payback; and Alternative 4 has an in-season closure that would track what is expected to be implemented in the emergency rule. Right now our recommendation is to move Alternative 3 to the considered but rejected appendix. You may want to discuss Alternative 4, whether your intent is to consider having that in place in the long term. Alternative 2 would track what we're doing for the recreational sector in the Generic AM Amendment.

MR. BELL: Madam Chair, I will move that we remove Alternative 3 for Action 5 to the considered but eliminated from detailed consideration appendix.

DR. DUVAL: Motion by Mel; seconded by Charlie. It is like a contest to see who can say those words without messing them up at this point; isn't it? **Any other discussion? Any objection? Seeing none; that motion stands approved.** We do have Alternative 4 in there, which, as Gregg mentioned, tracks what is in the emergency rule right now, which basically just establishes an in-season closure if the landings reach or are projected to reach the recreational ACL. What is the pleasure of the committee? We may very well be in a situation of extending this emergency rule for another six months.

MR. WAUGH: We'll have to.

DR. DUVAL: Yes, we'll have to. Do you want to leave this in here for analysis? I'm seeing some heads nod. Okay, so we'll go ahead and leave that in.

MR. WAUGH: Okay, for analysis purposes we'll analyze Alternative 1, Alternative 2 and what is shown there now as Alternative 4, but it will become Alternative 3. Then for Action 6 on Page 15, establishing management measures for blueline tilefish for the commercial sector, right now we don't have a commercial trip limit for blueline tilefish.

Alternative 2; the guidance you gave us before is to establish a commercial trip limit for blueline tilefish from January to April of 100 pounds. Then you've got subalternatives. Subalternative 2A would establish a commercial trip limit from May onwards of 1,500 pounds until 80 percent of the ACL is projected to be met and then reduce the trip limit to 100 pounds for the remainder of the year. 2B would use a trip limit of 2,000 pounds; 2C would use a trip limit of 2,500 pounds.

We're looking for you to approve a range of alternatives here. Commercial 2012 landings for the deepwater complex from the NMFS Quota Monitoring Website were 383,951 pounds. You can see when the commercial fishery closed. 2013 landings were only at 73 percent of the landings.

Mike worked up some detailed trip limit analyses, but unfortunately we can't show them here due to some confidentiality issues. Jessica Stephen from the regional office produced the summary tables that are in Table 2 and in Figures 3A and 3B. If you look at Table 2, that shows you, looking at 2012 landings, what the impacts of the various trip limits are.

We separated out hook and line and longline trips. Looking at this Table 2, Alternative 2 is to establish a 100-pound trip limit; so looking at that first line in the table, if you set a 100-pound trip limit, 91 percent of the trips are below that; so you would be affecting 6 percent of the trips, and 16 percent of the landings are greater than a hundred pounds.

That would either be made up with another trip or not made up. The other alternatives, looking at going with a 1,500 pound trip limit, you can see that's way over what has been harvested in the hook-and-line sector. If you look at the right side of that, it shows the levels for the longline. Alternative 2A is a 1,500 pound trip limit; and so if you look at the numbers that are shown on that row that has a thousand there, there are ten trips – sorry, scan over to percent of the trips; 8 percent of the trips harvested a thousand pounds.

You would be affecting 4 percent of the pounds were landed at a thousand pounds in that category. You can see the number of trips that are affected under 2B at 2,000, which would be the line that reads across at 1,500. These groupings' lines have been established to make sure we don't expose any confidential data.

For instance, the grouping for a thousand pounds goes from 1,000.1 pounds up to 1,500 pounds. That gives you an idea of how the trips are distributed by those pound categories. You can see this graphically in Figures 3A and 3B. We just need to know if you're still comfortable with the pounds that you've given us in Alternative 2 looking at this very preliminary analysis of the impacts of those various trip limits, whether there are other numbers that you want analyzed.

MS. BECKWITH: Under Subalternatives 2A, 2B and 2C, the last sentence, "then reduce the trip limit to a hundred pounds for the remainder of the fishing year"; that assumes until the ACL is caught, correct?

MR. WAUGH: That's correct.

MS. BECKWITH: Because when I read that, it gives me the impression that it will go until the fishing year is over.

DR. DUVAL: No; just until the ACL is caught. Is there a desire on the part of the committee to add any other alternatives or subalternatives to this analysis? These two alternatives were developed with some input from the industry. Certainly, there were considerations for weather and the ability to actually get out to fishing grounds where the bulk of the landings of blueline tilefish have been caught.

North of Cape Hatteras in North Carolina, it is pretty rare to see landings before April on a pretty day and certainly May; and so that's why this alternative was structured the way it was. I don't know if there is a desire on the part of the committee to perhaps add another alternative that would look at establishing a commercial trip limit for blueline tilefish from January to April of 200 pounds and then have a similar set of Subalternatives A, B and C underneath whereby you would have either a 1,500, 2,000 or a 2,500 pound trip limit until 80 percent of the ACL is projected to be met and then just reduce that trip limit back down to either 200 pounds or 100

pounds for the rest of the year. Is there a desire on the part of the committee to do anything like that? Ben.

MR. HARTIG: No, not really. It is going to be a bycatch fishery for most of us so try and keep the bycatches as low as possible, a hundred pounds, and then hopefully that will last us for some time.

MR. PHILLIPS: I find that most of my fishermen don't have a bycatch fishery even if it is a bycatch amount; and if it is 200 pounds, they'll be a lot more likely to try to target it than a hundred pounds.

DR. DUVAL: Okay. Well, it looks like we're okay then with the alternatives here, Gregg.

MR. WAUGH: And to the point that Anna raised; it probably would be a good thing to add to each of those subalternatives where it says "remainder of the fishing year, 'until the ACL is met or projected to be met.'" That would make that very clear what we're talking about.

DR. DUVAL: Can we give direction to staff to add that verbiage to the end of each of those subalternatives?

MR. WAUGH: Okay. Then Action 7 on Page 19 is to establish management measures for blueline tilefish for the recreational sector. There is a note here that the council may choose multiple preferred alternatives. Alternative 1, no action, would retain the current management measures for blueline tilefish for the recreational sector. Blueline tilefish is included in the aggregate grouper bag limit of three per person per day of all of those species.

Alternative 2 would remove blueline tilefish from the aggregate grouper bag limit. This is something that Rick DeVictor worked on this options paper with us; and he pointed out if you simply removed blueline tilefish from the existing aggregate bag limit, then you're increasing the exploitation on those remaining fish in that aggregate bag limit; so it is something to keep in mind there.

Alternative 3 would basically retain that aggregate bag limit but establish a bag limit for blueline at one per person per day. Alternative 4 would establish a vessel limit of one per vessel per day. Alternative 5 would basically track what is proposed for black sea bass in Regulatory Amendment 14 that is currently under review where the Regional Administrator would project ahead of time the start date and the end date.

We would need to clarify when they're calculating that, do we want them to use the recreational ACL or the recreational ACT. Now, why do we have some of these very low limits in here? The recreational catches are very variable; and if you look on Page 20 in Table 3, we've got the recreational landings for 2012 and 2013.

We're looking at the MRIP landings here; and there is a note that headboat landings are not included in the 2013 landings but are included in the 2012 landings. Wave 6 for 2013 is not

available yet. This shows the catch by wave. The right side of that table shows the recreational quota monitoring. This data is from the NMFS Recreational Quota Monitoring Website.

These are landings for the deepwater complex; but the bulk of it is blueline; and 2013 data do not include headboat all year. You can see that in the recreational ACL in the emergency rule, if approved, would be 111,893 whole weight. That would be exceeded in Wave 1 if 2014 catches are similar to 2013 or not exceeded at all if 2014 catches are similar to 2012 catches. It shows how variable the recreational harvest is. So, if indeed the ACL could be exceeded in one wave, then that argues certainly for a very restrictive bag limit to try and stretch it out as much as possible.

DR. DUVAL: And so, Gregg, you're looking for guidance from us on accepting this range of alternatives to be analyzed and then I guess whether or not we want Alternatives 1 through 4 or Alternatives 1 through 5; 5 tracking what we're doing for black sea bass through Regulatory Amendment 14. I can't remember if we used the recreational ACL on that.

MR. WAUGH: ACL.

DR. DUVAL: It was the recreational ACL; okay.

MR. WAUGH: Let me just mention, too, with Alternative 5, why we're calling attention to that is that is certainly something that could be used; but given how variable these numbers are and how short the season could close, it would be very difficult for the National Marine Fisheries Service to do that calculation. While it is appropriate for black sea bass, black sea bass is a much more common species, the variance in the recreational catches are lower; so it might be appropriate – well, we obviously said it was appropriate for black sea bass, it may not be appropriate for a more rare species like blueline.

DR. DUVAL: What is your pleasure? Doug.

MR. HAYMANS: I have a question going back, Gregg. If we were select 3 or 4 or something of that nature where it reduces the bag limit per person or per vessel; does that then – but it stays in the aggregate; that would be then like blacks or gags where you only get one of those fish can be – okay.

MR. WAUGH: That's correct.

MS. BECKWITH: I was having similar thoughts to what Gregg was mentioning with Alternative 5. **I don't see this as necessarily appropriate for this species. If it is your pleasure; I would move to put Alternative 5 into the considered but rejected appendices.**

DR. DUVAL: There is a motion by Anna to move Alternative 5 to the considered but rejected; seconded by Chris. **Any other discussion on that? I think the rationale is pretty clear. Any objection to that motion? Seeing none; that motion stands approved.** The remaining alternatives will move forward for analysis,.

MR. WAUGH: Okay, then the final action is establishing a rebuilding plan for blueline tilefish. Remember, you directed us to prepare Regulatory Amendment 21 to redefine the minimum stock size threshold for blueline tilefish similar to what we've done for other species with low natural mortality rates. That is ready for you to look at and we'll talk about that tomorrow. That is ready for final approval.

Under the current stock assessment it is overfished; and under the current requirements we have to have a rebuilding plan. However, all the reduction comes about from ending overfishing; and so once we change the minimum stock size threshold for blueline, then we will no longer need a rebuilding plan. We're looking for some guidance here on whether to keep this in here for a while longer. We've got it as the last action so it can easily slide out. That is where we are.

MS. SMIT-BRUNELLO: I recommend you keeping it in until if and when the definition of the overfished threshold is changed. Remember, that is still undergoing various levels of – well, we're not final in that process yet, so I would recommend you keep it in. I think it's great because it is one of the last actions. Hopefully, it won't be too troublesome to remove it if and when the MSST is changed.

DR. DUVAL: Thank you for that guidance. Gregg, I guess if there is nothing else for the committee to consider, then we are done with this options paper. Mr. Chairman, the Snapper Grouper Committee is in recess for today and we will reconvene at 8:30.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Madison Ballroom of the Hilton Savannah DeSoto, Savannah, Georgia, Wednesday morning, March 5, 2014, and was called to order at 8:30 o'clock a.m. by Chairman Michelle Duval.

DR. DUVAL: All right, we're going to go ahead and reconvene the Snapper Grouper Committee. The next item on our agenda is Regulatory Amendment 20, which is snowy grouper and mutton snapper. I think Myra and Gregg are going to take us through that.

MR. WAUGH: This is Attachment 5; and that is a folder in briefing book. John Carmichael and Mike Errigo of our staff and Roger helped put a lot of this together. It was reviewed by Nick and Jack in the regional office; and they had a lot of good suggestions that we've incorporated. Just a little bit of background; the snowy grouper assessment will be reviewed by the SSC at their April meeting.

We're a little bit ahead of looking at the results; but given the timeline you have given us, we need to get some guidance now; and then we'll have all the detailed numbers. There is a spreadsheet in your folder as well that has some more detail on the catch numbers if we need to get into that level of detail. The snowy standard assessment is in that folder as well.

We're not going to go through that in any detail here, but that is included as background. We will walk through the options paper just like we did with the others. On Page 2 you've got some background on the assessments; and at the bottom of the page is a table out of the recent assessment.

The last paragraph shows a direct quote out of that assessment report; “The terminal 2012 base run estimate of spawning stock was below SSB_{msy}.” That ratio was 0.49; so we’re still quite a bit below the spawning stock biomass at MSY. The median estimate was 0.38; so the stock remains overfished.

However, the terminal estimate of the fishing mortality rate, which is a three-year geometric mean of the fishing mortality rate values from 2010 through 2012, over F_{msy} is 0.7; so that is below 1 so we’re no longer experiencing overfishing. We’re making progress. We’ve got a brief history of the management.

Then if you look on Page 6 is where we show some of the information for mutton snapper. Right now this is to include snowy grouper and mutton snapper. The Joint Council Committee on South Florida Management Issues met in early January. They have directed staff to compile information on a number of issues.

There is interest there in coordinating management for a number of species, mutton snapper being one, between the Gulf Council and the South Atlantic Council and the state of Florida. One additional item is the stock assessment was to be presented to the SSC in April of this year; and that has been delayed. The SSC will see those results in October of this year and you will get them in December.

Initially we were looking for guidance on whether to include mutton snapper ABC, ACL and management issues in Regulatory Amendment 20 or defer it to a future amendment that would include alternatives developed by the joint committee. In addition to that now we don’t have the numbers and won’t have them in time.

We need to discuss and need your guidance on moving mutton actions from Snapper Grouper Regulatory Amendment 20. When we get into Executive/Finance, we will talk some about that Joint South Florida Management Issue Group and the timing and actions in that; but we just need your guidance now on whether to keep mutton in here or remove it.

DR. DUVAL: I think we would be looking for a motion from the committee to move mutton snapper actions from this regulatory amendment to a future amendment and include any alternatives that are developed by the Joint Committee on South Florida Issues. Given the timing of the assessment and all the conversations that are going on in that regard, it doesn’t really seem to make sense to keep this in there. Ben.

MR. HARTIG: I would move that we remove mutton snapper from Regulatory Amendment 20.

DR. DUVAL: Motion by Ben; seconded by Charlie. Any discussion on this or concerns? The motion reads move mutton snapper actions from Snapper Grouper Regulatory Amendment 20 to a future snapper grouper amendment that would include alternatives developed by the Joint Council Committee on South Florida Management issues. Is there any objection to this motion? Seeing none; that motion stands approved.

MR. HARTIG: Gregg, before you go too far; I wanted to say something about snowy. Yes; overfishing is no longer occurring and we are making progress, but we are making pretty good progress. We're ten years ahead in the rebuilding schedule, so that is pretty good progress.

MR. WAUGH: Yes; and you will see that when we get into some of these tables looking at the rate of rebuilding. Draft purpose and need is presented on Page 7. There is one typo. The purpose should read, "The purpose of this proposed action is to adjust the rebuilding strategy: acceptable biological catch – not "allowable biological catch" – "annual catch limit, maximum sustainable yield, minimum stock size threshold, optimum yield and review management measures for the snowy grouper component of the snapper grouper fisheries. These adjustments address the recent stock assessment results based on date through 2012."

Then the need is to prevent overfishing and continue rebuilding the stock while minimizing to the extent practicable adverse social and economic effects. Certainly, the IPT will review this and probably flesh this out some more, but we wanted to give you the opportunity to look at this and provide any suggestions at this stage.

DR. DUVAL: Are there any suggestions from the committee at this point? I think we would probably be looking for some action to accept the proposed wording. Doug Haymans.

MR. HAYMANS: Madam Chair, I would move that we accept the IPT's suggested wording for purpose and need.

DR. DUVAL: Motion by Doug; seconded by Zack. **Discussion? Any objection? Seeing none; that motion stands approved.**

MR. WAUGH: Okay, then on Page 8 we get into the snowy grouper actions and alternatives. We show at the middle, towards the bottom of that page, the current timing. The SSC originally was going to review this assessment in October, but that review will take place now in April; so we get the results in June.

We had the potential initially of using the new framework procedure that is a faster process, but that is just if you're incorporating ABC and adjusting the ACLs. We're doing more here so we need to use the existing framework procedure. Our timing is that you would review – if your intent is to have this in place for January 2015, you may want to review this, approve and modify for public hearings in June.

I'm sorry, the existing timing is to approve it for public hearings in June, hold public hearings in August, then review the comments in September and approve in September. If we stay on that timeframe, then the new values won't be in place in January. If you want the new values in place in January, we would need you to give us guidance at this meeting, work the document up and have it ready for final approval in June.

That's going to be very difficult to do given the short time and given the fact that the SSC hasn't reviewed it yet. If you look at the timing when the snowy grouper fishery closed last year, it was later in the year; so having the new values implemented some time early in 2015 wouldn't appear

to present a significant issue. We're looking for guidance on timing here. We've got the options shown on Page 9; whether we look for final approval at the June meeting, which is Option 1 or final approval at the September meeting, which is Option 2.

MR. HAYMANS: So June is difficult to make but September would be better; Option 2?

MR. WAUGH: That's correct.

MR. HAYMANS: I would make a motion that we select Option 2 as presented by the IPT to target September 2014.

DR. DUVAL: Motion by Doug; seconded by Ben.

MR. WAUGH: Just to clarify one thing; the IPT has not met for this yet; so these are staff recommendations coming to you. They have been reviewed by the NMFS IPT lead. That is Nik Mehta and Jack. I just want to be clear the full IPT has not reviewed this yet.

DR. DUVAL: Ben, I think you had some comments.

MR. HARTIG: Yes, Gregg was right; and I had made this comment before that making the January 1st isn't as important because the fishery itself has been lasting most of the year. It may be nice to have the recreational stuff in place by January 1st; but even given the weather concerns in most of the jurisdictions that time of year, probably later in the year would be better. Also, trying to catch up for this meeting, frankly – I mean during the meeting – the amount of work that staff has done has been incredible.

The amount of explanation, the really clear guidance we've been given, I'm really impressed of what you've been able to accomplish in the two meetings, and I thank everybody involved. It is really refreshing. If we can give you a little more time on this one, I think it would help tremendously.

DR. DUVAL: I think if folks have had the opportunity to read through this, there is the potential for having a higher ACL based on the accelerated rebuilding that we've seen coming out of the assessment. It might be nice to have management measures in place for January of 2014 – I mean, I certainly appreciate the workload that staff is under and especially with not having the SSC not having had the opportunity to actually provide their peer review of this assessment until April, that is going to be a stretch. I think giving staff a little bit of relief on this timeline is a good thing.

Are there any other comments on this? **The motion reads use the normal framework procedure and develop Snapper Grouper Regulatory Amendment 20 for review and final approval at the September 2014 council meeting; hold a webinar Q&A and public hearing in August 2014; and schedule a public hearing at the September 2014 meeting. Any objection? Seeing none; that motion stands approved.**

MR. WAUGH: Okay, Action 1 begins on Page 10, and this looks at adjusting the rebuilding schedule. Right now the current rebuilding schedule is specified as the maximum recommended period to rebuild if the T-minimum is greater than ten years; and so the rebuilding period is 34 years. The first year was 2006.

There is a question as to whether we could or would want to modify the rebuilding schedule. For most species the council has chosen not change the rebuilding schedule during the rebuilding period.

One concern, if we were to change it, is that with each subsequent analysis eventually the stock will cross a point where you can rebuild in ten years if F equals zero; and the council would be forced to take that extreme measure. The staff recommendation is to move Action 1 to the considered but eliminated from detailed consideration.

DR. DUVAL: And I think in the past when there have – I'm not sure, there may have been a situation with black sea bass where we did restart the rebuilding schedule and there was significant criticism when the council did that, I think. I think the staff recommendation is probably a good one. We wouldn't want to start the restart rebuilding period when we're in the middle of one. Is there a motion from the committee with regard to these options? Mel.

MR. BELL: Madam Chair, I would move that we move Action 1 to the considered but eliminated from detailed consideration.

DR. DUVAL: Motion by Mel; seconded by Charlie. Discussion? **Is there any objection to this motion? Seeing none; that motion stands approved.**

MR. WAUGH: Okay, Action 2 begins on Page 11. This deals with adjusting the rebuilding strategy. Right now the current rebuilding strategy is specified as maintaining a modified constant fishing mortality rate that F equals F_{msy} throughout the rebuilding time period. This rebuilding strategy was pre-P-star and pre-ABC Control Rule.

In addition, the current rebuilding strategy did not clearly state that the F_{msy} and ABC would change with each stock assessment. We've got several alternatives here. Alternative 2 would define a rebuilding strategy that maintains a constant fishing mortality rate of F equals F_{msy} throughout the rebuilding time period. Year One remains 2006. The yield at F_{msy} and ABC projections will change with each stock assessment.

This alternative would retain the requirement of at least a 50 percent probability of rebuilding the stock to B_{msy} . Now that was a probability that comes out of the ABC Control Rule. This clarifies that F_{msy} and ABC change with each stock assessment and the council is retaining the requirement of at least a 50 percent probability of success.

These ABC values are shown in Table 1. What we have suggested is let's work through the alternatives and then we'll look at one or more of those tables to show you what the actual numbers are. The staff recommendation is to move Alternative 2 to considered but eliminated

because the probability of rebuilding is only 27.4 percent – we will show that in a table in a minute – so that doesn't meet the 50 percent requirement.

Continuing on Page 12, Alternative 3 would define a rebuilding strategy of using F-rebuild. Year One would remain at 2006. This would specify a probability of success of 50 percent or what the SSC recommends based on the ABC Control Rule. Alternative 4, which is similar to what we've done for other species, is define a rebuilding strategy for snowy grouper that maintains a constant fishing mortality rate of F equals 75 percent of Fmsy.

Year One would remain 2006. The yield and ABC projections would change with each stock assessment. We would need to specify whether that value would remain in place for three or five years before we get another stock assessment. Then Alternative 5 is the same except it uses F-current.

If you look at Table 1, this shows the yield at Fmsy and a 50 percent probability. The values for yield at Fmsy are shown in the second column. We would be putting these values in place beginning in 2015; and you would have a choice of whether you have those values in place for five years or three years. Then at the end of that time period, they would remain at that value until changed.

You can see how the yield changes each year until 2039, which is the end of the rebuilding period. The column on the right shows the probability of rebuilding. Under this alternative with F equals Fmsy and a 50 percent probability, at the end of the rebuilding time period, we only have a 26.4 percent chance of rebuilding. That is why we're recommending that be removed.

Alternative 2 is using F-rebuild and then a probability of either 50 percent or the value from the ABC Control Rule once the SSC provides that recommendation, which would likely be close to 70 percent. The second column shows the values at 50 percent; and you can see the yield at F-rebuild is 70 percent.

You can see that at the end of each of these projections the F-rebuild for 50 percent gets you that rebuilt status. You have a 50 percent probability at the end of the time period. For F-rebuild at 70 percent you have a 70 percent chance. Table 3 is the one we've used for a number of other species. This is using F equals 75 percent of Fmsy.

Again, you can see the values increasing. Our current total ABC is 102,960 pounds; so the value for 2015 would be 164,136 pounds. That would increase each year to 2019 at 218,848 pounds; or if you just set it for three years and hold it until we get another assessment update, it would increase to 192,469 pounds.

You can see at the end of the rebuilding time period you have a 68.9 percent probability of being rebuilt. The final one on Table 4, using F-current, you can see the numbers and you have a 63.1 percent chance of rebuilding. Those values in each year are a little lower than what is in Table 3. If we come back to the alternatives, on the bottom of Page 11 our recommendation is to move Alternative 2 of Action 2 to the considered but eliminated from detailed consideration appendix; again because the probability of rebuilding is on 26.4 percent.

DR. DUVAL: Is everybody clear on the tables that go with the different alternatives and understands that Alternative 2 is really indefensible and should be moved to that considered but rejected appendix? Roy.

DR. CRABTREE: I'd make a motion that we move Alternative 2, Action 2 to the considered but eliminated from detailed consideration appendix.

DR. DUVAL: Motion by Roy; seconded by Charlie. **Any other discussion on this motion? Is there any objection to this motion? Seeing none; that motions stands approved.** Doug, did you have a comment?

MR. HAYMANS: I was just going to ask about the preferreds, because I know that is the next step, I think, and is the reason we're going to discuss preferreds is because we're going to have a June public hearing and we won't see it again before then?

MR. WAUGH: Well, if you look at the top of Page 13, what we're asking for is some guidance on how you want to proceed with the rebuilding strategy. The SSC is going to be looking at this; and any considerations that you want them to have or provide us guidance on, we need to know now.

You don't need to pick a preferred now; but if it is your interest in pursuing the F equals 75 percent of Fmsy, then it would be good to have that question posed to the SSC is that value close enough to what would come out of applying the ABC Control Rule such that we could use F equals 75 percent of Fmsy. That would be a question to pose to them; because without that, they very well may recommend just applying the control rule.

DR. DUVAL: And so the reason we're being asked for that guidance; again, if you go back to those tables, if you look at Table 2, which reflects Alternative 3, you can see – and those are based on F equals F-rebuild and you can see basically the yield streams at both 50 percent and 70 percent probability of rebuilding, which for those three- and five-year ABC projections is less than on Table 3, which provides you the yield streams based on F equals 75 percent of Fmsy. Now the probability of rebuilding at the end of the rebuilding timeframe is approximately 1.1 percent less than 70 percent. I think that's why we're being asked for some guidance. You could potentially give some more fish back to the fishermen under Alternative 4 if you look at those ABCs.

I think getting some guidance from the SSC as to whether that would be an acceptable approach is probably appropriate if we have any preference for choosing that as our preferred alternative. Even if folks are not ready to choose a preferred at this time and based on the previous motion that we made, we will see this again in June.

We will get the SSC's recommendations and then we would have a webinar Q&A and approve it for public hearings in August. Then we would actually be taking final approval in September. If we're not ready to choose a preferred right now, we could certainly wait until June, but I think it would be good to get that guidance from the SSC. Anna.

MS. BECKWITH: I'm comfortable choosing Alternative 4 as our preferred, so I will make that motion.

MR. HARTIG: Second.

DR. DUVAL: Motion by Anna; seconded by Ben. That motion would be to select Alternative 4 as a preferred alternative. I think the other guidance would be as to how long the ABCs would increase, whether you want or a five-year or three-year stream, so that would be Option 1, basically. Doug.

MR. HAYMANS: That's kind of where I was trying to understand before offering to make a motion. They increase at the same rate; is it basically at three years it holds at 192 versus where it would go out to five and then hold at 218?

MR. WAUGH: That's correct.

DR. DUVAL: So if we went with the three year set of projections, it would stay at that 192 until we get another assessment. Zack.

MR. BOWEN: Also, our probability of rebuilding, if we go with the five years, increases over 6 percent; so I'm kind of laying with the five year myself. While I have the opportunity with the microphone, from what I understand, it seems to me that the council has gone normally with this F equals 75 percent of Fmsy – you know, Fmsy, so I could definitely vote with this motion.

DR. DUVAL: Are there other comments.? Myra is getting everything up there on the screen for us so we'll read it in. Doug.

MR. HAYMANS: Are we going three or five in Anna's motion?

DR. DUVAL: Anna's motion is for five, and Mike Errigo is just going to come up here and I think clarify something that Zack might have mentioned.

DR. ERRIGO: Well, I just want to clarify what happens when you hold constant. Once you hold the catch constant, the rest of the probabilities of rebuilding that are on that list become null and void because you're not increasing catch. They're calculated based on the catch increasing each year.

Once we hold it constant and you don't increase, your actual probability of rebuilding goes up more. If you hold constant at a lower catch; so if you only go for three years and hold constant, your probability of rebuilding is higher than if you go up for five years and then hold constant. However long you hold constant at the lower catches, your probability of overbuilding will be higher than it was at the end of that table there if you increase each year. It is actually more conservative if you stop increasing your catch.

DR. DUVAL: So does everybody understand this? If you look at Table 3 and you see the probability of rebuilding, what Mike is saying is that if you hold catch constant, then those probabilities would need to be recalculated at some point. Ben.

MR. HARTIG: I see this as a combination to go to the SSC where they could look at something; and if you do the five year, as Mike mentioned your probability decreases. Three years would be more conservative and it may give them a little bit better chance to approve the 75 percent as our preferred. To me, we're pretty early in this rebuilding schedule; and I would like to be a little more conservative early on to try and make sure that we stay on track.

DR. DUVAL: I think we always have the option of shifting that preferred alternative with regard to the span of years that the projections cover once we get the guidance from the SSC. I don't think that precludes us from doing it; but if folks have reservations about going out for five years, then we can certainly modify that motion or vote this up or down. Roy.

DR. CRABTREE: What happens if we set these TACs into the regulations? What happens in the event of an overrun in one year? Let's say in 2015 we have an ABC – I'm looking at Table 3 – of 164,000 and some pounds; what happens if we catch 200,000 pounds? It seems to me then the TACs in the following year have to be adjusted somehow in order to adhere to these probabilities. Is that addressed anywhere in any of this, Gregg?

MR. WAUGH: The accountability measures are being addressed in the Generic AM Dolphin Allocation Amendment. The way we're heading is that you do paybacks if the stock is overfished and the total ACL is exceeded. Now, we haven't made that decision yet, but that's what we've done for other species, for mackerel and for –

MS. BROUWER: Vermilion.

MR. WAUGH: Vermilion?

DR. CRABTREE: It seems to me that is going to need to be addressed in this amendment. It seems to me if you're really trying to adhere to this strategy and these probabilities, if you have an overrun then you can't just automatically raise the TACs. You would need to go back in and make some sort of adjustment if you're really trying to adhere to this strategy. I think that's something that you need to talk to the SSC about or somehow it's going to have to be explained here how that would factor into it.

DR. DUVAL: Our existing accountability measures don't call for a payback for this species, if I recall correctly, and there has certainly been some significant overruns on the recreational side that have bumped the total landings over the total ACL.

DR. CRABTREE: Well, I think that may be true even though I think they catch a relatively small amount of the overall catch. I think isn't it 90 percent commercial or something; but even so regardless of which sector runs over, it does seem like if you did have a significant overrun in one year, then you're thrown off of your rebuilding trajectory unless you make some adjustments in the following years to the increases.

MR. HARTIG: I think Roy is right. In an overfished condition, if you go over the total ACL, then to me it looks like – I mean unless you spell this out by sector, you would go in and reduce the ABC for the next year for both sectors. To me you're going to have to spell this out specifically by sector that each sector pays back their overage for that year. If you don't do that, then to me it seems like it will – and we know we have significant overruns in the recreational fishery now in this fishery; so we do need to spell this out I think in this amendment.

DR. DUVAL: To that point, Gregg, and then I've got Zack.

MR. WAUGH: We're going to be talking about the AMs in a few minutes in the Generic AM Amendment. What I would suggest is that's an important point and we need to keep that in mind. When we talk about it in the Generic AM Amendment, let's see what the timing of that amendment and this amendment is and then certainly by full council if we need to pull this back into here we can do that.

MR. BOWEN: I just want to thank Mike for getting up and clarifying that. I had misinterpreted it; and it always good to know that we have some guidance there. Thank you, Mike.

MR. PHILLIPS: I am sensitive with Ben and the three years, but I think five is going to be good. We're going to be looking at another assessment, anyway, hopefully in five or six years. We're not talking a lot of fish; and, yes, we're definitely going to make sure that generic amendment covers our pay-back issues, if needed.

DR. DUVAL: I think we'll get guidance from the SSC on this. It's just with projections there is that cone of uncertainty just like there is with a hurricane in terms of where it's going to land. The further out you get in time from your projections, the more uncertain they become. Roy.

DR. CRABTREE: Well, one thing is I want to come back to Ben's statement about significant overruns in the recreational sector. It is not at all clear to me that there have been significant overruns in the recreational sector. If you look at the numbers, yes, they're higher than the ACL for the recreational sector; but if you look at the CVs around the numbers, they're 60 and 70 percent, so I don't know if they're over or not. As I've said many times, the 520-something fish ACL is too small to track and we have no real way of knowing.

MR. HARTIG: I certainly realize that, Roy. It is a rare species and certainly we have those problems with MRIP and intercepting rare species with snowy grouper, absolutely, and I totally agree with you.

DR. DUVAL: But those high recreational catches are also driving the F in the final years of the assessment as well; so just keep that in mind. We have a motion on the table. **The motion reads select Alternative 4, Action 2, rebuilding schedule, as a preferred alternative; and request the SSC evaluate whether this is sufficiently close to the percentage from the ABC Control Rule for the council to use; specify that the ABC would increase for five years beginning in 2015 and that the 2019 value would remain in place until modified. Is there any other discussion on this motion? Ben.**

MR. HARTIG: Just when we get to the discussion from the SSC, things could change somewhat; am I correct?

DR. DUVAL: You are correct, yes. **Is there any objection to this motion? Seeing none; that motion stands approved.**

MR. WAUGH: And, Ben, to your point, if they come back and say, no, we need to use the ABC Control Rule, we would plug that value in here. We think if you do that, it would be close to 70 percent, which is already in here. You would have those numbers when you look at it in June.

DR. CRABTREE: I guess I'm a little confused by all of this. How can the SSC say no? They don't get to choose this. Based on the projections I see here, this looks like a very reasonable rebuilding strategy. They could say we reject the assessment, we reject the science, something is all fouled up, but they don't get veto power over these types of choices. I'm a little confused by the whole conversation, I guess.

MR. WAUGH: Well, just to clarify, the SSC recommended an ABC Control Rule and the council adopted it; so if you apply that ABC Control rule that is already in place, that would be a value we get from the SSC, likely around 70 percent. That would be applying our ABC Control Rule. What we would be asking them is if we use a different value for our ABC, the projections of 75 percent of Fmsy, is that close enough to our control rule, that you don't have any scientific objections to us using that for now. Does that capture it, John?

MR. CARMICHAEL: Somewhat; but what I was thinking is that if you guys – and the question I really have about it is are you obligated to change your rebuilding schedule to match the control rule which came along after you started rebuilding the stock? If not, then as long as they give you a recommendation from the assessment that's based on the rebuilding schedule you have in place, if you do something more conservative, then that would certainly be fine. I think that's sort of where maybe the question comes in and which I would think would be something that they could make a recommendation on.

DR. DUVAL: I think you mean rebuilding strategy and not rebuilding schedule.

MR. CARMICHAEL: Well, right, the rebuilding strategy.

DR. CRABTREE: And that's fine, but those are all policy decisions. It seems to me if you decide to go with 75 percent here, then you are deviating from your ABC Control Rule. You're going to have to explain in this document why you're not following your ABC Control Rule, which I guess leads you to some slightly more conservative quota; but those are decisions that the SSC is going to make.

They're decisions you're going to make here as a matter of policy in this plan amendment. The whole deal here is a little odd to me that we're choosing a preferred before we get the guidance from the SSC. It seems quite backwards to me. It seems we'd want the guidance from the SSC

before we choose the preferred; but we've done that, so that's fine. I think what you're talking about here are largely policy issues and not so much science calls.

MR. CARMICHAEL: Roy, what I see the SSC would give and was what they've done in the past would be here is the projection we recommend based on the existing rebuilding strategy with this endpoint at this probability of success. Then they could say and now here is endpoint probability of success based on the ABC Control Rule which has come into play since this was started; so then if the council chooses to follow that, either you don't change your rebuilding approach or you do change your rebuilding approach or you take something that is more conservative from either of those positions.

DR. CRABTREE: Yes; and my only point is they can give you their guidance on that; but ultimately this is your decision to make; and it is a policy decision.

DR. DUVAL: Right; and so I think that hopefully the language in that motion is clear enough that we've just asked the SSC to evaluate this. We're not asking them to make a decision for us.

MR. CARMICHAEL: And if there is a third option the council wants to consider, which would be you'd change the rebuilding strategy and fish at 75 percent of Fmsy, then that would be the thing we should ask the SSC specifically. That seems like that was one of the options, right?

DR. DUVAL: And that's what we have chosen.

DR. CRABTREE: We're going to ask them to review all of these rebuilding strategies that are under consideration here and give us their advice on all of them, right?

MR. CARMICHAEL: Yes; that's correct and then which one you choose is your policy decision, as you said.

MR. HARTIG: Just to Roy's point about selecting a preferred; the only reason we did that, as you know, Roy, is to give – that is where the council is heading and that is where we want the SSC to give us their input on, even though we make policy decisions.

DR. DUVAL: All right, anymore discussion on this topic? Are we ready to move on?

MR. WAUGH: Okay, Action 3 at the top of Page 18; the action should read just adjust annual catch limits for snowy grouper; because once we get an ABC from an assessment, it is incorporated into the document. Alternative 1, no action, the current ABC is 102,926 pounds whole weight. You can see the values calculated there.

Right now ACL is equal to ABC; but Amendment 17B did not specifically set ACL equal to ABC. It set the commercial ACL equal to the commercial quota from Amendment 15B and the recreational ACL equal to the recreational allocation from Amendment 15B. It indicated the TAC at that time was equal to yield at Foy; and by default, it set ACL equal to ABC, but there was no alternative that states ACL equal to ABC in Amendment 17B; and ACL was an unknown entity in Amendment 15B.

What we're doing here is clarifying that we are setting under Alternative 2 ACL equal to ABC; and that should read also "equal to OY". The numbers we've plugged here just to give you an idea of what it would look like are the numbers choosing 75 percent of Fmsy and retaining ACL equals to ABC. Obviously, these numbers would change after the SSC meeting.

Alternative 3 would update the ABC from the recent assessment and set ACL to some percentage of the ABC, some step-down equal to OY. We're looking for some committee action. Initially when we were putting this together, there was discussion about whether this action is necessary or not; but given our research and finding we never clearly stated that ACL equals to ABC, our recommendation is we keep it in and do that. We're looking for any additional alternatives that you would like to see analyzed here.

DR. DUVAL: So we would be looking for some action from the committee to keep this action in here to clarify how we're defining our ACL and potentially add another alternative setting ACL at some percentage of the ABC; so potentially a motion from the committee to keep this action in the regulatory amendment. We can select a preferred or not and add Alternative 3 that would step down the ACL from the ABC; but we do need a motion from the committee to do that. Ben.

MR. HARTIG: Well, I think in this case I'm comfortable with ACL equals ABC for the rebuilding plan and going forward. Snowy is ten years ahead. This gets kind of caught up in the next group of things we look at when we look at M, unless that has already been done – I wasn't sure where you were on that.

When we look at species with low fishing mortalities, to me we're getting pretty prescriptive in what we're doing. I would rather look at these rebuilding plans as they're going forward and have some flexibility in how we address them and how we move forward and maybe not use 75 percent of Fmsy every time we do a rebuilding plan.

If you're way ahead in your rebuilding plan and you're getting close to your end or something and you don't have some uncertainties – I mean in golden tilefish we had great uncertainty in recruitment so we chose that. It wasn't a prescriptive type methodology. We chose that to be more conservative. This is kind of outside this discussion; but it does get into it, you know, the low Ms and just somehow maybe not being so prescriptive all the time. Just my concern.

DR. PONWITH: Madam Chair, of course, I'm not on the committee. Just the one consideration in contemplating the relationship between ACL and ABC is just that we've already brought up the point that because snowy grouper in the recreational fishery is such a rare event, it does end up with an estimate that's uncertain.

With that uncertainty, when you set ACL to ABC you may find yourself in a situation where you have exceeded the ABC frequently enough that it drives the council to have to go back and revisit the amendment. That is just something to keep in mind as you contemplate what alternatives remain in the amendment.

DR. DUVAL: I was actually going to ask Monica presumably we would want to keep this action in the amendment because we do need to clarify how we're establishing the ACL; but are two alternatives a reasonable range or would you recommend for NEPA purposes that we add Alternative 3 to this action?

MS. SMIT-BRUNELLO: Well, I don't think it's an unreasonable alternative; so I think you should keep it – either add it to the amendment – so you're asking me whether the two alternatives you have sufficient?

DR. DUVAL: And are two alternatives sufficient; in other words, no action, which doesn't really actually define set ACL equal to the ABC and Alternative 2 which specifies that ACL equals ABC equals OY. There has been a third alternative that would back ACL off of ABC by X percentage that the council would specify.

MS. SMIT-BRUNELLO: And why wouldn't that be a reasonable alternative? I think it would be a reasonable alternative to keep it in the document.

DR. DUVAL: And that was my question; are two alternatives reasonable or not?

MS. SMIT-BRUNELLO: I know; and I kind of answered your question with a question, so I'm sorry; but, yes, I think it would be a reasonable alternative. That was kind of a rhetorical question on my part.

DR. CRABTREE: I move that we add Alternative 3 to the document.

DR. DUVAL: With what percentage; do you have a percentage in mind?

DR. CRABTREE: 95, 90 and 80.

DR. DUVAL: **So there would be subalternatives; so a motion by Roy to add all three with subalternatives of 95 percent, 90 percent and 80 percent of ABC. Is there a second; seconded by Ben. Discussion?** Anna.

MS. BECKWITH: I would offer a friendly amendment to get rid of the 80 percent. I just can't see us going in that direction – 95 and 90 is probably within our reasonable range.

DR. CRABTREE: Well, I'd rather my motion stays as is.

MR. HARTIG: To Bonnie's point, is there some way we can couch this uncertainty in this percentage? Do you understand what I'm trying to get it; the uncertainty in the recreational harvest? Is there a way that can be captured by X percent of the ABC or does it get more uncertain?

DR. DUVAL: That sounds like a discussion for brains bigger than mine, certainly. Roy.

DR. CRABTREE: So we have separate ACLs for recreational and commercial, correct, and so you could come in and set an ACT for the recreational fishery or reduce more on the recreational side, I guess, if you wanted to.

DR. DUVAL: So we go from 523 fish down to 500 fish? I'm joking!

MR. WAUGH: We've got some alternatives under the management measures' section that will put some limits. I think part of it is when you have a recreational allocation or a commercial allocation, you have to then put in management measures that have a reasonable chance of keeping the catches below that. When we get to those numbers, you will see how well we've done thus far. In terms of a percentage and equating that to the variability of the recreational catch, I think it is difficult at this point. We do that in setting the ACT because the PSE is part of setting that ACT.

DR. DUVAL: We have a motion on the table to add Alternative 3 with ACLs equal to 95 percent, 90 percent and 80 percent of the ABC. Is there any other discussion on this motion? Is there any objection to this motion? Seeing none; that motion stands approved.

MR. WAUGH: Okay, Action 4 beginning on Page 20 is to modify the commercial trip limit for snowy grouper. We've already talked about this, but the AMs will be addressed in the Generic AM Dolphin Allocation Amendment. If we need to add those in here after we have that discussion later today, we will.

Right now the current commercial snowy grouper trip limit is a hundred pounds. We've had suggestions for various poundages in areas – for instance, Alternative 2 is a 250-pound trip limit May through August from North Carolina through Georgia; no possession allowed the rest of the year; retain a hundred pound trip limit in Florida all year.

Alternative 3 would have a 300-pound trip limit May through August, North Carolina through Georgia; keep the hundred pounds in Florida. The other alternatives are just variations of that. When you get into Alternative 4, the area expands from North Carolina through Cape Canaveral, Florida, and the same poundages.

Then Alternative 7 is North Carolina through Cape Canaveral, Florida, and south of Marathon, recognizing that you've got the short distance to the deep water on the Florida East Coast, but you get into long trips as you get down into Marathon. Alternative 8 is establish a 50-pound whole weight trip limit in all areas once 90 percent of the commercial ACL has been projected to be met; and clarify whether this applies to all areas or only the area with the hundred pound whole weight trip limit,

Table 5 shows the commercial landings, ACL and quota; and you see part of it is this was a quota and then once we put ACLs in place – but you can see that we've done a good job of limiting the commercial sector. There was an overage in 2006, but that was due to Amendment 13C reducing the quota. Once that was implemented, the quota was already exceeded.

You see other than that we've done a very good job of keeping the commercial sector under the ACL. That's the alternatives that we've been asked so far to look at. One of things that we were also asked to look at for these differential trip limits is the distance from shore. Table 6 and Figures 1 through 5 show this so that you can see how far a run is offshore. These depths were chosen to approximate the distance you have to run to get to snowy bottom. We'd be looking for guidance on a range of alternatives. If you see some here that you don't think should be in here, we can remove them. If you want to add more, then add them now.

DR. DUVAL: Just to have a little discussion about this, some of the input that we've received is that are certain areas along the coast where you do have to travel a whole heck of a way to get out to those fishing grounds and that people would prefer to have a trip limit that was a little bit more profitable.

For a lot of folks a hundred pound trip limit commercially, they're not going to run all the way out to where you're going to catch snowy grouper and have that be a profitable trip. If we could actually have shorter season, a set season that captures the time of year that is the pretty weather for most folks and have a higher commercial trip limit, that would be more acceptable.

Now, recognizing that there are parts of the Florida Coast where it's pretty easy to get out to that deep water, that's why these different geographic areas were proposed. Certainly, the northern part of Florida down to the Cape has similar run distances to the fishing grounds than other areas. Chris.

MR. CONKLIN: Madam Chair, I would like to make a motion to add an Alternative 9 to set the commercial trip limit for snowy grouper to 300 pounds and for the season to begin January 1st and go out once the ACL is met.

DR. DUVAL: There is a motion by Chris to add an Alternative 9 to set a commercial trip limit at 300 pounds starting January 1st until the ACL is met. Is there a second; seconded by Charlie. Discussion. Charlie.

MR. PHILLIPS: Yes; and that takes care of – that's one way of taking care of my issue. We've just unloaded golden tile and all the trips had right at a hundred pounds of snowies that were caught off here. If you do a May through whatever, those are all going to be dead discards. You're not going to be able to prosecute golden tile fishing up here without throwing away snowies. If you do this; then that will take care of that. I would be really concerned of having a closed season on snowies when golden tile longlining is going on.

MR. HARTIG: Charlie, do you know if those fish were caught on the longline or do you know if they were caught specifically targeting wrecks for snowies?

MR. PHILLIPS: I didn't ask. I know when I used to longline off here, we would occasionally catch one or two snowies on the longline if you happen to go by rocks. I didn't ask them. I could call and ask; but if I had to bet money, I'd say they were caught on a scattered rock on longlines.

MR. BOWEN: A couple of things come to my mind; and I not a snowy grouper fisherman; but with this motion, in my opinion that is pretty much going to eliminate the North Carolina fishermen from getting a chance to harvest some of these animals. This motion raises the trip limit, which we're already close to the ACL the way it stands. It is going to eliminate the fishermen really from Georgia north. I don't know that I could go with this.

DR. DUVAL: Yes; if you look at the snowy grouper commercial landings from North Carolina, you don't see anything north of Hatteras before May. Now, I'm sure Jack can speak to the landings from south of Hatteras. They probably have a little bit more opportunity to get out; but the weather is too bad for them to get out.

I've queried the landings and you don't see any before May; so it would eliminate that. I think the alternatives that you see in there were an attempt to try to capture the regional nature of this fishery and allow everybody an equal shot at the fish. I don't have a problem with adding an alternative for analysis. I'm sensitive to the fact that people don't want to throw fish overboard.

MR. COX: Yes, exactly, last year we only made it about seven months. I think we got into early August when this fishery closed. I think it's great that we're rebuilding and we're ten years ahead of schedule; but until we get a good strong boost in the ACL, I still think this needs to be a bycatch fishery of a hundred pounds.

When it becomes a directed fishery, we're going to be at a huge disadvantage in North Carolina. When we're out vermilion fishing at about 250 feet of water or 200 feet of water out of the Morehead area, we're only about eight miles from where we can go pick up a hundred pounds of snowies. It is a directed fishery. We will go catch the hundred pounds because that equivocates to about 500 bucks; and eight miles for 500 bucks is not a big deal, so we will go catch them. I would like to see the season continue as it is until we see a change in the ACL.

MR. CONKLIN: I'd like to add a Subalternative 9A to a commercial trip limit of 200 pounds and then maybe a 9B to 150.

DR. DUVAL: So you're modifying your motion, then? Charlie, are you okay with that?

MR. PHILLIPS: Yes; and I think the idea is to have a trip limit long enough to keep it open most of the year so North Carolina would have a shot at the fish and it's still not breaking it up and all this complicated stuff; and it would be opened with golden tile longlines.

DR. DUVAL: The motion would read add Alternative 9A to set a commercial trip limit at –

MR. WAUGH: Just to clarify; your intent with this new Alternative 9 is to have a trip limit that starts January 1. That would be the alternative; and then the subalternatives would be that trip limit would be 300 pounds, 200 pounds or 150 pounds?

MR. CONKLIN: That's correct.

DR. DUVAL: So the motion now reads add Alternative 9 with – Anna.

MS. BECKWITH: Charlie and Chris, would you guys consider keeping the hundred pounds until May and then bumping it up slightly higher?

MR. CONKLIN: Anything is up for consideration. My thinking on the issue from the industry standpoint, fishermen need the snowy grouper and they need more than a hundred pounds when regular grouper season is closed during that spawning closure. The fish bring really high dollars right now; and then once the regular grouper season opens up – and I have concerns with this May through August here – the market gets flooded with grouper and the price goes down.

The \$1.50 or two dollars a pound drops to the fishermen when B-liners step down and this triggerfish limit comes in and there is nothing else to catch, the guys can get out and get a hundred pounds, which they do, but if we can get them a little bit more at a time when the industry needs it most – I mean there is a spawning closure down in the Gulf of Mexico or Yucatan where most of the imports come from and there is no grouper on the market. There are Pacific fish that come along and the quality is really poor and the price is extremely high; so the market demands fish at that time of the year.

DR. DUVAL: It sounds to me like, if I'm reading Anna's mind correctly, she is thinking about something like having a hundred pound trip limit from January through April and then May through August, bumping that up and then going back down. Is that along your line of thinking?

MR. PHILLIPS: I'm sensitive to everybody having a shot at the pie. To Chris' point, he's right, there is not a lot of stuff on the grouper type once golden tile are closed. They're probably more valuable at that point in time than they are at others. We're going to get an increase; and until we get some analysis, we really don't know what the end dates or projected closing dates are going to be. I'd like to think even with 150 pounds with the increased amount of fish, it might stretch out and it may work, but I'd like to see some analysis.

MR. BOWEN: To Jack's point, he stated that he would like to see this still as a bycatch fishery until this is known to be rebuilt. If we start raising these trip limits – and Jack kind of contradicted himself because he said that his boats would run eight miles for a hundred pounds, for that 500 bucks. Well, that is already taking it away from a bycatch fishery. When we start raising these trip limits, then it's really going to take it away as a bycatch fishery. I just wanted to make the council aware of that point.

MR. HARTIG: Zack, it is not really a bycatch fishery. It is a directed fishery even at a hundred pounds. Yes, it was thought to be a bycatch fishery, but basically snowy drives that deepwater fishery for us. It is the driver. I'll go catch my hundred pounds of snowies and I'm done. Sometimes I'll catch a hundred pounds on a wreck specifically; and maybe in two drops I'll catch a hundred pounds and I'm done. Other times I'll use it as a bycatch.

If I'm targeting some other species, I'll catch what I catch; and once I reach a hundred pounds I'm done. I'm not going to throw snowies back. It can work as a bycatch in a mixed fishery, but it still drives the fishery. Your value is in your snowies; so it is the driver. The other thing, Michelle, what would help from your perspective is to explain – and I think I know some of the

perspectives from that northern North Carolina where they haven't really fished on the hundred pounds.

It hasn't been enough for those guys to get out of the fisheries they're in and to go for a hundred pounds, so they're out of the fishery. They're not prosecuting it, anyway. They're not like Jack who is out catching vermilions. These were guys who targeted snowies specifically. Frankly, that part of the resource in that area was in a healthier state than it was in most of the jurisdiction, as it was in the Keys. I'm sensitive to this time and increase in numbers of fish.

As far as figuring out how long it is going to last, you're not going to be able to do it because you're going to have new people get into this fishery – not new people, old people who this was part of their business plan. It was taken away at a hundred pounds and now at 250 they would add it back into their business plan; so you really don't know what is going to happen until we go through a year. I'm pretty sensitive to the North Carolina issue; and if I haven't captured what your fishermen are saying, please elaborate.

DR. DUVAL: I think that's it; and like I said you can look at the landings. We were able to stratify our landings north of Hatteras and south of Hatteras; and you look at landings of snowy grouper north of Hatteras, and there is nothing before May. There just is nothing before May. Hopefully, this will change this year now that Amendment 18B is in place and we have a dedicated ACL for the hook-and-line sector of the golden tilefish fishery, but those guys have been typically shut out of the golden tilefish fishery as well because of the same kinds of weather considerations. Those are bandit fishermen out there.

There is not a lot of snapper grouper species up that way that it's profitable for them to focus on. A lot of folks have diversified into the shark fishery. A lot of guys are fishing – I mean, there are still folks who will fish king mackerel when they come up that way; but folks are fishing croakers, they're fishing Spanish, they're trying to fish other things as sort of the regulations have kind of forced them out of the fishery. I am very sensitive to that.

However, we have a motion on the table that we should probably dispense with and then maybe we can look at some of these other alternatives and see if there are any that make sense to eliminate so that there is not as much analysis and then we might be able to rework a few. Is there any other discussion or comment that are specific to this motion, **which reads add Alternative 9 for a snowy grouper commercial trip limit from January 1 until the ACL is met or projected to met with Subalternative 9A, 300 pounds; 9B, 200 pounds; 9C, 150 pounds. Any more comment? Is there any objection to this motion? Two objections. Any abstentions? Okay, so the motion passes with two objections.**

One of the things I think we should take a look at that Gregg highlighted, Alternatives 2, 3 and 4 would establish – well, Alternatives 2 and 3 would establish either a 250- or 300-pound trip limit from May through August North Carolina through Georgia and then a hundred pound trip limit in all of Florida all year; and that was to try to get at that geographic distance to the fishing grounds.

Well, we know that the northern part of Florida has the same distance challenge; and so you have Alternatives 4, 5 and 6 that would modify those alternatives to extend North Carolina through Cape Canaveral, Florida. I'm wondering if the committee feels that there is any need to keep Alternatives 2 and 3 in there. It really would be unfair to I think the northern Florida fishermen who are above the Cape. Ben.

MR. HARTIG: I would move that we remove Alternatives 2 and 3 from consideration.

DR. DUVAL: A motion by Ben; seconded by Charlie to remove Alternatives 2 and 3 from consideration. Any other discussion? Is there any objection to that? Seeing none; that stands approved.

MR. WAUGH: The intent, even though it wasn't in the motion, that would go in the considered but eliminated from detailed consideration appendix.

DR. DUVAL: Then I guess the other thing I'm wondering is if there is a way to possibly rework the remaining alternatives that would get at the idea Anna was trying to voice, which is have a hundred pound trip limit from January 1; or pick your number, 100 or 150 pound trip limit from January through April while the grouper closure is in place throughout the jurisdiction and then maybe increase that trip limit to 250 or 300 pounds from North Carolina through the Cape and/or south of Marathon and then back to a hundred pound – or having that hundred pound trip limit for a portion of Florida.

Do folks understand what I'm trying to suggest here to get at that idea that potentially you could add an alternative that would have a hundred pound commercial trip limit from January 1 through April 30th throughout the jurisdiction and then May through August either a 250- or 300-pound trip limit from North Carolina through Cape Canaveral and then retain a hundred pound commercial trip limit through Florida after August; something like that. What do people think about something like that? It is a little convoluted. Charlie.

MR. PHILLIPS: Yes, anything that would cover the discard issue of snowies while the golden tile longlines is going on especially up here. We need to keep in, though, as we increase the trip limit, we're going to have increased participation, because then it makes it a lot more practical. When you from 100 pounds to 200 pounds, you're not going to double your effort; you're probably going to triple your effort.

I'd be inclined to try to balance trip limits on you've got to go a long ways offshore – Georgia and North Carolina has got weather – with the added effort that we know we're going to get. We can't do an assessment. We're just going to have to try to use some commonsense on what we think the effort is going to be so we can stretch out and make sense for everybody. But, yes, we could do the hundred pound trip limit. I'm not sure how many of those guys off of northern Florida actually go after snowies or run a long ways for snowies. Maybe somebody could tell us.

DR. DUVAL: I'm getting a nod from our Snapper Grouper AP Chairman in the back of the room, a bunch. Chris.

MR. CONKLIN: Madam Chair, maybe I need some more information as far as the May through August in each alternative. It seems pretty restrictive. What if the commercial fishery doesn't catch or meet the ACL? We don't need to fish then; that just doesn't make any sense why that wording is in there. When the market is flooded with fish, why do we want to ramp it up and put more on it then? Why wouldn't we have more when the market commands it and the fishermen can get a good price and then maybe step it down?

DR. DUVAL: Those suggestions of May through August were to try to capture a time of year where everybody had equal access to the resource and it could be a more profitable trip. Maybe the market is flooded down your way, but I'm sure it is different in different areas. I wouldn't say that it is necessarily flooded up our way.

I think in recognition of the fact that the ACL is not high enough even with the bump that we're going to get to last the entire year. It was like let's have a profitable trip limit and a set season as opposed to only being allowed to keep an amount of fish that may or may not be profitable and that is disadvantaging people in different areas of the region. Do you see what I'm saying?

MR. CONKLIN: I do; I mean the wind blows in South Carolina just like it does up in North Carolina. It is not uncommon for people to experience bad weather even in the Sunshine State. The trip limit with the January 1st opening is running its course now and it seems to be working okay as a bycatch or whatever. I don't see why we would want to change it. The market needs fish in January, February and March when there is none around. That's what I saying.

MR. COX: I'd like to make a motion. I'd like to make an alternative here that we establish a 150-pound trip limit January 1st through April 30th; then starting May 1st have a 50-pound trip limit to address that discard. Without very much more ACL, there is just not a whole lot to work with, but it would be nice if we could have a few more fish during the months, like Chris said, we need them when there are no groupers around.

DR. DUVAL: There is a motion by Jack; seconded by Chris. Discussion? The motion reads establish a snowy grouper commercial trip limit of 150 pounds from January through April and a 50-pound trip limit from May through the end of the year. Charlie.

MR. PHILLIPS: Jack, would you take as a friendly amendment a suboption of a hundred pound trip limit May through the end of the year just so we make sure that we catch the fish?

MR. COX: It sounds good.

DR. DUVAL: **The motion reads establish a snowy grouper commercial trip limit of 150 pounds from January through April and a 50- or 100-pound trip limit from May through the end of the year.** Is there other discussion on this motion? I will just say that this is not going to address the issue in North Carolina. There are folks that are just going to be shut out of that fishery as well. **Is there any objection to this motion? Seeing none; that motion stands approved.** Anna.

MS. BECKWITH: If it doesn't complicate matters too much, I would like to add an additional alternative that mirrors Charlie and Chris' original add-on but with that hundred pounds from January 1st through April 30th. Charlie and Chris' original motion where they added on – getting at my original idea of wanting that hundred pounds at the beginning and then being able to bump it up on the May 1st.

DR. DUVAL: So that would basically be a new alternative to establish a 100-pound commercial trip limit from January through April and then like a 200- or 250- or 300-pound trip limit from May through August and then a hundred pound trip limit the remainder of the year or until the ACL is met.

The motion would read add a new alternative for a snowy grouper commercial trip limit of 100 pounds January through April; and from May through August to have subalternatives of A, 200 pounds; B, 250 pounds; C, 300 pounds; from September through the end of the year or until the ACL is met or projected to be met, the trip limit would be set at 100 pounds. That was a motion by Anna; seconded by Charlie. Discussion.

MS. BECKWITH: In neither of our two additional motions have we set the North Carolina through Cape Canaveral, Florida, and south of Marathon – do we have a desire to do that; just to make it for the entire region, even the guys that only eight miles offshore? Do you guys want to think about that? Do we want to add North Carolina and through Cape Canaveral, Florida, and south of Marathon? What do you guys think? This is a discussion question; I'm not actually making it.

DR. DUVAL: I just want to clarify what you're trying to get at. The hundred pound trip limit of January through April would be for the entire jurisdiction; and then the May through August potential bump-up would be from North Carolina through Cape Canaveral; and then the September through the end of the year would be again for the entire jurisdiction.

MS. BECKWITH: And I guess a question for the Florida folks is if they want to add in that Florida south of Marathon; because I guess they've got longer runs as well.

DR. DUVAL: I have Zack, then Ben, and I'm sort of pondering whether one of our existing alternatives could be tweaked to meet this. Zack.

MR. BOWEN: It is of my opinion that if you look at A, B and C and you raise those trip limits, you may not have a September through the end of the year fishery at all, because the ACL will be met. That's one thing to keep in mind there. The other point – and it is not to this motion, just for some discussion – I know that we're just discussing these alternatives for analysis.

That being said, there are several of these alternatives such as 5, 6, 7 that have 300-pound trip limits. I mean, there is enough work on the staff. Those might be considered just to be eliminated because the ACL will be met so quickly; and none of this table have even looked at those alternatives to discuss whether or not they would be something that we would go with. Again, just food for thought.

MR. HARTIG: Basically, there are some tradeoffs you're going to make in these decisions. You're trying to get fishermen who participated in the fishery back to be able to participate; so there is a tradeoff in allowing them a trip limit that is high enough to be able to go snowy grouper fishing. The tradeoff is with the length of the fishing season.

You're probably going to shorten the fishing season by trying to get these fishermen back in, but those are tradeoffs you make going in. You try and get historical fishermen back into the fishery while, yes, it may not last as long, but at least some of the regions that had been eliminated from the fishery before will have access to the fish. To me I think it's worth trying. I'm willing to try and get that North Carolina contingent back into the fishery as well as some of the Keys guys who have been eliminated. Yes, from Anna's perspective, let's try the Cape and see how that works.

MS. BECKWITH: Just to the Cape or do you want to Florida and south of Marathon?

MR. HARTIG: Yes, south of Marathon as well. Now I need to explain that. At least the fishermen that I've talked to that live in Marathon make extended trips west of Key West to catch snowies. They're not going east or south, whatever direction it is down there. They're not going directly offshore to catch their snowies.

They're making a long travel; and if they're going to go tilefishing and keep their snowies and their tiles in the same trip, they going west of Key West quite a ways. The travel distances would be comparable to the longest distances traveled in the South Atlantic now; and that is why Marathon is in there.

MR. HAYMANS: Madam Chair, really a point of clarification from you. There was a motion a moment ago about 150 pounds starting January; and you said something that wouldn't help North Carolina at all. Currently it is a hundred pounds starting in January. Does North Carolina have any part of that fishery from January through April now?

DR. DUVAL: Around the central part of the coast – and Jack can speak to that – but not much and not north of Cape Hatteras.

MR. HAYMANS: So bumping it 50 pounds would be that detrimental to where North Carolina wouldn't have any part of it then?

DR. DUVAL: Fifty pounds would not be enough for those guys to –

MR. HAYMANS: Right, from a hundred to 150 pounds would take away any North Carolina – what I understood from your comment was that we go from status quo at a hundred pound trip to a 150 pounds per trip, then North Carolina would be taken out of the fishery altogether. That is what Mel and I both understood so that's what I'm trying to clarify.

DR. DUVAL: No; I never said that. What I'm saying is that a bump of only fifty pounds about our existing hundred pound trip limit isn't going to address the participation issue that we have in part of the state.

MR. HAYMANS: Okay; and the other thing – I don't know; maybe everybody understands this and I'm the only one not; but we're going to be seeing a doubling of the ACL or nearly the doubling of the ACL over the next five years; and so the questions of whether 100 or 150 pounds to the end of the season, I think we're going to get a lot further into the season than we are in August now.

MR. COX: I mean Florida is going to still have an advantage with weather; and that is why I said that 150 would be a good option to look at because it would not allow a whole lot of fishing, but it certainly makes the difference of about \$300 when we're out there fishing for them and we can pick up extra 50 pounds.

We are landing snowies now; and it is great to have those fish because we're going four months without red grouper and five and a half, six months without the gags when that closes early; so we need these fish this time of year. It is the only grouper we have. I was going to ask you a question – you know more about this than I do – is there any bycatch of our longline gray tile fishery?

DR. DUVAL: Of snowies?

MR. COX: Yes.

DR. DUVAL: The fish exist in different areas. The tilefish are caught on muddy bottom; and snowies in that area north of Hatteras where the gray tile fishery occurs, it is two totally different areas. If they have the ability to get to where there might be a snowy up there, they can do it, but it is rare to see snowies in those catches.

MR. COX: Okay; I knew you had looked at some of the observer data. I hadn't seen that so I was wondering if they had interaction. Thank you.

DR. DUVAL: We have a motion on the table that staff is trying to clarify for us. **The motion reads add a new alternative for a snowy grouper commercial trip limit of 100 pounds January through April for all areas; and May through August from North Carolina through Cape Canaveral and south of Marathon, Florida, of Subalternative A, 200 pounds; B, 250 pounds; C, 300 pounds. May through August would be a 100 pound trip limit in the rest of the area, which basically covers the area between the Cape and Marathon; September through the end of the year or until the ACL is met or projected to be met, the trip limit would be set at 100 pounds.**

MR. PHILLIPS: Ben, taking that section of the coast of Florida out; how much is that going to change it? I'm just thinking about Gregg trying to analyze this. Are we saving a lot of fish by limiting that section of the coast to a hundred pounds through the summer? What are we really getting; what are going to gain in the long run?

MR. HARTIG: That's a good question. The same number of fish are going to be caught, Charlie. They're just going to be caught much quicker because you're going to fish those spots

out quicker, but the same number of fish will be caught. They'll just be caught faster. It is a tradeoff whether you want to have continuity of market supply throughout the year or do you want to try and catch everything quick. Our business plan is trying to have a smaller trip limit and being able to supply really basically restaurants that fill out trip tickets and buy fish on a daily basis.

MR. PHILLIPS: I just wanted it on the record because that's basically what we're trying to do.

DR. DUVAL: Are there any other comments on this motion? Mel.

MR. BELL: Just to comment this shows the complexity of these sorts of discussions and why I think the visioning process is so important. This is kind of an awkward mechanism to work through this, but that's what we really hope to get from the industry, from the dealers, from the fishermen.

We've got knowledgeable dealers and fishermen here, but it is probably an easier discussion to have in a venue like that. That is something we really need to focus on and extracting from people as we go through the visioning is how this works for them regionally. As you can see, we could do this forever in here, but that's something to just note that from the visioning process we need to really make sure we pull this sort of information.

MR. HARTIG: I was going to be quiet until Mel's comments got to what I had been thinking for quite a long time. I've thought about the snowy fishery and how to rationally allow people back in as the fishery increases over time. To me you would go back and you would look at people who had historical landings who hadn't participated would get an endorsement. People who have participated since that time in the fishery would get an endorsement.

It is a relatively small universe of people who target snowy groupers now. As we open this fishery back up to everyone, it will increase substantially. The snowy fishery is not going to be that big a fishery in the future. If you want to allow all snapper grouper permit fisheries people back in, you're going to have a very short season trying to accommodate all the different things that we're trying to do now.

To me the rational thing to do was to create an endorsement system, get those historical players in and get the people who are participating now, and cap it there. As you increase and if your quota is not being caught by those people, you could rationally let people in by a lottery or some way you could rationally let more people back in.

I've brought this to Jeff's attention several times over the last five years as this rebuilding plan has gone into effect, and he is a real big endorsement fan. Unfortunately, to me I think if you rationally address this and you do that kind of a system, then you can have a fishery that will be prosecuted throughout the year, solve your consumer demands, having fresh fish on the market throughout the year, and you just won't have as many participants.

As we increase these trip limits, you're going to increase the number of participants perhaps dramatically so you know this going in. You could head that off by an endorsement system that

fixed it at the participants now and the historic participants. That was just my idea long ago thinking about snowies.

DR. DUVAL: And I appreciate those comments, Ben. I think unfortunately the pot endorsement program has created a lot of ill will on the water because a lot of people have lost out on that fishery as well. I know there is a lot of reluctance certainly what I hear from the fishermen in North Carolina to go down another endorsement road, so that's the reason. John.

MR. JOLLEY: Madam Chairman, I'm not on your committee, but keep in mind that I believe that the recreational sector's take is going to increase dramatically, too, as these numbers go up for snowy grouper. What is happening in the tackle industry is amazing. I don't know how many people know about this, but we've gone from this heavy gear like Lindgram-Pitman that you rely on that you've got to have 110 volt to 12-volt gear that is very light and small that fish in these deep waters. These recreational people are learning about deepwater fishing and they're going to it in droves.

DR. DUVAL: Thank you, John. We've read the motion. Is there any other discussion before voting? Is there any objection to this motion; Roy and Zack. **Okay, two objections; any abstentions? Seeing none; that motion stands approved.** If we passed this motion; do we really need Alternatives 4 through 7? Zack.

MR. BOWEN: That was exactly my point on my earlier statement.

DR. DUVAL: So is there a desire on the part of the committee to move Alternatives 4 through 7 to the considered but eliminated from detailed consideration? Zack.

MR. BOWEN: I'll make that motion.

DR. DUVAL: Seconded by Charlie? Discussion? I just want to make sure the committee understands Alternatives 4 through 7 were the ones that established either a 250 or a 300-pound trip limit May through August from North Carolina through the Cape and/or south of Marathon; and then had a hundred pound trip limit year-round for either all of Florida or a chunk of Florida. **The motion reads move Alternatives 4 through 7 to the considered but eliminated from detailed consideration appendix. Any other comments? Any objection? Seeing none; that motion stands approved.** Anna.

MS. BECKWITH: Can we offer some direction to staff for your motions, Charlie and Chris', so they're analyzing the same geographic area of the one that we just passed since it wasn't in there?

DR. DUVAL: Well, their motion was for the entire jurisdiction and my sense is that you want to maintain that.

MR. CONKLIN: Anna, can you bring up your point?

MS. BECKWITH: Well, I mean one of the reasons we're looking at Florida south of Marathon is because they've got equal distances that they're running compared to some of the North Carolina distances. The areas of Florida that we've for all intents and purposes left out is because they've got a shorter run, so it is certainly going to assist in having those areas easily utilize that 200, 250 pound and 300 pound potential more so than the other areas.

DR. DUVAL: Myra, do you mind scrolling back up to those motions so that we can see. It was establishing a commercial trip limit with 150 pounds from January through April and a 50- or 100- pound trip limit from May through the end of the year. This is the alternative that basically keeps the January 1 start date of the fishing year and just has 300-, 200- or 150-pound trip limit. I think we have captured the geographic thing with your motion, Anna, so this would simply do that throughout the range; and I think it would be good to keep that in there. Gregg.

MR. WAUGH: Let me mention one thing, too. I don't recall us ever analyzing trip limits to this fine a resolution before. Generally, the commercial logbook is what is used. They have those huge statistical grids and probably will not prove very useful for this fine a resolution. It may; we'll certainly take a look at that.

There also may be the potential to use Florida trip ticket information that would have a finer resolution. That alternative is complex and will be a challenge to analyze based on how we can split out the data. I think that's added rationale for keeping that one separate and having some others just cover the whole area.

DR. CRABTREE: I think this is right; so when you say south of Marathon, you really mean west of Marathon because south of Marathon would be –

DR. DUVAL: Yes; thank you for that clarification. Are we done with the commercial side? That was Action 4. Gregg.

MR. WAUGH: What about Alternative 8? Alternative 8 would establish a 50-pound commercial trip limit in all areas once 90 percent of the commercial ACL was met or projected to be met. Do you want to have that step-down?

MR. HARTIG: I'm thinking about it from my perspective when I'm catching snowies when it would be closed. It's relatively few circumstances. The other thing about snowies we've found is that they do survive release. We know that now. We have information from some tagging studies now that snowies they're releasing deeper than 300 feet have been successfully recaptured. We know some of those animals survive; how many I don't know. To me it would complicate it more than we need to from my perspective.

DR. DUVAL: So is there a desire to – Charlie, help us out.

MR. PHILLIPS: Madam Chair, I make the motion we move Alternative 8 to the considered but rejected appendix.

DR. DUVAL: Motion by Charlie; second by Ben. Discussion? **The motion reads move Alternative 8 to the considered but rejected appendix. Any objection? Seeing none; that motion stands approved.** I would like to get through the other couple actions in this amendment before we take a break.

MR. WAUGH: Okay, the final action is 5, to modify the recreational bag limit; and again the accountability measures are being addressed in the Generic AM Dolphin Allocation Amendment. The current recreational management measures; it is part of the aggregate grouper bag limit of three per person per day and sale of recreationally caught fish is prohibited.

Now, we've got a range of alternatives here that are pretty restrictive; and I think it would be helpful if we look at Table 7 first. The recreational harvest has exceeded the recreational quota or the ACL every year since implementation in 2009, except 2011. For 2009 and '10 it was a recreational allocation that we were trying to achieve; and then once it became an ACL from 2011 on, then it was tracked as an ACL.

The recreational harvest numbers there in Table 7 include Monroe County because Monroe County was included in SEDAR 36. The current ABC and ACLs do not include Monroe County. The quota monitoring – the reason you have that double asterisk there is that does not include Monroe County.

Once this new ACL goes in place, then they'll start counting the recreational harvest from Monroe County towards our recreational ACL. In terms of Table 8, in terms of numbers of fish and closures, you can see that in 2011 we were under the quota; 2012, we were over; 2013, we were over, and the season was closed May 31, 2013.

If you look at Table 9, this shows the actual snowy grouper harvest by sector from 2005 through 2012. Remember, the allocation the council was trying to achieve was 95 percent commercial/5 percent recreational. If you look at the actual harvest, you can see that it more closely approximated a 50/50 throughout that time series. In 2011 it was 98 percent commercial/2 percent recreational.

The expected recreational ACL, if we go with 75 percent of Fmsy, increases from 523 fish to 8,207 fish in 2015 and gradually increases each year to 10,943 fish in 2019. If you look at the 2012 catch rates, harvest during Wave 3 is expected to exceed the recreational ACL under the existing one per vessel bag limit. Data from 2013 show a completely different picture with the ACL not being exceeded; and this is a problem with the variability in this recreational catch.

MS. BECKWITH: Somebody is probably going to throw something at me; but I'm looking at the harvest by recreational and commercial, how did we end up with a 5 percent and 95 percent allocation when I'm looking at eight or nine, ten years of history is certainly not showing that. Can you guys give me a little history on that?

MR. WAUGH: That allocation, as I recall, was a product of applying what is called Boyles' Law. It was looking at the averages over a certain time period.

DR. DUVAL: This was in 15B that this was set; and I don't know what the years of data were; if it was just a straight average catch over some period of time. Jack can probably inform us.

DR. McGOVERN: My recollection it was 13C that I think might have set the allocation or maybe even prior to that, but it was like '98 to 2003 landings. It was pre-Boyles' Law I think.

MS. BECKWITH: Looking at this Table 9, it would certainly argue in my mind that it is time to reconsider this allocation potentially.

DR. DUVAL: Well, that's what you all elected to get input on during visioning and what kinds of allocation methodologies should be used. Remember, this was set using a different timeframe of years, so you're only seeing the last ten years of catch history. Boyles' Law uses 50 percent historical plus 50 percent recent catch. I'm just giving you the history on that; and we elected to postpone consideration of snapper grouper allocations until after the visioning process.

MS. BECKWITH: Sure, but looking at some of our options to potentially decrease one fish per boat for one month out of the year in order to maintain ourselves within these super-restrictive numbers, it just seems like that is probably not a direction I'd be willing to go in looking at these numbers. Certainly, if we look at our AMs coming up in the next short while, if this is overfished and it is about the total ACL, then maybe we just maintain status quo for recreational at best, but this is surprising.

DR. DUVAL: Well, I think in terms of if you're thinking about reallocating, then the message you're sending is that it is okay to exceed your ACL because then you can just count on a reallocation later; is that what you're saying?

MS. BECKWITH: No, certainly not.

DR. DUVAL: I think that whole discussion is definitely for another day. I think what we want to focus on now is just what the options are and what you all want to include in this document in terms of recreational management measures.

MR. WAUGH: Part of the notes under Table 9 does state that Snapper Grouper Amendment 15B effective December 16, 2009, established that commercial/recreational split. We'll make sure and add in here the specific years. Also, you can see that those recreational overages have contributed to landings exceeding the ABC. We've got a rough idea of what the recreational ACL will be under the new assessment; and so depending on what you would expect the recreational harvest to be, it could either exceed that or not exceed it.

DR. CRABTREE: Well, I think coming back to the gist of Anna's point, the problem you have is you don't have enough fish to have a fishery. I mean 532 fish is not enough fish to have a recreational fishery; but we weren't willing to close it down so we went ahead with it, anyway. Of course, the catches are going to bounce all around and go over and they're going to probably be zero some years.

When I look at these tables, even when this fishery is recovered, at a 95 percent commercial and 5 percent recreational, you still won't have enough fish to have a fishery. It seems to me that either you have to fundamentally change what you're doing, you have to reallocate enough fish to have a fishery or you close it down or you just live with the fact that you're going to go over quite often, but not because of any real going over.

We don't know if they're over or not because we can't measure the catch; and so we've sort of set it up in a way that is doomed to fail; and that's what we're seeing with average. I think it's a fair point to say if you're going to continue on the path you're on, you need to revisit the allocation and allocate enough fish to have a fishery.

DR. DUVAL: So what do we tell the public about pulling out one species for reallocation, but we're not doing all the rest? That's a problem I have.

DR. CRABTREE: You have to explain your rationale; and it won't be popular to some and it might be to others; but that's the fundamental reality of where we are. If we're going to try to manage the fishery this way and you're only allocating 5 percent, it's hard for me to see how you ever have enough fish on the recreational side to ever have a fishery that you could actually manage. Now, you can go to a tag system or something like that, and we're talking about that somewhere. Otherwise, I don't know how you get out of this bind; but I know that an ACL of 500 fish just isn't realistic to think that can work.

DR. DUVAL: I'm not about to get into a protracted discussion of allocations right here. I think it is inappropriate at this point. Zack, did you have a comment?

MR. BOWEN: Well, to Dr. Crabtree's point, I'm reading these alternatives and every one that I've read to this point, the discussion part of it says that none of them would be expected to keep recreational landings below the expected recreational ACL. Personally I don't see an alternative we can choose to be in guidance with the reauthorization of the Magnuson-Stevens Act.

DR. DUVAL: Well, I think we've tried for two years to go down the road of establishing a harvest tag program and have been limited in our ability to do so by information that we haven't had a determination as to whether or not this is a LAP Program or not. It's not that we haven't tried to explore other means to keep harvest within the ACL. I think what the committee needs to do here is determine if you want to keep any of these alternatives or eliminate any of these alternatives.

MR. BOWEN: Well, I think if we can't be where we need to be law-wise, then we should eliminate all of them if we can't get to where we need to be.

DR. CRABTREE: Well, I think we should eliminate some of them; and just on my trying to look through them, it looks to me like any of them that go from one per vessel to one per person per day is just going to make these overages significantly worse. I think that is Alternative 3 and 4 that would go to one per person per day; so I would move we eliminate Alternative 3 and 4. at least.

MR. BOWEN: Second.

DR. DUVAL: Motion by Roy; seconded by Zack to eliminate Alternatives 3 and 4 from consideration. Discussion? **The motion reads move Alternatives 3 and 4 to the considered but rejected appendix. Is there any other discussion on that? Any objection? Seeing none; that motion stands approved. Zack.**

MR. BOWEN: Madam Chair, I would like to make a motion that any of these alternatives that do not keep us below the expected recreational ACL should be removed. As I'm reading, Alternative 6 would be expected; Alternative 7 would be expected; but any of those before that are not expected to keep us below the ACL.

DR. DUVAL: There is a motion by Zack; is there a second to that motion? I think your motion dies for lack of a second. Gregg has something he wanted to clarify.

MR. WAUGH: Yes; some of the text in here was there before we got the 2013 landings; so you need to look at Table 10. This shows, as I said before, the variability of the recreational harvest numbers, the estimates that we get, so either you're over if catches in the future are like 2012 or you're under if catches are like 2013. It really doesn't give you a lot of guidance other than saying your catches are variable and you'll either be over or under, depending on the recreational effort or probably more on the sampling.

MS. BECKWITH: I was going to move Alternative 8 to the considered but rejected for this species.

DR. DUVAL: **Motion by Anna to move Alternative 8 to the considered but rejected appendix; is there a second? This is the announce an annual fishing season for the species.**

MR. COX: Yes; I'll second it.

DR. DUVAL: Seconded by Jack. **Any other discussion on that? Any objection? Seeing none; that motion stands approved. Roy.**

DR. CRABTREE: Just coming back to Zack's point, you've got to think about this as a statistical issue. There is probably no alternative that can assure you with any degree of certainty that you're not going to go over because the sampling variability is so great.

Probably the way to look at this would be worth doing is going in and putting like 95 percent confidence intervals around the catch estimates and then see if the quota fell within those confidence intervals. I think you have to have to think about this in a probabilistic way to have it have any real meaning. I suspect the confidence intervals around these catch estimates are huge.

MR. BELL: I was just going to say based on what Roy just said, Zack, I don't there is any perfect solution that is going to get us where we need to be in an ideal sense, but what we would want to do is retain alternatives that get you going in the right direction. We took out the two that could potentially increase. As long as the alternatives we retain go in a decrease direction,

then that's probably the best you can do with this right now because we're not going to fix this right now. There are severe confidence interval issues. Just an observation.

MR. BOWEN: So we need to vote on this motion; am I –

DR. DUVAL: We already voted on that motion.

MR. BOWEN: Okay; am I out of line to make a motion here?

DR. DUVAL: Absolutely!

MR. BOWEN: Absolutely out of line or absolutely not out of line?

DR. DUVAL: Well, it depends on what we're talking about. If it is in regards to making a motion, you are absolutely in line; but other than that, I won't pass judgment on you right now.

MR. BOWEN: Thank you, Madam Chair, I appreciate it. I would like to make a motion for the council to consider another alternative of having a recreational closed fishery.

DR. DUVAL: There is a motion by Zack for the council to consider a closure for the recreational fishery. Is there a second to that motion? I am not seeing a second, so your motion dies for lack of a second, Zack, but I'm sure you would like to have the comment to comment.

MR. BOWEN: Well, I'm just trying to get us as the council in line with what the law requires and to not exceed the ACL. As Dr. Crabtree pointed out, that is one way of doing it is having a no recreational take on this fishery. I'm just trying to get in line with the Magnuson-Stevens Act.

MR. HARTIG: We can keep the recreational fishery within their allocation; we can do it. We have an amendment that addresses it. The tags will do it; it will keep the recreational fishery within their allocation. We will be in compliance with Magnuson if we go ahead with the tagging.

MR. BOWEN: But, Ben, the tagging program, we won't even get the reports until June on the tagging program. That could be at minimum two years out.

MS. SMIT-BRUNELLO: Zack, it sounds like what you're talking about is a reallocation between the sectors, which you couldn't do in a framework amendment. You would have to address it in a plan amendment. This is a framework amendment. You can change various management measures that exist right now, and I guess your idea is to put the bag limit at zero?

MR. BOWEN: That's what I was thinking. Dr. Duval just said she didn't want to get into allocation right now, and I'm just trying to get us in line. I don't like seeing us over the ACL; and I think we may get some bad vibes from being over the ACL. I'm just trying to get us in line. I mean 523 fish; we can't even count them.

MS. SMIT-BRUNELLO: But, really, I think what that gets into is allocation issues. I understand what you're talking about and where you're going; but if you did put a bag limit of zero, in effect you would be saying that the recreational sector is not entitled to have any of these fish. To me that really kind of throws you over to an allocation. If you want to have allocation discussions, let's have them, but you can't do it in a framework amendment. You would have to do it in a bigger plan amendment.

MR. BOWEN: Well, that would be up to Madam Chair, but, okay, thank you.

DR. DUVAL: Thank you, Monica, for clarifying that obviously we can't make any changes to sector allocations unless it's a plan amendment. There is one that we have put on hold to consider allocations for the snapper grouper fishery. I appreciate Zack's efforts to offer an alternative that would likely absolutely keep us below the ACL. Clearly, there is no desire on the part of the committee to do something like that right now. Ben.

MR. HARTIG: Well, it is tied to what Zack was doing but not exactly what he was doing. We could look at some kind of a way to have part of the week closed. Fish Friday, Saturday and Sunday for snowies; I mean there is something we could do. Now, not to flesh it out right here but between now and full council, we could talk together about this and maybe think of a way that would be appropriate. Robert has brought it up.

We'll sit down with Robert and see what he is thinking about and maybe having some way to restrict the fishery to some degree on a time basis where we may be able to stay better within the allocation. I think Roy's point about the probability analysis and how you have to look at it and based on are these numbers real; that may not get us to where we need to be either.

DR. DUVAL: Well, we certainly have enough issues with red snapper and trying to figure out how many red snapper we've actually caught with a weekend opening or something like that. I agree with you; I think there are other ways to do that. That has been brought up before with regard to black sea bass when we were looking at recreational closures in that fishery of having one week on and one week off or two weeks on or two weeks off and things like that. If there is a desire on the part of some folks to try to work something out before full council, then we can certainly do that. Chairman Boyd.

MR. BOYD: Madam Chairman, just a question for Monica. When does a bag limit become an allocation issue; at what point when you're deciding bag limits?

MS. SMIT-BRUNELLO: I know it when I see it. No, I'm just kidding. I think it's kind of a difficult thing for me to just give you this is a bright line of when you cross over, but it seems to me if you have – right now, for example, with snowy grouper you've allowed I think it is one fish per vessel or something like that and now you're talking about putting it at zero while you've got potential increases to the commercial harvest.

To me I kind of think you're getting into an allocation issue. I can't give you a written in stone this is what happens for all your fisheries, but I think you have to evaluate the actions that you've

got going before you. To me this kind of spills over into an allocation issue. I didn't answer your question very well, but I will know it when I see it.

MR. BOYD: Okay. Well, I'm assuming that going from a three fish to a one fish would not be an allocation issue in a bag limit.

MS. SMIT-BRUNELLO: I guess as long as you're letting them harvest the same overall amount of fish. I guess you have to look at what your bag limit reduction is trying to achieve. You have to tie it to that and see what the overall objective is; why would you be going from three to one?

DR. DUVAL: This is the last action in this options paper. It seems like we have a reasonable range of alternatives for this particular action. Unless there is any other comment that anybody else has on this amendment, I'd like to go ahead and take a 15-minute break and then we'll come back and address the rest of our schedule. Doug.

MR. HAYMANS: While I appreciate your desire not to go into allocation issues, I would ask that Gregg somehow provide something that shows us the reason or the years or how we got to 95/5; because there is a table provided in our background information that shows us recreational landings going back to the early nineties. I'm curious as to how we went from several thousand fish down to 500; and seeing as how that was pre most of this council, help me out.

MR. WAUGH: Yes; and Jack dug the numbers out. In 15B we used the years 1986 through 2005; and we'll make sure there is a table in here that shows those numbers at that time. I'm sure our estimates of what was harvested in those years has changed now; so we'll have that in the next version of this document that you see.

DR. CRABTREE: I just wanted to give you a heads-up that there will be a Fishery Bulletin going out this afternoon announcing that we've hit the vermilion snapper trip limit trigger and that effective March 11th at 12:01 a.m. that the trip limit will be reduced from 1,000 pounds to 500 pounds.

DR. DUVAL: Thanks for that, Roy. Doug, where is the table that you're looking at?

MR. HAYMANS: It is in the briefing book under the decision document's tab provided to us. It is called "Snowy Landings".

DR. DUVAL: Anything else before we take a break?

DR. DUVAL: All right, the next item on the agenda is Regulatory Amendment 21; and this deals with modifying the definition of the minimum stock size threshold for species with low natural mortalities. This is I believe Attachment 6B in your briefing book. Myra is going to go ahead and take us through the decision document for this amendment.

MS. BROUWER: Attachment 6A is the amendment document itself. Recall that this is an amendment you requested that we put together at the December meeting. We have a version in the briefing book that is ready to be approved for submission at this meeting. Attachment 6B is

the decision document; so that is what I'm going to use to walk you through. There is only one action so it shouldn't take too long.

Just as background, at your December meeting you discussed the recent stock assessment for blueline tilefish. At that time it was decided that it would be a good idea for the council to redefine the threshold for overfished for several species that have low natural mortality estimates such as blueline tilefish and a handful of others.

The council has already redefined MSST for other snapper grouper species with low natural mortality. Those are red grouper, snowy grouper and golden tilefish; so their MSST threshold is set at 75 percent of SSBmsy. Again, this is something the Scientific and Statistical Committee did discuss at their most recent meeting and previously, and they are comfortable with that approach and in fact recommended setting the overfished threshold for species with low M at that low level at 75 percent of SSBmsy. That's sort of how we came to be here.

The purpose and need, which you will have to approve, reads, "The purpose for the action is to modify the definition of MSST for select snapper grouper species with low natural mortality rates." The need for the proposed action is to prevent snapper grouper stocks with low natural mortality rates from frequently alternating between overfished and rebuilt conditions due to natural variation in recruitment and other environmental factors. The first thing we'd need to do is to get you to approve that draft wording for purpose and need for the amendment.

DR. DUVAL: We'd be looking for a motion from the committee to do so. Is there someone willing to make a motion? Doug.

MR. HAYMANS: Madam Chair, I move that we accept the purpose and need as presented.

DR. DUVAL: Motion by Doug; seconded by Charlie. Any discussion on this? Is there any objection to this? Seeing none; that motion stands approved.

MS. BROUWER: On PDF Page 3 of your decision document is the proposed action. The action is to redefine minimum stock size threshold for select species in the Snapper Grouper Fishery Management Unit. There are some modifications. Recall that at the December meeting you did approve wording of the alternatives.

For Alternative 2 we would propose striking what you see up on your screen that is highlighted in yellow so the alternative would simply read "change the MSST for select species in the Snapper Grouper FMU to 75 percent of SSBmsy". The reason we are proposing this is otherwise if we leave it the way we had originally presented it to you, it would set up a process much like we have for red snapper; and as such it would not be appropriate to be included in a regulatory amendment.

It would need a plan amendment to set up a system that would automatically do something like that. The intent here then would be to simply change the MSST for the handful of snapper

grouper species that are included in this amendment only. Other changes have to do with the way we present those M values for the various species.

Subalternative 2A reads, "Change the MSST if the estimation of M is 0.15 or lower based on the estimation of the natural mortality rate from a peer review report; e.g., a SEDAR stock assessment." Then there is a table that shows what those estimates for M are for those species; all of them below 0.15. The rest of the subalternatives are structured the same way, so we would want you to consider those changes and approve the wording for the alternatives.

DR. DUVAL: We would be looking for a motion from the committee to approve the wording of the alternatives as the IPT has suggested. Ben.

MR. HARTIG: Before we do that, can we have a short discussion with John at the mike? I had a couple of things.

DR. DUVAL: I sort of wanted to take care of these like little housekeeping kinds of details because I know there has been some discussion about the purpose of this amendment and what we're doing with modifying the minimum stock size threshold and what this really means. I think there has been some, in my mind, clearly some misunderstanding about the intent of this particular amendment.

I think this was circulated to the advisory panel for some comment and some of their thoughts, and I think there has been some inappropriate math that has probably been applied with regard to that. I think people are thinking natural mortality is measured on a linear scale and it is not. People are doing some math and saying that in effect by applying a new formula that would modify the minimum stock size threshold definition to 75 percent of Bmsy, that we would be applying a de facto mortality rate that is three times what the existing natural mortality is. I was going to ask John to do that, but I was hopeful that we could just kind of get through the wordsmithing stuff first, if that was okay. Is there a motion? Doug.

MR. HAYMANS: Madam Chair, I would move that we accept the suggesting wording of the IPT for the various subalternatives in this action.

DR. DUVAL: **Motion by Doug; seconded by Jessica to approve the IPT's suggested edits to alternatives and subalternatives. Is there any other discussion on that? Is there any objection? Seeing none; that motion stands approved.** Now I think since we're at the point of selecting preferred alternatives, it would be appropriate to have John come up here and perhaps help inform the committee and answer a few questions. Ben, I will turn it over to you to ask some questions.

MR. HARTIG: You're way ahead of me and I'll just let John – do you have an explanation – talk about M a little bit and what Michelle kind of alluded to. To me some of these animals have very different life histories within these increasing Ms. What are my concerns with that?

MR. CARMICHAEL: I'm not sure what your concerns are; but I guess in the terms of M in the MSST, I think look at the whole reason of doing this. The reason of doing this is because

estimates of biomass are uncertain. Estimates that come out of assessments have an uncertainty around them; and sometimes that can be pretty big.

You want to be sure that if you declare stock to be overfished, it really is, and that it is truly overfished and not just a little variability of SSB going down because maybe projections of recruitment are going down and you dip below this line a little bit and then you're going to go back up in a couple of years. You want to make sure that you're really overfished; and that's why trying to put more cushioning on there makes sense.

Now, back in the Restrepo et al and the SFA and looking at initially applying the precautionary principle, the idea was put out there of one minus M as an adjustment in MSST. I suppose the logic was stocks with low M were considered to be your slower-growing, longer-lived, maybe less productive, maybe less volatile in their year-to-year trends in productivity; so you want to be closer to SSB_{msy} when you declare them overfished and let their stocks dip as much; because ostensibly it's longer to get them to come back above the SSB_{msy} level versus a short-lived stock that you expect its biomass to vary a lot from year to year and you let that dip down a little bit further.

But I think we've seen and experienced and figured back at that time very few of these snapper grouper type stocks had ever been assessed. We didn't really know much about their life history. It seems like a lot of ideas about what it means to be long-lived is now that it's not necessarily slow-growing and not that volatile in terms of your stock.

You're not these big, stable things; but the history of fisheries was much more temperate latitudes where that probably held true. If you were long-lived living in cold water, you probably were very stable in terms of your biomass; but they weren't expecting fish like red snapper that lived to be 50 and maturing at, what, two or three and seeing these big trends with these big year classes coming in and changing that biomass so much rapidly.

I really think this is just kind of an evolution in the understanding of these stocks; that really what you're worried about is what is the variability in that assessment and how fast can these species respond; and that is how you set your cushion there, as it were, in determining that a stock is overfished.

The SSC has certainly supported this. We've seen this kind of dropping down for a lot of stocks; this level at 75 percent of SSB_{msy} really in some illustrations we've seen preventing you from getting into this suddenly declaring your stock overfished. It seems like the fear expressed in some of the comments of the AP about mortality and all is this really isn't an issue about mortality and it is not changing any mortality rates.

You always have the preventing overfishing. There is overfished and overfishing; so even in dealing with that, you're still not going to be allowing a stock to be experiencing overfishing. Even if your biomass is maybe 90 percent of SSB_{msy}, you're still going to have to be fishing below F_{msy}; and you know that fishing below F_{msy} is going to tend to drive your biomass to some level above SSB_{msy}.

For all those reasons, I think is probably why the SSC has supported these changes and why probably this makes good sense to me from a fisheries management perspective and the uncertainty we have in our assessments.

DR. DUVAL: John, can you remind us what the – since we've already this for snowy grouper, red grouper and golden tilefish; can you recall at the top of your head what the natural mortalities were for those species.

MR. CARMICHAEL: I think those stocks were certainly below 0.25. I think they were down around the 0.1 to 0.2 range for most of those; considering how long they live. Snowy may be even a little bit lower. Snowy may be 0.15 or something.

DR. DUVAL: And Myra also has I think the synopsis of some of the comments that we received from the advisory panel, was that it, and I was just going to ask her to run through those if the committee would indulge that.

MS. BROUWER: Okay, Regulatory Amendment 21 was e-mailed to the AP on Wednesday, February 26th, with a request to submit comments before the end of this week. Several AP members expressed their opinions, and I'll just go through some of the salient comments. There were three AP members that supported Alternative 2, Option C as a preferred; and that would take care of all snapper grouper species within values below 0.25 to be set at 75 percent of SSBmsy.

They stated that managers don't need to get into situations of constantly having stocks bounce between overfished and rebuilt. One AP member questioned whether the potential short-term gains are really worth the more drastic long-term negative impacts from allowing a fishery to be overfished for too long.

One AP member stated that continuing to delay implementation of rebuilding plans always comes at a high socio-economic cost to the public and certainly doesn't help the fish. One AP member felt that the AP's review of Snapper Grouper Regulatory Amendment 21 was rushed and that there wasn't a clear understanding among AP members of the proposed action. He felt that because the amendment deals with such a technical issue it is not quite fair to put the Snapper Grouper AP under such a short notice to submit their input. There were actually five AP members that supported Alternative 1, no action.

DR. CRABTREE: Well, one of the comments about delaying action to rectify a situation is going to have socio-economic issues with us, under the new Magnuson Act now we've got limits on all of these fisheries and we have by law to end overfishing immediately. I don't think that part of it, while it may have been the case a decade ago, I don't think it is the case now; because if the stock was reduced because overfishing was occurring, we would have to deal with the overfishing regardless of whether it was a rebuilding plan or not.

I think John makes the point exactly. What we have learned – and red snapper is a great example of it, it has a very low M, but it is a highly productive stock and it has very large variation in year class strengths. We see huge swings due to natural variation. John, it does seem to me that

among the Subalternatives 2A, B and C, it seems to me that it makes sense to use 2C, which would say for stocks where M is 0.25 or lower we're going to set it a 75 percent. It seems to me if you chose 2A or B, 0.15 or 0.2, you would create this discontinuity that would take you in the opposite direction of what logic says you should go. Am I thinking that correctly?

MR. CARMICHAEL: Yes; I completely agree with that. I think when you set it at that M level, it is creating an upper bound essentially at the 75 percent is what makes sense and is consistent when you bring the natural mortality levels into it like that. You wouldn't want to start getting those out of sync essentially, as it were.

DR. CRABTREE: So I'd be prepared to make a motion for a preferred if you're at a point you'd like to do that or do you want to hold off?

DR. DUVAL: Are there any other questions for John about this action that folks have or do people feel comfortable with the intent of this? It is really to try to incorporate environmental fluctuation and natural variability into the actions that we take. Okay, then, Roy, I think you can go ahead.

DR. CRABTREE: I would move that we establish Subalternative 2C as the preferred alternative.

DR. DUVAL: Motion by Roy; seconded by Ben to select Subalternative 2C as the preferred.

DR. CRABTREE: If I could, that is what we have done in some other stocks. It has been endorsed by our SSC; and I think as John agreed, Subalternatives 2A or B would create this discontinuity that doesn't seem logical to me. I think this is consistent with what we know about these fish, our past practices over the last few years and the advice of our SSC.

DR. DUVAL: Any other comments before we vote on this? Is there any opposition to this motion? Seeing none; that motion stands approved. The next thing we need to do is actually approve this for formal secretarial review and give staff editorial license to make any necessary changes and Council Chair authority to approve any revisions. That is sort of the standard boilerplate approval language that we have for anything that we approve for formal review; so if someone is prepared to make a motion. Charlie.

MR. PHILLIPS: Madam Chair, I make the motion we approve Snapper Grouper Regulatory Amendment 21 for secretarial review, give the staff editorial license to make any necessary editorial changes to the document, and give the council chair authority to approve the revisions.

DR. DUVAL: There is a motion by Charlie; seconded by David. Is there any discussion on this? Roy.

DR. CRABTREE: And my understanding is that there is no codified text here because we normally don't codify minimum stock size thresholds; so this just amends our plans, but there is no rule.

DR. DUVAL: Thank you for that clarification. **Is everyone prepared to vote? Is there any objection to this? Seeing none; that motion stands approved.** We're done with Regulatory Amendment 21; and we still have 35 minutes before we are supposed to recess for lunch. I guess I'd like to call Brian up here and we'll make it as far as we can in the decision document.

I think it is 7B. This is fillets; that is how I think of this amendment is this is the fillet amendment. Myra has reminded me just as we're kind of getting set up here that there is a public comment period scheduled during this meeting for Regulatory Amendment 21; and that is tomorrow at 5:30, I believe, just to give people notice.

DR. CHEUVRONT: Okay, this is Snapper Grouper Amendment 33; and this has to do with bringing dolphin and wahoo and snapper grouper fillets from the Bahamas back into the U.S. I'm going to give you a little bit of history and then have you understand that this committee is not going to review all of the actions that are in there.

There are a few actions that pertain only to dolphin and wahoo; and it would be inappropriate for the Snapper Grouper Committee to speak to those actions unless you can find some reason why you think that it's appropriate for this committee to do that. The actions will come back up again under the Dolphin Wahoo Committee later.

As you probably are well aware of at this point, this amendment has been discussed twice already this week; first on Monday morning by the Law Enforcement AP and then again by the Law Enforcement Committee. Just to recap real quickly, what has happened is that the council was approached last June, I believe, and was asked to consider allowing dolphin and wahoo fillets to be brought back from the Bahamas into the U.S. EEZ as is currently allowed for snapper grouper species.

At the September meeting the council gave direction to staff to develop a one-action amendment that would allow just that. When we brought that amendment back to you in December, we brought back the fact that were running into some difficulties in making it work that quickly and easily.

Staff was given the direction to take the amendment back and develop a suite of actions and alternatives that would address the issues and concerns that the council came up with and discussed in December. That leaves us to where we are today. Now, what we really need to do is discuss the issues that are pertinent to snapper and grouper in this committee.

As was discussed on Monday, we have motions and all that were made by the Law Enforcement Committee on Monday. This committee is free to make any motions that they think are appropriate regardless of what the Law Enforcement Committee had said. What we will do is if there is anything that is conflict among the committees, they will be addressed at full council and we will seek resolution there.

This committee should do what they think is appropriate for the snapper grouper species. One of the things that we do need to discuss is now that we have added some snapper grouper actions

because there were some issues in December that were identified that should be addressed for snapper grouper; we need to modify the purpose and need for this amendment.

If you're looking at the decision document, Attachment 7b, we're at the top of Page 3. Now, what Myra has up here, we've got the version of this document that was reviewed by the Law Enforcement AP and the Law Enforcement Committee being projected now.

What we would like to be able to do is to be able to point out to you what those groups had recommended just so you have that in mind so that in case you want to agree with them or modify or change or do whatever you want to do based on the recommendations of the other committee. Right now we need to look at the purpose and need because it is very specific to dolphin and wahoo; and so we need to be thinking about, since there are snapper grouper actions in here as well, what do you want to do to modify the purpose and need to include snapper grouper species as well.

DR. DUVAL: It seems one of the first things we need to do is clarify that this applies recreational fishermen, right?

DR. CHEUVRONT: That's on my list of things that we need to talk about; and this is probably a good place to go ahead and put that purpose and need. This amendment we'd like to get on the record as saying that your intention is to apply this amendment only to the recreational sector of the fisheries in that if you decide to allow snapper grouper and dolphin and wahoo fillets to be brought into the U.S. EEZ, this applies only to the recreational fishery and not to commercial fisheries.

Commercial fishermen are currently prohibited from participating in fisheries in the Bahamas; and I think it's the intention of the council to not allow dually permitted vessels that are fishing recreationally in the Bahamas to be able to come back into the U.S. and to sell those fish. At some point we probably need to make sure we have clarification on that.

DR. DUVAL: Jessica, I saw you had your hand up. Did you have some language that you were going to suggest?

MS. McCAWLEY: I was going to suggest for the purpose that we modify the purpose so it reads, "The purpose of this management measure is to allow fishermen to bring dolphin and wahoo fillets" and then "update language for bringing snapper grouper back from the Bahamas in to the U.S. EEZ". I was going to try to add that in the middle there; but if you think it needs to go at the end of the sentence or start a new sentence, I'm okay with that, too.

DR. DUVAL: Can we also tack the word "recreational" in there and say like, "The purpose of this management measure is to allow recreational fishermen to bring dolphin and wahoo fillets from the Bahamas into the U.S. EEZ and update regulations to allow recreational fishermen to bring snapper grouper fillets into the U.S. EEZ".

MS. McCAWLEY: That sounds great.

DR. DUVAL: We would get the recreational in there as well. David.

MR. CUPKA: That was going to be my suggestion, Madam Chairman, that we clarify right in the beginning that it's just for recreational fishermen.

DR. DUVAL: Myra has got the modified purpose statement up there in the form of a motion. I think the one thing that we might want to do in terms of the need; do we need to clarify that the management measures are needed to increase the social and economic benefits to recreational fishermen? Should we add "recreational" into the needs' statement? Brian, once Myra gets that set up, you can go ahead and read that and we will get that as a motion from the committee.

DR. CHEUVRONT: Okay, the motion is modify the purpose and need statements as follow: Purpose: The purpose of this management measure is to allow recreational fishermen to bring dolphin and wahoo fillets from The Bahamas into the U.S. EEZ and update regulations to allow recreational fishermen to bring back snapper grouper fillets from the Bahamas into the U.S. EEZ.

The need is the management measure is needed to increase the social and economic benefits to recreational fishermen by removing impediments to the possession of fish in the U.S. EEZ that were legally harvested in Bahamian waters and the harvest of which would not adversely impact U.S. resources.

DR. CRABTREE: So what if they bring these fish back and then sell them? Monica can correct me, but I think most of our requirements about selling fish refer to fish harvested from the EEZ.

MS. SMIT-BRUNELLO: And that's right; we just checked the regulations and they do refer to the fact that you can't sell fish harvested under the recreational bag limits harvested in the EEZ. The intent was if the states wanted to do something different in state waters, and it was never contemplated about – I don't think any of you contemplated about folks going to the Bahamas and bringing back fish from the Bahamas and not being able to sell or being able to sell. That just hasn't come up.

DR. DUVAL: Maybe my blood sugar is low; I'm feeling a little bit confused as to – so, Roy, are you saying that we need to include some language in here that would prohibit sale in the purpose and need statement?

DR. CRABTREE: I don't know, but we're modifying the purpose and need now to make it specific to recreational, but it may be that some of these guys are bringing the fish back and selling them. In that sense, they're really commercial; and I wouldn't be a bit surprised if some of these guys don't come back and sell some fish to restaurants; but I don't know.

MR. JOLLEY: Again, I'm not on your committee, but the Bahamians have been in the past very upset about some commercial enterprises coming over there not properly permitted and not clearing in the past. It is not as big a deal today, but they're much against coming over there catching fish, bring them back here and selling them.

DR. CHEUVRONT: Yes; Bahamian regulations do not permit foreign vessels to commercially fish in the Bahamas, but that doesn't mean – I think what Roy and Monica are showing is that there is kind of a loophole here; that if somebody is dually permitted, there probably isn't any legal regulation that is stopping them from selling those fish once they're back in the U.S. even though that violates the intent of the Bahamian permits. But they're no longer in the Bahamas, so does something need to be done to address that issue?

MS. McCAWLEY: I'm thinking that maybe we should add something that it is not our intent to allow sale of these species upon returning to the United States. We can add that to the purpose and need and then maybe we need another action about it in the document; but we can certainly clarify that.

MR. BELL: I was going just say it is not just dually permitted. From what Monica said, the protections against that are really about fish obtained in the EEZ; so there are two different mechanisms. You could be dually permitted or you could just be recreational and because you didn't catch them in the waters of the EEZ, I guess we wouldn't be able to stop them. If that is our intent, we need to put that in there somehow to not allow that.

DR. DUVAL: So would it be better to include language like that in the purpose or in the need?

MS. SMIT-BRUNELLO: Well, you would definitely need to put it in the measures, if that is what you're thinking. I don't know whether it needs to go in the purpose and need or not.

DR. DUVAL: Tracy, enlighten us, please.

MR. DUNN: I just wanted to add the point that if somebody went over to the Bahamian waters and coming back and selling their fish, they violate Bahamian law and then the Lacey Act would apply.

DR. CRABTREE: So, Monica, if we put something in here that specifies that they're allowed to do this but the fish had to have been caught in compliance with all Bahamian rules and then if they bring them back and sell them, they would be in violation of Bahamian rules and so that wouldn't be allowed.

MR. DUNN: Even if you don't have that in there, the fact that they violate the Bahamian law at any point and if they go over there as a recreational, come back and sell, making themselves commercial.

DR. CRABTREE: So it would be –

MR. DUNN: As long as the Bahamians clearly see that as a point they want enforced by us.

MS. SMIT-BRUNELLO: So rather than getting wrapped up in including that in the purpose and need, I don't think it needs to go in the purpose and need; and I would make it clear in the discussion and any bulletins or whatever that go out to the public, that it would be a violation of

the Lacey Act if those fish were to be sold because it would be a violation of Bahamian law. Just make sure the public is aware of all that.

MS. McCAWLEY: What I was going to say was that I would be fine adding that to the purpose because we don't know if the Bahamians are going to change their regulations; but I'm also okay with leaving it out and us just having discussion that it is not our intent to allow these fish to enter the marketplace once they return to the U.S.

DR. DUVAL: Myra is putting something up on the screen to clarify that these are points that need to be included in the discussion that if the fish are sold in the U.S. it would constitute a violation of Bahamian law and the Lacey Act would apply. We have a motion on the floor and Brian has read – well, we don't have a motion on the floor. It has been set up so that we have a motion. Brian has read the purpose and need; so we need someone to make the motion to modify the purpose and need statement. Jessica.

MS. McCAWLEY: I make the motion to modify the purpose and need statement as read by Brian.

DR. DUVAL: Motion by Jessica; seconded by David. Is there discussion? Charlie.

MR. PHILLIPS: Just to be clear, if there was a Lacey Act violation or Bahamian law; it wouldn't be necessary for them wanting to be part of the prosecution. We couldn't do the Lacey Act here if they decided it wasn't worth it to them or something?

DR. DUVAL: That's a Tracy question.

MR. DUNN: Yes; anytime we use an underlying foreign law, we have to get from that country a statement that they would have prosecuted that if they were able to do so. There is a cooperative aspect to bringing any sort of Lacey Act case forward when we're using a foreign law as the underlying law.

DR. DUVAL: Other comments or questions? Are we ready to vote? Is there any objection to this motion? Seeing none; that motion stands approved.

DR. CHEUVRONT: Following on Page 3 of that document, what you see is the action that was brought to you in December. What follows that – and that goes through Page 4 as well – on Page 2, I believe, which I skipped over, is the list of the council motions from December. That's what drove the IPT to develop this new list of actions that you see that start now on Page 5.

If you want to go to Page 5, I want to point out Action 1 is a dolphin and wahoo action. There is nothing specific in there now that directly affects the snapper grouper fishery. Unless somebody has something that they really feel that they want to talk about how this dolphin action affects the snapper grouper fishery – there is somebody.

MS. McCAWLEY: One of the pieces that's in this action that's not in the other action is the requirement – it is actually listed in Alternative 2, the main part that says that the vessel must

have a valid current Bahamian cruising permit, the fishing permit, and the Law Enforcement Committee added the stamped passport.

Right now the way this is structured, it is only in here for dolphin and wahoo; so I would like to add a motion at some point to also require the valid current Bahamian cruising permit, the fishing permit and the stamped passport when taking snapper grouper species and bringing those back from the Bahamas.

DR. CHEUVRONT: So what you're saying you would like to do, this motion from the Law Enforcement Committee, that for Action 1, Alternative 2, that adds the language; you would like to make a similar motion to create an action that would do this for snapper grouper?

MS. McCAWLEY: Correct.

DR. CHEUVRONT: Can you give us a minute to work on that motion and then we will let you see if this is what you want to have it say.

DR. DUVAL: And while they're doing that, Doug, you had a comment?

MR. HAYMANS: Yes; a question for Monica, if I could. Back over to Page 3, and just dealing with the current CFR language, the exemption clause – just to make sure that I fully understand, the exemption clause as it is stated now for snapper grouper only applies to the head and fins intact. It says nothing to size limits, bag limits or anything else; correct?

MS. SMIT-BRUNELLO: So if someone is transiting the EEZ now with fillets that they claim are snapper grouper fillets and they claim they've been to the Bahamas and they are checked; are they checked based on U.S. bag limits?

MS. SMIT-BRUNELLO: That might be a Tracy question. I'm confident in what I tell you is that this is accurate, that the only exemption is to the heads and fins intact. They're allowed to bring them in fillet form. As to what they're checked for when they're stopped, I might ask Tracy to address that. Karen is in the audience, too, so she could weigh in on this.

MR. DUNN: I apologize; I'll have to hear the question again.

MR. HAYMANS: Under the current law regarding snapper grouper fillets, what is enforced if you stop a vessel transiting the EEZ who claims that these fillets are Bahamian fillets? What do you enforce now?

MR. DUNN: I guess the question is how do we prove that the fillets actually harvested out of the Bahamian waters?

MR. HAYMANS: No; if there is a difference in the possession limits of the various snapper grouper species; what are you enforcing, the U.S. limit or the Bahamian limit?

MR. DUNN: My understanding right now, the way the law is written, the only exception that applies is the fillet form. We would enforce the U.S. bag limit.

MR. HAYMANS: That is what I was asking; thank you.

DR. DUVAL: So that would be two fillets per fish?

DR. CHEUVRONT: Right now for snapper grouper species, you're allowed to bring 60 pounds of fillets of snapper grouper.

DR. DUVAL: Where is that written in the regulations, Monica?

MS. SMIT-BRUNELLO: That's Bahamian law.

MR. HAYMANS: So we're enforcing Bahamian law or U.S. law?

DR. DUVAL: Maybe that's a Jessica question.

MS. McCAWLEY: Okay, let me try. Just so everybody knows, FWC had discussions between the Division of Marine Fisheries management, legal, law enforcement. We had the attorneys also associated with all those parts of the agency. Florida has a landing in whole condition requirement; and we're using kind of the purpose and intent of state law paired with something that we have on our website that we negotiated with the Minister of Fisheries about this exemption of landing Bahamian-caught snapper and grouper with direct and continuous transit.

Ultimately in my mind we don't really have the regulations in place in Florida to allow this. We've just been allowing it through direct and continuous transit because we still have a landing in whole condition requirement. We haven't even modified the state regulations to properly allow for the snapper and grouper to come back as fillets; so we would have to go back and do that for snapper grouper – and if this amendment goes through, also for dolphin and wahoo – because that was really never fixed.

MR. HAYMANS: So that's FWC's standpoint. Morgan, if the Coast Guard stops somebody at sea, what are they enforcing?

LT. FOWLER: We would be enforcing the whole fish and not the fillet. When we stop a vessel, they're not supposed to be allowed to bring in a filleted condition from our standpoint.

MR. HAYMANS: Well, that's in contradiction to the exempted paragraph.

DR. CHEUVRONT: But it is currently in the regulations that apply to the snapper grouper species that they can be lawfully harvested and brought into the U.S. as fillets in the U.S. EEZ provided Bahamian fishing and cruising permits are on board the vessel and the vessel is in transit through the South Atlantic EEZ.

That is currently in the regulations, so there would be an exemption for snapper grouper species. All other species would have to be in whole condition; but in the U.S. EEZ itself fillets are allowed for snapper grouper species as long as they can prove that they are coming from the Bahamas with the proper documentation. I don't have a copy of the actual amendment in front of me, but it does have the CFR that addresses that in the amendment.

DR. DUVAL: The citation is 50 CFR Section 622.186. Yes; that is correct, snapper grouper only.

LT. FOWLER: We like to see the whole fish because then we know what it is.

DR. CHEUVRONT: There is an action in here that addresses that issue that is going require skin to be on all fillets that are brought back from the Bahamas so you'll know what species of snapper grouper it is as well as whether you all decide to allow dolphin and wahoo to come back that way as well. We will help address that issue through the actions in this amendment.

LT. FOWLER: To my knowledge, the Fisheries Training Center in Charleston is teaching that we're not allowed to bring any type of fillet back.

DR. DUVAL: Good to know; the web gets more complicated. Jessica.

MS. McCAWLEY: Just to kind of help clarify what I think Doug is asking; the rule that has been in place for snapper grouper has been in there for a long time and predated a lot of these other requirements. It predated some of the state rules; so it is confusing and clearly needs to be updated so that it more closely matches with what the intent was.

DR. DUVAL: I think I understand your question, Doug. It's like what is enforced now and how is it enforced because the only exemption is for the fillets so you're still counting U.S. bag limits if a vessel that has all of their appropriate Bahamian documentation if stopped in the EEZ. I was assuming that would be one fish equals two fillets; but since this is pretty much a Florida issue, this is how Florida has been sort of by policy, it sounds like, treating it.

MR. HAYMANS: And while they were working on the motion, we've really gotten ourselves wrapped around the axle here with bag limits and pounds and pieces and all that kind of stuff when snapper grouper was simply allowing the fillets to come in. My thought was it was U.S. limits. The only difference was they could be filleted; and I was just wanting to drive us towards that later and forget the issues of bag and weight and size and pieces.

DR. CHEUVRONT: Doug, those are issues that are going to come up as we go through the rest of the actions because currently for snapper grouper it isn't two fillets equals one fish. It is just simply poundage. I believe the CFR went into effect about 15 years ago, which was before we had a lot of the restrictions that are now currently in place for many of the snapper grouper species.

Depending on how we go through some of these actions, we can take care of prohibiting them from bringing back fillets of species that are not currently allowed under – that are prohibited

under U.S. regulations. We can walk through it and we can sort of point that out when we get there, but that's a little ways down the road yet.

DR. DUVAL: So let's go ahead and take care of this motion. Brian and Myra have worked on this and the language is on the screen, which reads the motion is to add an action that adds language to the documentation requirements that require a passport stamped to prove that vessel passengers were in the Bahamas when harvesting snapper grouper species. Jessica.

MS. McCAWLEY: Just to be clear; that is in addition to the valid current Bahamian cruising permit and the fishing permit? I just want it to be clear that is in addition to those two things.

DR. CHEUVRONT: Yes; it does say add language.

DR. DUVAL: I think that's clear. Jessica.

MS. McCAWLEY: Do we need to say "stamped and dated"?

DR. DUVAL: It couldn't hurt.

DR. CHEUVRONT: Okay, just to let you know "and dated" part was not in the original Law Enforcement Committee's motion that applied to dolphin and wahoo in Action 1; so when the Dolphin and Wahoo Committee comes back to this later on, we may want to discuss if we want to add that language there as well.

MR. BELL: We might have been assuming when it's stamped, the date is part of the stamp process. If we need to say it, we can say it.

MS. McCAWLEY: To me that might be a legal question whether we need to add it in there or not.

DR. DUVAL: It has been while since I've been to the Bahamas, so I can't remember if it is the stamp and then the date is handwritten or if the date is included with the stamp. John might be able to help us out. Anna.

MS. BECKWITH: Typically it is handwritten; the date is handwritten in when you come back through customs.

DR. DUVAL: So it does seem appropriate to include that language to say "stamped and dated". Jessica made the motion and it was seconded by David. **The motion reads "add an action that adds language to the documentation requirements that require a passport be stamped and dated to prove that vessel passengers were in the Bahamas when harvesting snapper grouper species." Any other discussion on the motion? Any objection to the motion? Seeing none; that motion stands approved.** Roy.

DR. CRABTREE: Brian, I'm looking in Chapter 4 of the Environmental Consequences; and it concludes that no biological impact on species included in the Dolphin Wahoo FMP would be

expected. Then when you look in the Economic Section, it says that if didn't allow these fish to come back in, there might be fewer trips taken.

It seems to me this very likely could have biological impacts. I'm not aware of anything that indicates the fish in the Bahamas aren't the same stock of fish that we're fishing on in the U.S. for dolphin and wahoo. It seems to me that if this were to result in more people fishing than otherwise would, it could have biological impacts.

DR. CHEUVRONT: But the issue is we don't manage fish in the Bahamas regardless of whether they're the same stock or not. The same thing is true say, for example, with spiny lobster. We manage spiny lobster but we know that goes through Caribbean-wide.

DR. CRABTREE: But if it's all one stock, to the extent that more fish are taken out over there; if we did a stock assessment, that could potentially affect how many fish we can catch over here. I think it is something for you guys to take a look at, but I wouldn't feel comfortable saying this doesn't have biological impacts. It seems to me that the amount of fishing that occurs in the Bahamas very well could affect the same stocks over here for these species at least.

DR. CHEUVRONT: I think it's more probable for wahoo than it would be for dolphin just because dolphin are just so prolific. We will review it. Okay, Action 2 purely has to do with exempting dolphin and wahoo from the U.S. bag limit. That was discussed under the Law Enforcement Committee. I don't think that there is any implications for the Snapper Grouper Committee for this action at this point.

Action 3; it was recommended by the Law Enforcement Committee that the council move this action to the considered but rejected appendix. I forget what the longer name was that Gregg was using for it earlier. The idea was that there is no law enforcement agency that is willing to take on the responsibility of having folks report into them on this.

DR. DUVAL: Is there a desire on the part of this committee to reflect the Law Enforcement Committee language? Jessica.

MS. McCAWLEY: Yes, I make a motion to move Action 3 to the considered but rejected appendices.

DR. DUVAL: Motion by Jessica; seconded by David. **Is there discussion on this? Any opposition to this? Seeing none; that motion stands approved.**

DR. CHEUVRONT: And the last one I think that we can get through really quickly is Action 4, which is on the top of Page 6. This is the action that would require the skin to be intact on the fillets when they're brought into the U.S. Now, I believe that there was a request or direction to staff from the Law Enforcement Committee to indicate that this means that the skin would need to be intact on the entire fillet; and that was given as direction to staff.

The alternative here that affects the Snapper Grouper Committee is Alternative 2 that would require this for snapper grouper fillets. Right now there are no preferred actions. This is going

out for public hearings. You're going to see this again in June before it goes out to public hearings, but this may be something that you'll want to consider here as well.

MS. McCAWLEY: I would like to make a motion to choose Alternative 2 of Action 4 as a preferred alternative.

DR. DUVAL: Motion by Jessica to select Alternative 2; seconded by Charlie. Discussion?

MR. CONKLIN: I just wanted to add that maybe we should also include to have the scales on the skin for identification purposes. A scaled snapper is kind of hard to identify exactly what it is. It is going to be hard enough as is from an enforcement standpoint to try and figure out what it is; so perhaps having scales on it would help.

DR. DUVAL: So you're suggesting along the lines of the LEC recommendation to add clarifying language that the skin must be intact on the entire fillet, that it includes scales as well.

MR. CONKLIN: Skin and scales in the wording.

DR. DUVAL: Okay; I think we can do that. We could just add our recommendation to the law enforcement –

DR. CHEUVRONT: I think it would be clearer to staff if you put "and the scales" part at least and modify that alternative as part of this motion; because what you're doing now is you're selecting Alternative 2 as the preferred and then you're going to tell us to go back and modify that. Well, we're modifying the thing you just told us to make as your preferred; and now we're left with is that still your preferred? If you could put it all in one motion; that would be very clear direction.

MS. McCAWLEY: I think that you could add "skin and scales intact".

DR. DUVAL: It's right up there on the screen; so it's select Alternative 2 under Action 4 as preferred, but add language to indicate scales and skin should be intact.

MS. McCAWLEY: On the entire fillet I believe is the rest of the direction.

DR. DUVAL: Is that okay with the seconder, Charlie? Anna.

MS. BECKWITH: I won't support this. I think freezing fillets with scales is probably not – it starts to take away facilitating what their original desire was. Freezing fillets with scales is just kind of gross.

DR. DUVAL: Well, no one says you have to freeze them. Ben.

MR. HARTIG: Well, one of the problems you run into in the process of filleting, some of the scales are going remove; and it's a judgment call are all the scales intact; are some of them

intact; how many have to be intact? That's just part of filleting a fish; they're not all going to be intact.

John and I had talked about this earlier, and we thought that just having the skin on would be appropriate. A number of these snapper are cooked with the skin on and without the scales; so practically if you freeze a fillet, it is going to be softer, harder to get the scales off, and you're really going to impact the quality of your fillet. When you scale a fish, it is the whole fish. You scale the whole fish and then fillet it; so there are quality concerns with the meat that go into this. To me, I would just leave the skin intact, don't get into the scales; it can create more problems than it's worth.

DR. DUVAL: I think Chris was trying to be helpful. Jack.

MR. COX: I had to take a step back for a minute and just continue to look at what we're trying to do here. I fly fish all over the country; and I think if you want to get your fillets back, you fly them back and you keep your consistency of your law on the water to help law enforcement.

MR. HARTIG: Well, to that point, there aren't airports on every island. Many people never come in contact with an airport when they're on a trip to the Bahamas; so that's really a very onerous suggestion to include in this.

MR. COX: It's just getting very complicated; that's all I'm saying.

MR. BELL: I was just going to say I appreciate what Chris is thinking in that the scales might give you an additional level of confidence in identification, but I don't know that it adds that much given the hassle and the trouble it might create. It is probably not worth worrying about the scales if the skin is intact. That's probably the best you can do if we're going to go that route. It would add just one additional little piece of data, but I don't know that it's worth it.

MS. McCAWLEY: I'm good with removing the scales part from the motion.

DR. DUVAL: Charlie, are you okay with removing the scales part? I still think we need that language of – with adding the language of skin intact. That's just the LEC recommendation.

MR. HARTIG: Myra or Michelle or anybody who knows; how many snappers – of what species can you have – what is the bag limit that we're enforcing? I mean, how many fish can you have coming back from the Bahamas based on U.S. possession limits for snapper and grouper?

DR. DUVAL: There is a ten snapper aggregate bag limit.

DR. CHEUVRONT: That's twenty.

DR. DUVAL: There is a twenty snapper grouper aggregate bag limit for anything that doesn't already have a bag limit. There is also a ten snapper limit. In addition to that ten snapper bag limit is in addition to any snappers that don't already have a bag limit; so like you allow your five vermilion snapper; but for all snappers that don't have a limit, you can have ten per person.

DR. CHEUVRONT: Sixty pounds is a Bahamian rule and that's a vessel limit and not per person limit. We need to understand when we're talking Bahamian regulations here, we're talking per vessel; not per person or per trip – or, excuse me, per day. This is total possession allowed on the vessel.

MS. McCAWLEY: I just wanted to help clarify that is not a multi-day bag limit. The Bahamian rule is not a multi-day bag limit.

MR. HARTIG: Well, the sixty pounds, to me you have sixty pounds of fillets. If you have more than your possession of snapper grouper allowed to make your sixty pounds; you're in violation? That is what I need know.

MS. McCAWLEY: Yes.

DR. DUVAL: **Perhaps we can dispense with this motion. It reads select Alternative 2 under Action 4 as preferred and add clarifying language that would indicate that skin must be intact on the entire fillet.** Is there any other discussion on this specific motion? Mel.

MR. BELL: So if we go that route, then we're basically saying then we don't require the skin on dolphin and wahoo or do we select that as well?

DR. DUVAL: We're not the Dolphin Wahoo Committee. **Any other questions or comments on the motion? Is there any objection to the motion? Seeing none; that motion stands approved.** I'm going to suggest that we maybe recess for lunch and we can come back at 1:30 and take this back up. Thank you.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Madison Ballroom of the Hilton Savannah DeSoto, Savannah, Georgia, Wednesday afternoon, March 5, 2014, and was called to order at 1:30 o'clock p.m. by Chairman Michelle Duval.

DR. DUVAL: All right, we are going to reconvene the Snapper Grouper Committee. We are in the middle of Snapper Grouper Amendment 33; and we managed to get through the first four actions in this amendment. Brian and Myra are going to lead us through the next several.

DR. CHEUVRONT: Action 5 is an action that was suggested by law enforcement on the IPT to bring parity to all of the actions in this amendment. What this action proposes is to no longer allow snapper grouper fillets to be brought back from the Bahamas as an option that was a similar option that was available for dolphin and wahoo.

The Law Enforcement Committee considered this but then made a motion to move this action to the considered but rejected appendix. If this committee wants to discuss it, that's fine. If they agree with what the Law Enforcement Committee has done, that's fine, too. The motion has already been made and I'm not certain that this committee would need to make a motion, but I don't want this to go by without this committee having an opportunity to discuss this.

DR. DUVAL: So you think that the Law Enforcement Committee motion is sufficient?

DR. CHEUVRONT: It's a motion that has already been made that has to go before council.

DR. DUVAL: I think Zack would like to make a few comments on this motion.

MR. BOWEN: Madam Chair, do we have an explanation of why they moved it to that appendix?

DR. CHEUVRONT: Yes; the decision was that they didn't want to create or reintroduce a problem that had existed before and was dealt with them. The feeling was to reintroduce this now would alienate the public. This is the example of they came to us and asked about can we bring dolphin and wahoo fillets; and the council would be telling them not only can you not bring dolphin and wahoo fillets, but now you can't bring snapper grouper fillets back, too. There was an issue with potentially alienating the public. It was discussed that it hasn't been really a significant problem since the snapper grouper fillets have been allowed to be brought back from the Bahamas.

DR. DUVAL: And so I think the fact that we've put together this amendment to allow for the same exemption for dolphin and wahoo fillets as we have for snapper grouper fillets, the Law Enforcement Committee felt that it would be inconsistent to then go ahead and have an action that would actually remove the exemption for snapper grouper when that allowance is what led to this request for dolphin and wahoo. Zack.

MR. BOWEN: Wouldn't it be inconsistent on the other end if we decided not to let dolphin and wahoo fillets come over? I mean, if we're looking for consistency, I'm all for Action 5 and I'm also all for no action in the dolphin and wahoo. I know we're not in the Dolphin Wahoo Committee. Again, consistency, that seems to be my word for the week, consistency and simplify.

DR. DUVAL: Your remarks are appreciated; and I think I'm going to ask Tracy if he had anything to add to this discussion.

MR. DUNN: Yes; I kind of started this; because when I sat down when we were discussing this, I was pretty much explaining that – and I look at it only from the enforcement perspective. I always respect what the council decides ultimately; but we try to provide the guidance that is going to give you the best enforcement of the regulations.

Clearly, when we're talking about the totality of the enforcement units of the world that are inspecting these boats, it just makes sense that a whole fish is the easiest way for a lot of our different trained people to be able to tell what is on that boat. If you start getting into fillets – and I heard it today; the confusion that comes from this; are we talking about bag limits now; are we talking about what fillets can and cannot be on the boat; what skin needs to be on it.

You've got to think about that poor boarding officer that's on that boat trying to do the best job and identify the fish, determine what problem we may have; anyway, we back to clearly – and I

pushed that issue – the best enforceable regulation is require the whole fish. It is very simple, consistent across the board.

I did hear consistency with the new – and again I apologize; that is the dolphin and wahoo; but we need to be consistent with the snapper grouper. The snapper grouper fillet regulation is a bad regulation. To be consistent with that down the road; now we're – and again you start to see this slippery slope.

MR. BOWEN: With his testimony – and I'm going to quote him – of it being a bad regulation; can't we nullify that regulation?

DR. DUVAL: Roy, can you speak to that, maybe you and Monica?

DR. CRABTREE: Well, yes, you could. You could leave this in and you could decide to remove the provision that allows them to bring snapper grouper fillets in if that's what you want to do. The more I've listened to all this, the more thorny the whole issue has gotten. I'm not convinced that allowing them to bring dolphin and wahoo fillets in isn't that good an idea; so it seems to me at this stage of the game my preference would be to leave this action in.

MR. PHILLIPS: I'm beginning to agree with Zack and Roy. This started out to be a simple thing that we were going to do and make life easier; but I'm beginning to lean more to if they want to work on Bahamian limits over in the Bahamas and they want to bring back fillets, fly them back.

Once you come in the EEZ, have our limits, you don't have to have stamps for anything, you've got our limits, you're in our waters, you're under our jurisdiction and we don't have to worry about the Lacey Act. It is so complicated and it is so getting away from what law enforcement can practically do.

I hate taking away something that somebody has been doing for a long time; but the Coast Guard didn't even really know what the rules were I mean as hard as they try. If I understood what Jessica said, they just have more like a gentleman's agreement with the Bahamas. It is not even written in their laws. If we're going to fix it, let's clean it up and make it work right and go from there.

DR. DUVAL: If it was the pleasure of the committee to keep this action in, I'm assuming that we would want a specific motion to that effect since we have the opposite motion from the Law Enforcement Committee. I just want to put that out there. Zack.

MR. BOWEN: I would move to make that motion.

DR. DUVAL: **There is a motion by Zack to maintain Action 5 in Snapper Grouper Amendment 33. Is there a second to that; seconded by Charlie.** Discussion? Doug, you look a little confused.

MR. HAYMANS: Why do you need a motion to keep an action? The action is in; you only need a motion if you're going to remove it; right?

DR. DUVAL: There is already a Law Enforcement Committee motion to move it out; and our previous discussion was that because the Law Enforcement Committee has made the motion to move this out; and if we're silent on it, then motion will stand and this action would be removed. If it is our intent that this committee would like to see it stay in, then we make a motion specific to that. Does that help?

MR. HAYMANS: My apologies for being late and missing that discussion. I would have thought that you would tackle that at full council, but, okay.

DR. DUVAL: Other comments on this motion? Ben.

MR. HARTIG: Well, basically if you're over in the Bahamas and you're in a 27-foot boat and you've got your, whatever, 148-quart Igloo and you catch a 60-pound wahoo, it won't fit in the cooler, period. You have no way of bringing that fish back into the United States based on the size of the fish that you just caught. That's one thing.

To me we solved it in snapper grouper. Law enforcement said it was a bad regulation. Obviously, it's not a bad regulation because we haven't had a lot of enforcement actions to go along with what we've done in snapper grouper. To me we solved it in snapper grouper to some satisfaction. At least we allow people to bring those 60 pounds of fish in; and I believe we should it with dolphin and wahoo as well.

DR. DUVAL: Let me just remind folks of the timing of this amendment. The IPT is going to be providing more analysis between March and June; and in June we would review the document and vote whether to send it out for public hearings. By maintaining this action in the amendment or expressing our desire to do so, this is not final action. We're still in the development stages of this. Zack.

MR. BOWEN: Well, just to Ben's comment; with all due respect, Ben, it is not the size of the fish that keeps him from bringing it back; it is the size of the cooler. They're legal to bring that one wahoo back. We don't care what it weighs as long as they're in guidance with federal regulations. If it is a 60-pound wahoo or a 100-pound wahoo, they can bring it back. It's two per person. It is the size of the cooler in your explanation that is keeping him from bringing it back and not the size of the fish.

MS. BECKWITH: I'm inclined to let this stand as is. I know this is a dolphin and wahoo comment, but I had struggled with the process for dolphin and wahoo; the more I have thought about it, the more comfortable I'm getting with allowing the dolphin and wahoo fillets to come through. When we get to that conversation, I'll certainly elaborate on my position, but I'm not supportive of taking away the snapper grouper fillets.

DR. DUVAL: So, again, this action has two alternatives; no action and Alternative 2; so keeping it in does not eliminate allowing that exemption for snapper grouper fillets to come in. Jessica.

MS. McCAWLEY: I'm going to vote against this. I think it goes against our original intent when we started this path. The fishermen came to us and asked for the dolphin and wahoo fillets. Now we would not only not give them that, but then we would take away the snapper grouper fillets. I just think that we're being kind of disingenuous.

MR. COX: I think we're all looking for consistency in regulations and making life a little bit easier for enforcement and things that we're doing here. I support Action 5 staying in.

DR. DUVAL: Are there any other comments before we vote? Could I please see a show of hands if those in favor of the motion to retain Action 5 in Snapper Grouper Amendment 33. That's five in favor. Could I please see a show of hands of those opposed to the motion. The motion fails for a tie. Doug.

MR. HAYMANS: Madam Chair, my point there is we can always select Alternative 1 when we've had a chance to thoroughly beat this dead horse; and we may wind up coming back and doing the same thing as removing it by picking Alternative 1.

DR. DUVAL: Right; so Alternative 1 is what we already have on the books, which is allowing it.

MR. HAYMANS: Right.

DR. DUVAL: Yes; and that is what I was trying to clarify is that if you retain the action it does not prohibit the council from choosing Alternative 1 as a preferred alternative to continue to allow it. Okay, moving on.

DR. CHEUVRONT: Wow, that was so much fun; we get to do it two more times. We'll look at this again tomorrow in dolphin and wahoo and then we'll bring it up again at full council; so stay tuned. Action 6; this is the action that would consider allowing or exempting snapper grouper species that were harvested lawfully in the Bahamas; exempting them from the possession limits in the US. EEZ.

Right now currently the snapper grouper brought from the Bahamas are subject to the U.S. possession limits when they're in the EEZ. Alternative 2 would remove that requirement. Now, the Law Enforcement AP preferred Alternative 1, make them continue to be subject to the U.S. bag and possession limits.

The Law Enforcement Committee was silent on this action and chose not to make any motions in regards to this. Just to let you know, we had talked about – in dolphin and wahoo, yesterday the Law Enforcement Committee recommended – and I believe that is in Action 2 – the Dolphin Wahoo Committee separated out from Alternative 2 dolphin and wahoo and made them separate alternatives. The thought was that if they're going to exempt anything, it probably really only needed to be just wahoo, because that is the only that is in conflict with U.S. regulations.

MS. McCAWLEY: I'd like to make a motion to send this to the considered but rejected part of the document.

DR. DUVAL: Motion from Jessica to send Action 6 to the considered but rejected appendix; seconded by Ben. Discussion.

DR. CHEUVRONT: Just to help make sure everybody understands what this means is that if Jessica's motion is approved, then we're removing the possibility of exempting snapper grouper fillets from the U.S. bag and possession limits when they're in the U.S. EEZ. Whatever comes from the Bahamas would be subject to the U.S. possession and bag limits; and you're not considering removing that.

MR. HARTIG: John, on the snapper and stuff you bring back; have you had any problem? I mean the possession limits that you're allowed from the U.S. standpoint and go in the Bahamas; that's been always enough fish for you guys to bring back; and from your perspective dealing with the number of people that do that, that has been fine for most of the people that you come in contact with?

MR. JOLLEY: I've never in 40 years had a problem personally. I don't know of anybody from the 1,400 member West Palm Beach Fishing Club that has ever had a problem. We simply aren't stopped very frequently; and so whatever is going on is going on because we go and come. It is recent that people now because of a couple of law enforcement actions have become aware of this and are so concerned about it; but, no.

DR. CHEUVRONT: And in relation to that, right now there is no requirement to leave the skin on; so you don't know what species those are coming back. It is hard to know whether they're actually in compliance or not. The only thing that they could be in violation of would be too many pounds.

We don't have anything about species, but the council is considering regulations that would require skin to be left on; so things like Nassau grouper and things like that would be subject to U.S. regulations; and apparently they do bring a fair amount of that Nassau grouper back when they bring in snapper grouper species.

MR. PHILLIPS: Brian touched on it, so we've got species in the U.S. that are prohibited, but we will be able to bring back those species from the Bahamas that are prohibited here but are legal there?

DR. CHEUVRONT: No; basically if you remove this action, basically it says that if it's prohibited in the United States, you cannot possess it in the U.S. EEZ. Those species that are prohibited in the U.S., you would not be allowed to have in your possession when you come back from the Bahamas.

DR. CRABTREE: I was just going to say I think that's a good thing. I don't want people bring in Nassau grouper back from the Bahamas. We've got a petition to list under the Endangered Species Act and just went through a status review on them. If it ever did get to that point, I guarantee you that will affect our fishermen. This notion that fish caught in the Bahamas don't affect us, that is not really true. A lot of these things are common stocks and they could affect us.

MR. COX: I just want to throw this out there. I mean we catch wahoos commercial fishing and a lot of times they won't fit in our box. Maybe we need to consider letting some of the commercial guys put some fillets in their box if the Coast Guard gets to where they can identify fillets on the boat.

MR. BELL: I was just going to say this whole process started when some folks came to us with some questions about dolphin and wahoo and could we do this; so then it evolved into dragging snapper grouper in there. But the logic we applied to discussing the previous action where because they came to us with this question about dolphin and wahoo and we're now talking about snapper grouper; we don't want to necessarily yank something away from them that was in place and seemed to be working.

Kind of the mirror image to that is – and we don't necessarily in Action 6 want to give them more than they already had; so I guess if you take Action 6 out of there, you'll still be on a level playing field and where you were. That makes sense. If you're not willing to take something away from them because they brought it up, you shouldn't want to give them more because they brought it up. It would be better to perhaps take 6 out of there and keep that part the same.

MS. McCAWLEY: I don't want to see people bringing back prohibited species like Nassau grouper. I know that this is not part of this action, but ultimately I would really like to see so that they couldn't bring back queen conch because that's prohibited in Florida state waters, also, but that wouldn't be affected by this action. I just don't think that people should now be able to bring back prohibited snapper grouper species.

MR. BELL: Just to that point; I mean that is a good point; so then we do this and then what is next and what is next and what is next. That is the trouble with making exceptions to things is what is next, what is next; and queen conch, lobster, I don't know, whatever else could be on the menu, but that's one of the problems with this whole thing.

DR. DUVAL: All right, anymore discussion on this motion? Is there any objection to this motion? I see one objection. Any abstentions? The motion passes with one objection.

DR. CHEUVRONT: Okay, that was the last action for this amendment that is to be discussed by this committee. Michelle touched a bit on the timing of this. Just so that you all know, the Snapper Grouper and the Dolphin Wahoo APs are meeting this spring so they'll get a chance to look at this amendment as well; and we will bring that back to you in June.

We will bring back to you in June a document that has some analysis of these actions with however it ends up when we leave here from full council. At June you will review the document again, perhaps hopefully choose some preferred alternatives, if you can do that at the time, and then vote to take this out to public hearings in August with the idea that a draft final document would be brought to you at the September meeting for you to vote on to decide whether you want to submit the amendment to the Secretary of Commerce. That is when final action is expected to be taking place on this; just so you all know.

DR. DUVAL: Thanks for that clarification, Brian. We're done with this document and Brian is on the schedule to lead us through our next agenda item, which is actually Amendment 34 to the Fishery Management Plan for Snapper Grouper. This is the Accountability Measures Amendment.

DR. CHEUVRONT: Right; and I think this is probably Attachment 8B. This amendment has two actions and the first action is once again to try to bring some parity or consistency among the regulations between species. In Dolphin Wahoo 5, and I forget which CMP species amendment it was, the council modified the accountability measures and changed the criteria under which the accountability measures would go into effect.

Then at a previous meeting the council gave direction to staff to develop an amendment to do the same thing for the snapper grouper species. This amendment also has another action that looks at dolphin allocation, but the Dolphin Committee is going to take that one up tomorrow. We just need to deal with the one action here for snapper grouper.

We need to look at the purpose and need, which is on Page 2 of this document. It is very straightforward at this point. The purpose for the action is to modify the accountability measures for snapper grouper species and golden crab and adjust the sector allocations for dolphin.

The need for action is the intent of Snapper Grouper Amendment 34, Golden Crab Amendment 9 and Dolphin Wahoo Amendment 8 is to base conservation and management measures upon the best scientific information available and to prevent unnecessary negative socio-economic impacts that may otherwise be realized in these fisheries and fishing communities; and ensure overfishing does not occur in accordance with the provisions set forth in Magnuson-Stevens Act. At this point it would be a good idea if this committee wanted to discuss any modifications they would like to make to the purpose or need for this amendment.

DR. DUVAL: Any modifications to the purpose and need; are people happy with that? Would you like a motion from the committee to accept the purpose and need as worded? Is there somebody willing to make that motion? Charlie.

MR. PHILLIPS: Madam Chair, I'd make a motion that we accept the purpose and need as written.

DR. DUVAL: Motion by Charlie; second by Jessica. **Discussion? Objection? Seeing none; that motion stands approved.**

DR. CHEUVRONT: Okay, Action 1, the no action alternative starts on Page 3 and is quite long because of the number of species that are covered by this amendment. What we have done; much of this comes from the Comprehensive ACL Amendment that went into effect two years ago. It has all these different species that are affected and what is currently there.

I think what we might want to do, instead of reviewing what is currently in place for all these different species, is we can just cut to the chase, which is found on Page 8. Alternative 2 and Subalternatives 2A through 2C and Alternative 3 and Subalternatives 3A through 3C match the

wording exactly based on what you had used for Dolphin Wahoo Amendment 5, which is currently under review.

Now, just to reacquaint you with these alternatives, Alternative 2 pertains to the commercial fishery. Basically what it says is that under Subalternative 2A is that for the commercial portion of the ACL, if it is exceeded, the accountability measures that are otherwise in place for whatever species would only be triggered if the species is overfished. If the species is overfished, then the accountability measures would kick in.

Under Subalternative 2B, the accountability measure would be triggered only if the total ACL; that is the combined commercial ACL and the recreational ALC is exceeded. Even if one sector goes over its ACL but the other sector does not and there is enough fish left in the remaining sector that you don't exceed the total ACL, then you would not invoke an accountability measure. If the total ACL is exceeded, the sector that exceeded the ACL would then be the one that would have to do the paybacks or whatever is required under the accountability measures.

Subalternative 2C says that if the commercial ACL is exceeded, that the accountability measures would be put in place only if the species is overfished and the total ACL is exceeded. Your previous alternatives that you chose that were put into effect is the equivalent of Alternative 2C for the commercial fishery.

Now for Alternative 3 you have the same basic subalternatives but just for the recreational fishery. For the recreational fishery, previously the council had chosen Subalternative 3C for the other recreational fisheries that this has been applied to. I guess at this point it would be good to see if there are any questions to help explain this any further, if anybody has any questions or what.

DR. DUVAL: I think just one clarification that there is one difference between Alternative 2 and Alternative 3; and that is Alternative 2 includes an in-season closure for the commercial sector if the ACL is met or projected to be met whereas there is not one for the recreational sector. Roy.

DR. CRABTREE: Yes; I see that and I'm a little concerned about Alternative 3. It seems to me if you're going to have a payback, then you need a provision that you're going to have an in-season closure because think of just a hypothetical example. What if we got the Wave 1 data: so it is March and I see that we're over the ACL. I don't have in-season closure authority so I'm not going to do anything knowing that I've got to pay it back the next year and that we may dig ourselves so far in the hole that there is no fishery the next year.

I'm not that crazy about in-season closures recreational fisheries, but it seems to me if you're going to have a payback, you probably ought to have the in-season closure so you don't dig yourself so deep in the hole.

MR. BOWEN: Are we doing Alternatives 3C and 2C; aren't we doing the same in the king and Spanish mackerel fishery as this alternative?

DR. CHEUVRONT: That's already in place for the CMP species, king, Spanish, and cobia.

MR. BOWEN: Right; but isn't it the same as Alternatives 2C and 3C?

DR. CHEUVRONT: Yes, they are.

MR. BOWEN: Again, it sure would be nice to be consistent.

DR. DUVAL: Well, I think maybe this point of in-season closures, we didn't think about it necessarily when considering the mackerel species because those are pretty large ACLs. We have an in-season closure for the commercial fishery, but the recreational sector has never exceeded its allocation, so that has never been used.

In snapper grouper we're faced with some much lower ACLs and that may be a tool that we want to have. I agree with Roy; if you get information and you see that you've really had just an incredible wave of catches – and I think we've had that for black sea bass a couple of time in the past. I realize we've modified that substantially – then you're going to want the option probably to do something that's going to allow you to at least have something of a fishing season the following year. Maybe while folks are pondering this, we could run through the comments that we've received from scoping on this. I know there weren't many.

DR. CHEUVRONT: Thank you; I skipped over that agenda item, didn't I? On Page 9 you have the scoping comments that were received. This was taken out to scoping and we did – the deadline for getting scoping comments was in mid-February. We did a webinar approach to scoping for this amendment.

There were no comments received as part of the webinar. We did get three comments back in writing. One of the commenters wanted to have underages from one season added to the ACL for the following season; so if you didn't catch your entire ACL one year, it would be added to the next season.

One commenter felt that only requiring paybacks when the total ACL is exceeded would benefit the recreational sector more than it would the commercial sector with the thought that perhaps that in some of these really low snapper grouper ACLs, that on the recreational side, if the recreational sector exceeded it, their overage might be picked by what was saved on the commercial side. SFA prefers Alternative 1, no action, because it does not endorse either Alternative 2 or Alternative 3.

DR. DUVAL: And I think probably just the other point of no is that Snapper Grouper Regulatory Amendment 14 is currently under review; and so for black sea bass what the council has selected is publishing the length of the fishing season, the start and end dates, all at once in a Fishery Bulletin; so that's basically our accountability measure that's currently under review. In considering this, if we want to keep that in place – and again it is under review – you'd want to probably exempt black sea bass from this recreational accountability measure is my guess. I guess the same goes for vermilion snapper as well.

DR. CHEUVRONT: Yes; and you ought to really want to talk about those two species, whether or not you do want to exempt them.

DR. DUVAL: Myra, can you remind me what we did for vermilion snapper; is that included in here – yes, it is, I think.

DR. CHEUVRONT: It's what is currently in place.

MS. BROUWER: Regulatory Amendment 14 is proposing a change to vermilion snapper. The accountability measure would trigger if the total ACL is exceeded.

DR. DUVAL: So the difference is that it includes an in-season closure for the recreational sector for vermilion snapper whereas these alternatives do not include that in-season closure; so that's the only difference.

DR. CHEUVRONT: But if you go with what Roy is suggesting and somebody makes a motion to that effect, you would apply that to the other species as well.

DR. DUVAL: Correct. Roy.

DR. CRABTREE: Yes; I'm not exactly sure how you structure the alternatives to add that in.

DR. CHEUVRONT: I think, Roy, what you would do is it would be added to the Alternative 3 portion that describes if recreational landings as estimated by the Science and Research Director exceed the recreational ACL, which follows what is in Alternative 2, we can add in the phrase "The Regional Administrator shall publish a notice to close the recreational sector for the remainder of the fishing year."

DR. CRABTREE: Yes; but we only want that in cases where the payback is in play; so if a stock is –

DR. CHEUVRONT: Or we can change "shall" to "may".

DR. CRABTREE: Well, I suspect our attorneys will have problems with it not being clear; so I'm wondering if it needs to be added – I think it needs to be nuanced depending on which one of the subalternatives we choose; so if we choose one that has payback – if the species is overfished, for example, then in that case we would want to have the in-season authority applied; but it may be for a stock that's in good shape, in that case you may not want the in-season closure to happen.

I'm not sure where the council necessarily wants to go on that; if they want to have in-season closures in all recreational fisheries regardless or do you want to have in-season closure authority only if the status of the stock is such that the payback applies. I think that would make a difference in how you structured it.

DR. CHEUVRONT: I agree, I think it would, so we need to find out what the council would want to do on that.

DR. DUVAL: So what are thoughts around the table at the committee level; do you want to have in-season closures for the recreational sector no matter no what, regardless of status, if you exceed the ACL; or, do you only want an in-season closure if it is overfished. Anna.

MS. BECKWITH: I would be more inclined only if the status is overfished.

MR. BELL: Yes; I would agree with that. I think when things close it creates all kinds of ripple effects in the fishery, and if we don't have to, great; but I'm more comfortable with it if the status of the stock is such that we need to if it's overfished.

MR. HAYMANS: But the ACL is established for biological reasons; and if we're saying that we're willing to go over that every year with no consequences; aren't we down the road affecting the biology of the population in some way?

DR. CRABTREE: Well, that's possible but in my judgment – and maybe John would comment if he's around, but I think in most cases when a recreational fishery exceeds their ACL, it's probably because you've had a lot of recruitment and there are a lot of fish out there. In that case there is no biological reason to pay it back, right, because they went over because you've had a big recruitment event. Now, there may be cases where that's not the case and you've had some trend in effort. I suspect in most instances when they catch a lot of fish, it's because there more fish out there than you expected.

MR. HAYMANS: Right; and I'm not so much in favor of the payback in recreational fisheries as I am the in-season closure. If you're approaching that ACL, I would think that we would want to close it to keep it from blowing through or over by some exorbitant amount.

DR. CRABTREE: Well, if I could, it seems to me if you only wanted the in-season closure authority to be there when you have the payback, then you could write it somehow so that if the council chooses 3B or 3A and if the provisions in either of those alternatives applies, then the in-season closure authority is there. If you choose 3A – do all three of those subalternatives have paybacks in them, Brian?

DR. CHEUVRONT: Yes; it would be reducing the length of next fishing season.

DR. CRABTREE: Yes; but that's not a payback.

DR. DUVAL: Yes; there is no pound-for-pound payback included in any of the subalternatives under Alternative 3 for the recreational fisheries. It is only structured that way for the commercial fishery that the, quote-unquote, payback is in the length of the season.

DR. CRABTREE: That's not how I'm reading it because it says – I'm looking at 3A – “publish a notice to reduce the length of the fishing season and the recreational ACL.” I'm reading that you shorten the season and you reduce the ACL so you do pay it back. It does seem to me that you should have the in-season closure authority apply depending on the circumstances of which these subalternatives you choose.

DR. CHEUVRONT: That language is in all three of those subalternatives.

DR. CRABTREE: But one says only if the species is overfished; one says only if the ACL – and I guess it comes down to what we're saying is if it is overfished, you have a payback in all three of these?

DR. CHEUVRONT: Well, what happens, though, is you had said Subalternative 3B. Subalternative 3B does not – being overfished is not one of the criteria that would trigger the accountability measure. If you only want to apply it, if overfished status is involved, then that would Subalternatives 3A and 3C.

MR. HAYMANS: Madam Chair, then it seems to me there is an alternative missing which allows the in-season closure no matter the stock status and the payback only if it's overfished or if that's what we decide to do. It seems to me that makes sense to me and we don't have that option in here.

MS. BECKWITH: So if memory serves, one of the reasons that we have gone down this particular road for the recreational fisheries is because there is a perception out there that MRIP's numbers aren't always as accurate as the recreational community would like to see; so we were trying to move away from in-season closures as a way of helping deal with those uncertainties that are at least perceived that occur in season.

By considering paybacks by fishing season length and reducing the ACL the next year, if needed, as needed, it was a way of balancing out a way of fixing that perception problem and giving us a little bit more flexibility and not necessarily being tied to having these in-season closures for things like black sea bass in high recruitment years and so on and so forth that we were dealing with.

I think there is a reason why we have been moving in the direction of the 3C; and we can always come back and add an additional accountability measure if needed. I just want to kind of remind people how we got here. At least that's my recollection of how we got to this particular idea.

MR. BELL: I think Anna and I just had a mind meld or something. My reason for wanting to if it's overfished, then do this, had to do with degree of confidence in the recreational data versus degree of confidence in the commercial data. She mentioned that.

MR. BOWEN: Dr. Crabtree, you had mentioned earlier like if you look at a certain species and it's March and the ACL had already been exceeded. Usually it's August before we know what we've had caught in March; so recreationally we're working on projections, I guess, and commercially we're working on trip tickets.

We know what we've done commercially but on the recreational side we're estimating, I guess, and working off projections; so wouldn't the knowledge of us exceeding ACL have so much lag time that we would have to go into the next year?

DR. CRABTREE: In some cases it might. It depends on the seasonality of the fisheries, but not in all cases. You get it in two-month waves, right; so if you get Wave 1 and 2, that is January, February, March, April, for example. We get that usually I think by June. A lot of times we can tell by looking at Wave 1 and 2 we can pretty closely predict what is going to happen the rest of the year for some species.

You could find out by the end of Wave 2 you've already caught the whole ACL and there is nothing left. Now, you're already later than you'd like to be; but it would still be better than not doing anything until the year is over and finding yourself so far in the hole that you don't have any fishery the next year, right? Now, if the fishery mostly occurs late in the year like September or October, yes, there is not much you can do about that. By the time you find out about it, you're already at the end of the year.

MR. BOWEN: So we're usually one wave behind in most species of snapper grouper?

DR. CRABTREE: We usually get the landings about 45 days after the end of a wave; so January/February, we would get those landings in mid-April.

MR. WAUGH: One of the goals of this amendment was to get our accountability measures consistent across our fisheries. When we did Amendment 18 for coastal migratory pelagics, this is the approach we took.

We just completed dolphin and wahoo using this same approach. If we're going to change it here now and reinstitute or institute an in-season closure; would it be your intent to then go back and pick up coastal migratory pelagics and dolphin and wahoo, also? If it's not, then we need some explanation as to why because we've been trying to get the accountability measures the same across our fisheries especially on the recreational side so we can explain to the public what they are.

MR. BOWEN: Well, to Madam Chair's point, dolphin and wahoo, our recreational ACL – and I'm recalling from memory, but I don't think it has been even close to being exceeded whereas the snapper grouper species we've exceeded several, right, Madam Chair?

DR. DUVAL: Well, we've exceeded black sea bass in the past. We have exceeded jacks in the past, golden tilefish, snowy grouper, the low ACL species, gray triggerfish.

MR. BOWEN: But my point is dolphin and wahoo, we've never exceeded them; so to revisit them, I don't know that we'd want to go down that road, but that's just me.

MR. HARTIG: What happened to Mr. Consistency?

MR. BOWEN: I'm still here.

MR. HARTIG: But you deviated from you path.

MR. BOWEN: No, my point was for us to go back and rehash something that we've done already with that when there is not a problem of exceeding the ACL seems kind of about like the fillets and bringing them back; it's kind of a waste of time to me.

MR. HARTIG: But not now; but in the future that may happen. I think the consistency argument that you've put forth a number of times does make sense in some cases; and I think in this case it makes perfect sense that we're trying to do this throughout all our fisheries. I think Roy makes a great – for those small ACLs that we do in snapper grouper points out that problem that you're going to potentially have if in Wave 1 you've already met the recreational allocation; and would you rather shut the fishery down then in April or wait until the end of the season and may not have a fishery next year.

To me it makes perfect sense to close the fishery. If we do it here to take care of the problems that we see in snapper grouper, I think we should do it across the board since that is in the generic accountability measures thing is what we're trying to do. Yes; it may create a problem going back and having a framework to reintroduce it in those two fisheries, but it is not that big a deal. We can do it and I think we ought to. I think we need to have that. We don't want to be closing recreational fisheries if we don't have to.

MR. BOWEN: I agree. You just said that because of my small cooler comment; didn't you? (Laughter) See, I told you Mr. Consistency is still here.

DR. DUVAL: Okay, so we cannot change an accountability measure through a framework. Staff has reminded me of that; so it would have to be a plan amendment. Charlie.

MR. PHILLIPS: Well, I agree with Ben, I think we do need in-season closures, but you just lost me. If we try to add in-season closures to this, is it going to change it? It won't so, yes, I think we need to have that flexibility and respect what an ACL is supposed to be and not put ourselves where we could blow one out really bad.

DR. CHEUVRONT: It sounds like you would like to consider some revised wording in Alternative 3. Jack and I have been the two leads on this amendment; and perhaps he and I can work on this wording and bring something back to you at full council, if you'd like to see it, that would apply this in-season closure authority if the subalternative includes the overfished component. If that is what you want us to do, I'm sure Jack and I could work that out between now and Friday.

MR. HAYMANS: I have a question that goes back to Gregg, but it deals with CMP species. That is a bag limit reduction in the following year and not a seasonal closure, right? I'm reading back through our table and Amendment 18 talks about the RA shall publish a notice to reduce the bag limit by the amount necessary to ensure recreational landings, blah, blah, blah, and it is not a seasonal closure. It is a reduction in bag limit.

DR. DUVAL: Are you reading the accountability measures –

MR. HAYMANS: Recreational AMs from Amendment 18, unless this hasn't been updated.

DR. DUVAL: Kari always sends around –

MR. HAYMANS: That's what I'm reading.

DR. DUVAL: That's what you're reading from?

MR. HAYMANS: Yes.

MS. BECKWITH: I was going to say that actually brings up a good point is do we want to give ourselves some additional flexibility in our AMs? Instead of just fishing season and the recreational ACL; do we want to also give ourselves the ability to reduce the bag limit for the following year in the recreational, if that's an appropriate option as well.

DR. DUVAL: Well, for some species that would be zero if you're talking about some of the groupers, so I'm not sure if you want to do something like that.

MS. BECKWITH: It's about flexibility so it doesn't have to be an "and"; can't it be an "or"? We have a lot of different species. I'm not sold on everything being kind of solving every problem; so if we can work in some different flexibility, you know, reduce the fishing season or reduce the bag limit or reduce the recreational ACL, that seems like it would give us more options to be able to manage some of these issues as they come up.

DR. CRABTREE: Well, you could do something like that I guess, but it would have to be all analyzed up front; and it would have to be laid out with very clear rules about how it works. You could do it I think, but it takes more work to do that. For us to do this without going through notice and comment, there can't be a lot of discretion in terms of making the decision.

It basically has to be here is the situation, this is what you do, and I do it; but if it's something where I have all kinds of discretion, then you would normally have to go out for notice and comment, which is difficult to do with something like an accountability measure. I agree with you in some cases when you have a recreational overage reducing the bag limit would make some sense. It seems to me we set up accountability in the Gulf for red grouper that was in some way tied to a bag limit reduction, but I don't remember the details of it. I think you could do it, but it would take some work.

DR. DUVAL: Doug, the way I'm reading that file, looking at the CMP species for Atlantic group king mackerel, there is no recreational in-season closure, but a payback, yes, based on a moving average if overfished and total ACL is exceeded, the RA can reduce the bag limit the next year. For Spanish mackerel it is no in-season closure and payback based on moving average if overfished and total ACL is exceeded. I don't see anything about a bag limit reduction for Spanish.

MR. HAYMANS: If you'll look in the fourth line down – well, it starts if the recreational sector quota or total ACL is exceeded and the total ACL is exceeded, the RA shall publish a notice to reduce the bag limit by the amount necessary. It is in Spanish and in king; same language.

DR. MacLAUCHLIN: Okay, actually in the amendment, that is the amendment language. In the CFR it species under Atlantic king mackerel AMs, recreational sector, if the sum of the commercial and recreational landings as estimated by the SRD exceeds the stock ACL as specified in Paragraph B-3 of the section, AA will file a notification with the Office of the Federal Register at or near the beginning of the following fishing year to reduce the bag limit by the amount necessary to ensure recreational landings may achieve the recreational ACT but not exceed the recreational ACL. That language is in the CFR, which is why it's in the big document, in the excel file.

DR. DUVAL: Okay, I guess I was just looking at the recreational payback column and seeing that, so my apologies, which just says based on a moving average if overfished and total ACL is exceeded. It just notes for king mackerel that there is a bag limit reduction the next year in that same column; and it just wasn't there for Spanish so that's why it seemed it was not; so thank you for correcting me. What is your pleasure?

It sounds there are some folks who would like to see the option to have an in-season closure of the recreational sector if we have information that we know we have exceeded the ACL, some desire to potentially look at other means of a payback through the form of a reduced bag limit, if that's an option.

I think just looking at the language of these alternatives, the final sentence I believe in all three of these subalternatives, 3A, 3B, and 3C, states that the length of the recreational season and recreational ACL will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary. I think that language is in there to deal with things like very high PSEs for some of our low ACL species where there is a lot of uncertainty in that; so that's why that's in there. Gregg.

MR. WAUGH: For blueline tile we did keep in an alternative that has an in-season closure; and if you want to have that in here, I would suggest rather than changing these existing alternatives, do what we did for blueline is keep these alternatives the way they are and have a separate alternative that has the ability to do an in-season closure. We could even use the same wording that we used in that amendment this morning.

DR. DUVAL: So perhaps allow staff some time to get together and look at what we have in Amendment 32 for blueline tilefish and come back to us at full council with some additional wording; does that sound acceptable? Zack.

MR. BOWEN: I think the in-season closure is the least of the several evils here. If we get into the reduction of bag limits, then I think we have to focus or turn an effort to giving at what percentage of the ACL does the Regional Administrator decide that we need to reduce the bag limit. I think that opens up a bigger can of worms; so the in-season closure in my opinion is the lesser of the evils.

MS. BECKWITH: Zack, my point in that was not for an in-season reduction of bag limit. It would be in lieu of a reduction in length of fishing season for the following year.

MR. BOWEN: Yes; that comment was not directed to you at all; just to put it out there.

DR. DUVAL: Why don't we take about a 15-minute break and we'll ask staff to pull up that language from the alternatives in Amendment 32 for blueline tilefish and display it on the screen so that you can see what we're talking about; how about that?

DR. DUVAL: All right, this is from the Amendment 32 Options Paper. Myra has pasted the language in Alternative 4, which states that if recreational landings reach or are projected to reach the recreational annual catch limit, the National Marine Fisheries Service will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the year.

It seems to me that to address Roy's comments, we would to have language in there that indicates if the species is overfished. Roy, do you mind taking a look at that language that is up on the screen. That is from the Amendment 32 Options Paper for blueline tilefish. It seems to me that we might want to add a phrase in there if the species is overfished. If we did that, it would allow the council to select this as a preferred alternative as well as one of the subalternatives like Subalternative 3C that would allow for a payback if the total ACL is exceeded; but I might just be thinking erroneously.

DR. CRABTREE: No; I think something like that, if you put in there that there is an in-season closure if the species is overfished and then assuming you're going to say you want a payback if the species is overfished, I think that makes some sense.

MR. BOWEN: Would we have an in-season closure and a payback the following the year or just an in-season closure?

DR. CRABTREE: Well, if we did the in-season closure just right, then they would catch exactly the quota and there wouldn't be anything to pay back; but the problem is with the recreational data and the time lags and all, you rarely hit it right on the head. If we close and they went over, then you'd have the in-season closure and they'd have to pay it back the next year as well.

DR. DUVAL; I think point is, as Roy was saying earlier, you just don't want to dig yourself into a hole where you're letting something overrun, it's overfished, and then your payback the following year is bigger than it needs to be. Zack.

MR. BOWEN: So we would have an in-season closure if the ACL is projected to be met; and we would have a payback the following year, but only if that species is overfished. If it is not overfished, we would still have the in-season closure, but we would not have a payback the following year. I am asking if that's correct.

DR. CRABTREE: Well, that is up to what you decide. The way I'm reading this is you would only have the in-season closure if it's overfished; and you would only have the payback if it's overfished, depending on the alternative you chose. I think that's something you guys have to decide. You could do decide you want to do in-season closures regardless of status, but I think

you could make an argument that you're going to do the in-season closure only if the stock is overfished and you have a payback.

DR. DUVAL: First of all, I just remind everybody of the timing of this amendment. We just took this out to scoping. We're just modifying alternatives. We're not choosing any preferreds here. We're adding the alternatives that we think we might want to see in there. That's the first thing; and then the second thing is I think you would want to choose this alternative in conjunction with, say, Alternative 3C so that would get that payback if the total ACL is exceeded and the species is overfished, which is what that says. Right now that Alternative 3C does not include the in-season closure.

MR. BOWEN: I don't mean to hang us up on it; I'm trying to fully understand what –

DR. DUVAL: And I want to make sure you fully understand; I think this is really important. We would need someone to actually make a motion to include this as an alternative. Charlie.

MR. PHILLIPS: I guess to go a little further in the weeds; do we want to have the payback if both ACLs, the combination of both ACLs is over, like it's written in some of these other alternatives or just pay back if recreational?

DR. CHEUVRONT: I think what you're saying, Charlie, is that you're trying to make Alternative 4 sound like Alternative 3; and what we're suggesting is that you could choose something from Alternative 3 and Alternative 4; so you don't need to make that distinction or get that far in the weeds in Alternative 4.

MR. HAYMANS: Could I ask a clarifying question regarding the current subalternatives? The phrase "to reduce the length of the fishing season"; is that in relation to the fishing season that you would be undergoing or the next season?

DR. CRABTREE: I'm sorry; I missed the first part of that.

MR. HAYMANS: In each of the subalternatives, there is a phrase that is to reduce the length of the fishing season. Is that the current season in question or is that the next season? In other words, does that phrase mean an in-season closure or does that mean reduce the length of the next season coming up?

DR. CRABTREE: Well, I've read it thinking it meant the next season; but it is not totally clear, I guess. It means the following season?

DR. CHEUVRONT: Yes.

DR. DUVAL: Yes; so we could perhaps suggest that the word "following" be stuck in there so that it would read, "If necessary the Regional Administrator shall publish a notice to reduce the length of the following fishing season and the recreational ACL in the following fishing year," blah, blah, blah. Doug.

MR. HAYMANS: But if you're reducing the ACL by the overage; I don't know why you reduce the fishing season then because you're reducing the ACL.

DR. CRABTREE: Well, I don't know if you'll go over again. Let's say that you have Species X has a million pound ACL and so we find out in June we caught we've caught the million pounds so we close the fishery. All right, that means all things equal, the next year you're going to need to shorten the season and close in June to avoid going over.

But let's say we get the data and find out we really caught a million and a half pounds; so now you're going to reduce the ACL the year by half a million pounds; so now you've only got a 500,000 pound ACL the next year; so you're going to have to shorten the season even more to avoid going over that one, right?

MR. HAYMANS: But because you have – I mean what you just said was that you're going to close it that first season as well. If you have that the second year, you project when that 500 is going to be reached, then that's when you announce the closure. I still think we need one additional alternative here that gives you the in-season closure ability whenever the ACL is met.

DR. CRABTREE: I'm reading the statement "reduce the length of the fishing season the following year" to mean I have in-season closure authority the following year, which means I'm going at some point the following year do a projection and decide the quota is caught and close the fishery. Now, I don't know if that's exactly how you guys intended it when you drafted this or not.

DR. CHEUVRONT: That was the intention.

DR. CRABTREE: Okay; so I'm reading this that it gives me in-season closure – or whoever the RA is has in-season closure authority the next year, but he doesn't have it the first year.

DR. CHEUVRONT: And that's what this Alternative 4 would give the RA, in-season closure authority for that current year.

DR. CRABTREE: Right.

DR. DUVAL: So, Doug, Alternative 4 that is up there is not yet included in here but it is taken from the blueline tilefish options paper; that gives you that in-season closure.

MR. HAYMANS: Except that it says if it's overfished.

DR. DUVAL: So you are saying that you want an alternative that allows for an in-season closure no matter what the status of the stock?

MR. HAYMANS: It the total ACL is met, yes.

MS. MacLAUCHLIN: Well, the snowy closed in 2013 in May in recreational; and that is one of the ones that doesn't have an in-season closure AM. It is the exact same thing as this where Roy

has the authority to shorten the season. I pulled up the Fishery Bulletin because we were talking about that, and it closed on May 31, 2013.

The accountability measure for snowy grouper requires that the 2013 fishing season be shortened if the average 2010 and 2012 recreational landings exceed the ACL; so it like all went into that calculation. That to me is an example of what you do with this one; right? That is how you would use that as in-season closure without having an in-season closure because of the way that you track recreational landings. That's how I have understood it.

MR. HAYMANS: And I will say that we just added "if the species is overfished". That didn't occur in the blueline tilefish example.

DR. DUVAL: Right; and I was trying to address Roy's comments from earlier stating that if a species is – the way the subalternatives are structured right now under Alternative 3 that if a species is overfished and the total ACL is exceeded, you will then have a payback. He was saying if you're going to have a payback, you need an in-season closure; and that payback is only applying, the way the alternatives are structured now, if the stock is overfished and the total ACL is exceeded in that particular alternative. Roy.

DR. CRABTREE: Well, my suggestion to you would be to change this Alternative 4 to say "provide the in-season closure authority" and then have a Suboption A, regardless of stock status; B, only if overfished; and I think that gets at what Doug wants; and then add that in as an alternative. Then you will make the decision as to what you want to do down the road. I think that gets at what Doug is asking for.

MS. BECKWITH: I'm fine with this as an alternative. I was just going to point out to Doug that again the reason that we're trying to make this in-season closure only for species that are overfished is when you do have a great recruitment year on these species, you're going over the ACL or you're closing because the stock is healthy.

That has been one of the major criticisms of the way we manage some of these species from the recreational community is we're closing them down when the stock is doing really well. There is more fish and they're catching and then they're getting these in-season closures and having the following season shortened on them because we can't keep up with the stock assessments that kind of continually show that.

MR. HAYMANS: My response to that is that hopefully that wouldn't occur more than a few years in a row because we have tried to get ourselves on track for a regular stock assessment. If they're going over on a regular basis because the stock has rebound and there is plenty of them out there, hopefully we will know that within a five-year period and we'll correct those ACLs and you don't continue to close because of that.

MS. BECKWITH: But having that happen one year or two years is enough.

DR. DUVAL: I have Mike and Bonnie who both wanted I'm assuming to speak to this total ACL overage when overfished versus overfishing in good recruitment years and things like that.

DR. PONWITH: The point you bring out is a very legitimate concern. Even if the stock is rebuilding at exactly the projected level, there will be a time where the number of animals in the water is increasing and it creates availability that wasn't experienced before and can actually increase the landings.

If it increases that availability, increases the landings faster than the ACLs that you've set, you can end up with shorter seasons. It is one of those stages that are painful to go through in a rebuilding process; and sometimes it is not a function of waiting for the next stock assessment. It can happen when you are exactly on the trajectory of the expected growth of that fish; but it can also happen, as you point out, a situation where the rebuilding happens faster than you project, then what that does is just magnifies the degree of that problem. We have seen that happen in other fisheries.

DR. ERRIGO: Actually my point is actually a little different than Bonnie's, which is absolutely correct, but I wanted to just speak to a conversation that the South Atlantic Council had several years ago about paybacks in relation to going over the total ACL as opposed to each sector going over its ACL.

This was discussed round about when I first joined the council staff. The council decided not to go that route because you need to decide how you deal with it. There are several situations in which the total ACL can be exceeded. One is each sector exceeds its own ACL, in which case they each pay back what they exceeded, and that's fair.

The other situation is one sector hits its ACL exactly and the other sector exceeds its ACL, in which case it just pays back whatever it goes over. That seems fair. Then there is the case that everybody had a problem with. Let's say the commercial sector is way under its ACL but the recreational sector is so far over that the total ACL is exceeded.

Does it pay back what it exceeded from its ACL, which is not really necessary because you're only worried about biologically exceeding the total ACL; or does it just pay back the overage from the total ACL, which may be a very small portion of what the recreational sector went over. This the council had a problem with.

I noticed that you're going through this and it is being kind of glossed over, but you probably would want to decide on if you're okay with this and how exactly it should be handled before it is gets any further along. I remember the council had a lot to say about it the last time it came up.

DR. DUVAL: So the way the subalternatives are structured right now – and this is for both commercial and recreational, but the payback would be by the amount of that sector's overage, if I'm reading it correctly. The recreational sector would repay by the amount of the recreational overage; the commercial sector would repay by the amount of the commercial overage. These alternatives are not structured so that only that portion that's above the total ACL would be repaid. It would be the entire overage from that sector's allocation.

DR. ERRIGO: As far as rebuilding goes, that is actually not necessary. As far as rebuilding goes, you're only worried about exceeding the total ACL.

DR. DUVAL: And I had such visions that we were going to actually finish up a little bit early on our agenda today, but I think those hopes are probably dashed at this point. Charlie.

MR. PHILLIPS: I humbly apologize, Madam Chair, but to Mike's point, I don't see the necessity of paying back anything but what is over the total ACL; because we're going to probably try to fix whichever sector went over the following year so they're not going to be that far over or ideally they would hit their ACL the following year. I would think this would be one-time issues. Well, you're going to have your shorter season and you would fix it through shorter seasons and various other accountability measures.

DR. DUVAL: So Charlie is advocating for it looks like changing the language of the existing alternatives to only have payback of the piece that's over the total ACL rather than the total overage. Anna.

MS. BECKWITH: So as Mike said, biologically speaking we only need to pay back the total ACL, but I guess the discussion that's painful to have is if the commercial and recreational sectors are not paying back their personal overages at some level if deemed necessary at the discretion of the RA, then how does that affect future potential allocations or stock – you know, the stock assessments it won't impact because, of course, biologically speaking you only have to pay back the total ACL.

How do we assure that this isn't seen as kind of an open checkbook or that somehow people need to fear that because there is an overrun, that it might require reallocation in favor of whoever is continuously overrunning.

DR. DUVAL: That is exactly the point I brought up earlier when we were talking about snowy grouper; and that's exactly the point I brought up out in the hallway when some of us were having a discussion about this is if you do end up allowing – say not having an in-season closure for the recreational sector, if you are not overfished, then what gets lost in the weeds is exactly what you're talking about; that when you go look at allocations that may be based on percentage of catch, that gets lost and it ends up being a reallocation issue. Roy.

DR. CRABTREE: Well, to address that one, so if you're going to make an allocation change based on landing histories, simply don't credit any fish that were caught above the ACL; so for a year where they went over the ACL, you don't count the fish above what they went over. It seems to me there are ways to address that. Then back to the total ACL payback issue; I mean that's what these subalternatives are; 3B is total ACL, so we have those.

DR DUVAL: But what Charlie is saying – the way these subalternatives are structured, Roy, is that you would pay back by the amount of the recreational overage or the amount of the commercial overage and not the amount that's over just the total ACL. That is what Charlie was getting at was that he was saying he would rather see, I think, only payback by a particular sector of what is over the total ACL.

DR. CRABTREE: Okay, so then we'd need another subalternative that would do that, I guess.

DR. DUVAL: This has been great discussion. This is really important stuff and we absolutely need to address this. I'm wondering if maybe folks could take a second look at the words that are on the screen for this new Alternative 4, which reads, "If recreational landings reach or are projected to reach the recreational annual catch limit, the National Marine Fisheries Service will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year; Subalternative 4A, if the species is overfished; Subalternative 4B, regardless of stock status." I think that might address Doug's concerns and if people are comfortable with that, we would definitely need a motion to add that. Doug.

MR. HAYMANS: I had simply wanted to add that out clause that is on all the other alternatives to this so that it's there in every case; the last sentence. I would like to add that there. That way if there is some overwhelming reason why we shouldn't do it, then Roy has that option.

DR. DUVAL: He is talking about the sentence on each subalternative that says, "The length of the recreational season and recreational ACL will be not reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary."

MR. HAYMANS: So here we've said in what we've got up there that we're reached our ACL and by all rights what is up there, we're going to close even if it's not overfished if we take Alternative B. But if there were something that overwhelmingly says to Roy we really don't need to close this because of some evidence of huge recruitment years, the last two years or something of that nature, he has got that option not to just as it is in each of the other subalternatives.

DR. DUVAL: So really what you want added to this sentence is "will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year if the RA determines, using the best scientific information available, that a closure is necessary," or something along those lines, right. Okay, more power for Roy. I understand what you're saying, Doug. I absolutely understand what you're saying is having some clause in there allows for the Regional Administrator to consider the variability in the recreational landings and the PSEs surrounding those. I understand that. Roy.

DR. CRABTREE: I think we'll have to see how this develops; so this would take some thought exactly what that means. I can already take into account various things, PSEs, and there is always uncertainty. Whenever we do projections, you have to make an assumption about what the catch rates in the projected period is going to be, and there is always a big range. There is always some level of discretion; but the recruitment things and that sort of thing, I just don't know where I could go with that.

MR. BOWEN: I would like to make a motion that we add Alternative 4.

DR. DUVAL: Motion by Zack; seconded by Jessica. Is there further discussion on this? The motion reads, "Add the following Alternative 4 to Snapper Grouper Amendment 34: If recreational landings reach or are projected to reach the recreational annual catch limit,

National Marine Fisheries Service will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year unless, using the best scientific information available, the Regional Administrator determines that a closure is unnecessary.” Subalternative 4A reads if the species is overfished; Subalternative 4B, regardless of stock status.

Is there anymore discussion on this? Is there any objection to including this as an alternative? Seeing none; that motion stands approved. The next thing, getting back to Charlie’s question, I want to ask the committee if you want staff to restructure the existing commercial and recreational subalternatives to include paybacks only by the amount that is over the ACL or if you want to include a whole new set of alternatives that have paybacks by only the amount of the overage that is over the total ACL? Do you understand that?

Charlie, you were saying that you wanted paybacks – in the event of an overage by a particular sector; you want didn’t want them to have their entire sector’s overage. You wanted them to have to pay back only that amount that is over the total ACL.

That is a smaller amount; so what I’m asking the committee is if you want a whole new set of alternatives that does that or if you just want to modify the existing alternatives to reflect that any payback of any overage would only be by that amount that is over the total ACL and not that sector’s overage. Anna.

MS. BECKWITH: Given that I heard there is a way of dealing with the problematic potential allocation question, then I’m okay with just paying back the biologically necessary portion over the ACL; so I would be okay with modifying.

DR. DUVAL: Gregg is coming to the front which never means anything good usually.

MR. WAUGH: Thank you for that introduction. (Laughter) Jack and I were talking and went back to Mackerel Amendment 18 where this wording originated. There is an example and we can cut this out and distribute this so you all can see it. What you all are trying to do as the intent is how it was originally structured; so if there is an overage, the amount of the overage that is reduced in the following year is only the amount over the total ACL.

If one sector is over; the example, the commercial sector went over and the recreational was under, then the commercial pays back the full amount of the overage above the total ACL. What you all are trying to do is already accounted for in the wording, and that was the intent. It may not be clear from the wording, but we’ve got this example that was mackerel and we can certainly cut that out and provide it to you.

DR. DUVAL: So what you’re saying is that the way the alternatives are structured now, that would achieve that intent of only paying back the portion that is over the total ACL; that it is not intended to be payback of the entire sector overage but only payback by that sector of the portion that is over the total ACL.

MR. WAUGH: That’s correct.

DR. DUVAL: So that is not clear. Anna.

MS. BECKWITH: Well, just for some further discussion, because it is probably important for the record, this clearly would get us closer to Ben's desire to be really getting at OY. There is another viewpoint within the recreational community that says these fish that are not harvested from our recreational ACL have value, and we equally value these fish remaining within the environment as a potential for increasing later – you know, have the stocks increase faster for that philosophy and that optimum yield from a recreational perspective can be not achieving that ACL.

I think that's still an important point for us to consider as a council is if we move towards this, there are going to be a portion of recreational fishermen that are going to view this as taking away their ability to achieve OY in their perspective by allowing those fish to remain the environment.

DR. DUVAL: That's definitely an important point to make sure we keep front and center, and that was something that Gregg had mentioned at a previous council meeting. I think that can work both ways. Certainly, if there is a recreational overage, you're going to have the same kind of payback tension, I guess, is what I'm saying; that's all. Is everybody clear on what the alternatives do as they're currently structured? It's only payback of that chunk that is over the total ACL. I guess maybe when you guys go back and work on this, make that a little bit clearer.

DR. CHEUVRONT: We can put that in as examples like it was done in the CMP Amendment just to make that clear. We've got up there guidance to clarify that the payback is there, so it has been noted.

MR. COX: I'm just curious how the Gulf is dealing with this issue, if anybody can answer that.

DR. CRABTREE: We have paybacks I think only for stocks that are overfished; and we don't even have paybacks for all stocks that are overfished. Red snapper, for example, has no payback provision, but I think greater amberjack and gray triggerfish do; so similar to this.

MR. PHILLIPS: Well, I can understand on an ITQ where commercial may not need a payback because they count every fish almost; but on recreational, there are no paybacks on, say, red snapper or something like that?

DR. CRABTREE: Not on red snapper; and that's because the accountability measures for Gulf red snapper are in Section 407D of the statute. Congress put them in place, and they require that we have a quota and we close the fishery when the quota is met. When we went through the ACL process and AMs, we didn't do red snapper because it was already in the statute. Now, there has been discussion of adding in a payback, but that hasn't happened yet.

DR. DUVAL: So, the two items that we still kind of need to deal with before we can wrap up this amendment are we would need a motion from the committee to exempt black sea bass and vermilion snapper from this amendment if you don't want to change what we've already done through Regulatory Amendment 14. Recall that amendment is under review.

The black sea bass accountability measure is publishing the start date and end date of the fishing season; so that is your accountability measure. Vermilion snapper, what we did in Regulatory Amendment 14 was we automatically included the in-season closure if the ACL was met or projected to be met, but it does have that payback only if the total ACL is exceeded for the recreational sector. Do you keep what we've done in Regulatory Amendment 14 and not change that for those two species? Zack.

MR. BOWEN: With the fear of Mr. Chairman Ben Hartig over there, I really think we need to keep that as it stands. I want to be consistent; don't get me wrong, but there was a lot of work and effort that went into that. I think back-tracking would slow us down a little more; so I would make that motion with the fear of not being called Mr. Consistent anymore.

DR. DUVAL: Motion by Zack to exempt black sea bass and vermilion snapper from the accountability measures in this amendment; seconded by Jessica. Is there any other discussion? **The motion reads exempt black sea bass and vermilion snapper from the accountability measure revisions in Amendment 34. Is there any objection to this motion? Seeing none; that motion stands approved.** Brian, does that complete us?

DR. CHEUVRONT: For snapper grouper for this amendment. We still have another action that we'll take up in dolphin wahoo tomorrow.

DR. DUVAL: Great; thank you, guys, so much and thanks for the great discussion around this. These things are really important; this is part of the law. Mr. Cupka.

MR. CUPKA: I had a question for Brian. Since this also deals with golden crab and we have a Golden Crab AP meeting in May, I'm assuming that this will be reviewed with them.

DR. CHEUVRONT: It will; and remember in golden crab there is no recreational sector; so all they will do is make a recommendation on what subalternative they would probably prefer for Alternative 2.

MR. CUPKA: I realize that, but we didn't schedule a committee meeting, but we will have a Golden Crab Committee meeting in June, so we do have an opportunity to run it by the AP before then.

DR. CHEUVRONT: Exactly, we're going to run it by the AP in May, and there will be a Golden Crab Committee meeting in June. That's already on the draft agenda for June.

DR. DUVAL: The next item on our agenda is an update on the visioning process and the port meetings, and I believe this is Attachment 9 in the briefing book.

MS. VON HARTEN: Okay, just to bring you all up to speed about how the port meetings have been going, we've conducted the ones in South Carolina. We did five total. We had to reschedule one with the chefs that was for Charleston because of the ice storm that came through, but that will be rescheduled before June; hopefully maybe in April is what we're thinking.

They went pretty well. We had about 53 people come to the five different meetings representing all different sectors. Here is kind of the schedule. This is the complete schedule now in the table that you see in the attachment for all the meetings; so there is 26 total. I think we've got pretty good coverage of the region and also in some areas that we haven't visited before.

We're pretty excited about that. The next ones will start in North Carolina the week of March 17th. We will be in Florida starting the week of March 25th through April 2nd or 3rd; all the way down in the Keys and back. I kind of just took – the way we've been working these is having myself and Myra so far and then one other staff person to be there to take notes while we're facilitating, and it has worked out pretty well.

Anna Martin and Julia Byrd have been taking notes for us and have done a really great job of summarizing the discussion points. We're also using the information we're getting on that sticky wall to kind of compile some of the key points that people have been bringing up. There are summaries from each of the meetings that we've conducted so far on the port meeting website, on our website, so you can see the summaries of each meeting and what folks have been thinking about.

Then I took those and summarized them into this document just to give you an idea of some of the issues that people are bringing up. There was a lot of overlap as you will see here in some of the key issues and also some sector-specific issues and even within South Carolina some geographically specific issues.

I'll just quickly kind of go through those real quick. The first one that came up that was pretty consistent across the board was reporting in the context of the duplicity of state and federal reporting, the lack of reporting required for the recreational sector and the need for more streamlined reporting using new technology. It was pretty clear that everybody wants electronic reporting for all sectors, even the recreational sector. That was pretty interesting, even if it was a voluntary program at first.

The solutions that I've bulleted there are just kind of some more specific things which are just strategies that we're hoping to get out of these meetings; so those will be what will guide you in helping to develop your objectives when we reach that point later this year. The next thing was data collection and research in the context of the accuracy of the data that's collected, the timeliness of the collection and analyses, and the need to collect geographically specific data on certain species and also more opportunities for cooperative data collection programs and cooperative research with fishermen so that fishermen actually believe the data that's going into the analysis.

Flexibility in management with concern over ACLs, seasons and allocation; and there was a broad range of topics there; everything from seasonal closures to in-season allocation modifications and managing the fishing seasons to allow better stability for fishing businesses. Reducing discards came up and had some creative solutions for the recreational sector come up in terms of setting a poundage limit instead of just a bag limit; bycatch allowances; and then also some discussion about trying to implement some of these barotrauma fish-descending tools that would help reduce the barotrauma issues that were happening in the fishery.

Also, regional and sub-regional management came up; the idea that one size fits all management, people are really not liking and expressing the need for having some more regionally specific management for certain species and on certain management issues. We had some pretty lengthy discussion about red snapper and black sea bass in South Carolina when it came to the regional management issue.

Time and area management came up as well in terms of seasonal closures; aligning the fishing seasons; also lots of discussion about the shallow water grouper annual spawning season closure and kind of adjusting that; also some discussion about MPAs but more looking at actually protecting spawning areas and habitat and things like that.

That is kind of the summary of these key issues that came up so far. All of these summaries are available on the website, like I said. I was going to pull it up if I can get to the website. Leading up to the port meetings, we had pretty good outreach efforts going on trying to get the word out to all the different sectors and the fishing clubs and things like that.

We did mail that port meeting flyer that you all reviewed at the December Visioning Workshop to over 1,900 permit holders in the region. We have tried to ask people to RSVP to these meetings. Some people are using it. I think now that the word is really out about these meetings starting, they're using the RSVP link more, just so we can get a better headcount of how many people are going to be attending the meetings.

All the information is on the website under the Visioning Project Tab. It has information about what we've done so far and then, of course, a complete listing of the port meetings where people can just click right there next to the meeting date and time and RSVP. Here you will see the meeting summaries from the South Carolina meetings up here on the screen.

I encourage you to take a look at those. Then we had some feature articles in the last issue of our newsletter, the South Atlantic Update. Ben wrote a column in his chairman's corner about the visioning project and port meetings. I wrote the cover story for that. That helped get the word out. We're also using the constant contact e-mail distribution list to get information out as well.

There have been lots of news articles in the paper from some of the media that have attended some of the meetings, so that's all been really helpful. The other thing I wanted to point out to you was we had discussed developing some kind of web comment form. I want to thank Monica for her guidance on helping us figure out what we could and couldn't say on this form and figure out how to go about doing this.

Essentially this is structured just to collect information from people that couldn't attend the meeting or they had additional thoughts after a port meeting they attended. It is structured with the same questions and types of discussion items that we are discussing at the port meetings. They can leave their general comments at the top.

We're also asking them for what state they reside in and then any specific management strategies they want to discuss. They can also scroll down here and pick which sector they belong to and answer more specific questions including any other ideas that they want to get out there and

throw on the table. All of this information gets compiled into an excel spreadsheet and then we will use that to do some more analysis about the issues that are coming up in the comment form and include that in the results from the in-person port meetings as well. That's it.

DR. DUVAL: Are there questions for Amber? Mel.

MR. BELL: Amber, are you getting many takers on the website yet?

MS. VON HARTEN: We only had a couple; yes, a couple of responses so far. I think as we get out in the communities and people know that it's there and have follow-up ideas, they'll start to use it more.

MR. CUPKA: I just wanted to say that Mel and Chris and I attended all the meetings in South Carolina; and while the number of people who were there wasn't exactly overwhelming, the people that did show up provided a lot of good input. They seemed to be very appreciative of the effort overall, the visioning process, and they certainly liked the format that staff has put together to hold these meetings.

I know the staff has put in a lot of time developing this whole format, and I just want to express my appreciation to them for all the hard work they've done. I think as it goes along, it's just going to get better. We were kind of the guinea pig in South Carolina, but they went very well I think. Like I say, the fishermen that did show up I think they appreciated it and gave us a lot of really good input.

DR. DUVAL: I'm just grateful to the three of you, David and Mel and Chris, that you were able to attend all the meetings and be there to listen to what people had to say. I guess just a quick question for you; were there any direct questions to you as council members from the folks that were there?

MR. CUPKA: There were some questions and some times it was hard not to get involved in the discussion, but we tried to stay out of it as much as we could and not lead anybody in any specific direction. There were some specific questions. Again, I think the fishermen appreciated the fact that we were there, but we certainly tried to keep a low profile.

DR. DUVAL: I was just curious because I know that was the advice that we had gotten from the Mid-Atlantic Fishery Management Council Chairman Rick Robins is that people very much appreciated the presence of council members, but also it was their conversation as well. Mel.

MR. BELL: I was just going to say as a state guy, I had questions as DNR Mel and then I had questions that were sort of Council Mel, but there were some DNR-related stuff. That is just whenever you're out and about; they're going to ask you questions. One thing they did make clear, as David said, they really liked the opportunity to have a more informal process for providing input. I heard that at various meetings.

Of course, we've changed our process for doing our scoping meetings and things. It is potentially informal if they'll show up. It's a problem we've had in South Carolina specifically

is not having a lot of folks show up, but they really did appreciate a less rigid sort of structured system for input and a lot of back and forth; so that's a good thing just to get out and be able to talk to folks and have some informal conversations like that about stuff. They'll tell you all kinds of things.

DR. DUVAL: That's great! Are there any other questions for Amber just regarding the port meetings that have happened thus far? Ben.

MR. HARTIG: Amber, you've got these things scheduled; do you contact like the local outdoor writers to let them know what is happening? I know Ed Keller in Stuart would be very interested in doing an article about this to promote it; and certainly we can do that. I would be willing to get involved in that one as well.

MS. VON HARTEN: Yes; we did do that some in South Carolina. We had some of the media that actually attended the meetings; and that was the article that Kim just sent out yesterday in that Tideline Magazine. That was Matt Winter and he has been pretty engaged with this whole process so far. Yes, if you have a contact of somebody that you would like to see cover the story, we can definitely do that. I know Anna provided an extensive list of media contacts from North Carolina; so, yes, we're going to try to get out ahead of that.

MR. HARTIG: And I know you're doing the radio show in Key West, which is a pretty unique way to get the word out as well right before it. That is even more key. If you could do these things close to the time, it makes a big difference because people tend to forget if it's too far out ahead of it.

DR. DUVAL: I do think that the one caution that we had in terms of media contacts was we didn't want a room full of reporters. This is supposed to be a meeting for the constituents and different user groups; and not that reporters are not recreational fishermen or anything like that, but I think just being very conscious of having a bunch of cameras in the room or things like that. We want to make sure there is room for the people from whom we are seeking input. That is the only cautionary note. I think it's great to reach out to the media community to help publicize that the council is undertaking this process and everything. We just want to make sure there is space in the room for the people who are there to provide the input. Mel.

MR. BELL: You've only got a two-hour period and Amber and the ladies did a great at this, but you've got to constantly kind of take people back to the questions and kind of keep it under control, because they will have a tendency to want to go off on other things or whatever. Amber has got this figured out and by the time you're finished, you're going to be an expert at this.

It's just you've got to keep taking them back to what you're trying to get out of them. That is a little bit of danger potentially with a lot of media there; you could create an atmosphere where you could create some volatility perhaps; but it worked fine with us so far, but that could be a challenge with larger meetings and things with a lot more people. You just have to be cautious of that.

DR. DUVAL: Right; and I think we're going to have the rest of the port meetings between now and the June meeting. I think it's our intent at the June meeting to have another visioning workshop on Monday morning from nine to noon like we've had previously to review all of the input that we've received from the port meetings and have that in some kind of draft format or draft summary for the council to review and provide some guidance and make some decisions on how do we take that input and structure it into a strategic plan or some planning document to inform our management down the road. I just wanted to kind put everybody on alert that Monday morning of the next council meeting will consist another visioning work session.

MS. VON HARTEN: And I just wanted say on the record a thanks to all the folks that have been involved with helping to organize these port meetings and serving as hosts. It has been quite the process to get together, so I just want to say thank you to all those folks that were involved with that, council members, AP members and folks that I've never even met before and look forward to meeting at these different meetings.

DR. DUVAL: I think that's one of the pieces I'm most excited about is that there are fishermen in North Carolina and other constituents whom I have talked to on the phone, but I have not had the opportunity to meet ever, and I really look forward to hopefully seeing some of those folks there.

If there are no other questions for Amber or comments or guidance, I think we can close this agenda item. All right, the next item on our agenda is actually a report from the science center as to whether existing data are sufficient to support the use of economic efficiency analyses/net benefits analysis. I think there is an attachment in your briefing book, and I believe Dr. Ponwith is going to go over that. There is not an attachment number on it, but it is titled "SESFC Allocation Econ Data Report". We've got that up on the screen; and, Dr. Ponwith, I'll turn it over to you.

DR. PONWITH: The question that was posed was do the data exist to support an economic efficiency analysis in current allocations and net benefit analyses of proposed reallocations in the snapper grouper, coastal migratory pelagics and dolphin and wahoo fisheries. The answer is mixed. For the commercial data, those data are readily available; so those analyses can be done. For data we have X vessel prices and landings' data for all of the species that were desired.

For the recreational the answer is partially available, as you can see here. We've got some landings available on a species-by-species basis, which, of course, is the best of all possible worlds. We've got willingness-to-pay values for the following species: king mackerel, Spanish mackerel and dolphin.

We have willingness-to-pay values that are available for some general species groups – that is second best – and that is for species groups for snappers and groupers. Then in addition we have some willingness-to-pay values for some general species groups from a 1997 survey; and that is the snapper grouper complex landings, which includes sea bass.

Again, in summary, the best data we have are, of course, for the commercial and then we have varying degrees of resolution in the data for the recreational; but we do have the data that would

support these analyses. What you see next below that is kind of a timeline for the deliverables that we would like to put out to the council.

What we're doing right now is based on the memo that came in from council staff, we've begun to develop a proposed methodology for conducting these analyses. That is underway right now. Our goal is to have the proposed methodology lined out early enough to include in the briefing book for the SEP meeting coming up in April.

We would like to walk through those methodologies and get a critique of those methodologies from the SEP, use their input to refine those methodologies and then have the SEP present those to the council at their upcoming meeting in June. Then we would at that point be ready to begin conducting the analyses and ultimately we would be able to present those analyses at the December meeting of the council.

Now, the caveats to that are this is a multispecies model, and you can name three species, I believe, as your key species in this analysis and then all the remaining species would be in that catch-all grouping; so understanding what species you wanted to be able to do that analysis on specifically would be helpful.

The other caveat with the December deadline is if you changed allocations sequentially, the analysis is much simpler. If you changed allocations within snapper grouper simultaneously, then it makes the analysis very, very complex; because at the same as you're trying to understand what would happen in a fishery for one given species, if you were also changing the allocation for another species, you have interactions between those regulatory actions, and that makes the analysis a lot more complicated.

As we move forward in this, the economists from our staff have put together some additional questions for the Snapper Grouper Committee to discuss and provide some input on, and that would help us be able to do a better job of setting up those analyses and have a better understanding of what kind of timing it would take.

I guess I won't read those to you; you've got them there in front of you. If you want to scroll down to the questions below the table, these are types of things that we need input from the committee to be able to move forward on the analysis. I guess I would leave it to you on how you'd like to proceed on this.

DR. DUVAL: Here is my thinking. We deliberately made a decision at the last council meeting to hold off on moving forward with our Comprehensive Allocations Amendment until after we had received input from the visioning process. From my perspective that still stands, so I think these questions are things that we should sort of keep in the back of our mind as a committee until after the port meetings are over and we've had an opportunity to review and collate any of the input that we've received with regard to reexamining allocations and look at it at that time.

I think it's great to go ahead and get the methodology drafted and have the SEP review that; and if it can be included in the June Briefing Book, include that so that we can kind of see what the

process would look like, but I would not picture discussions happening until probably the fall meeting, really.

Bonnie, I was wondering if also you could explain for the committee – and I know you’re not an economist, but there is a difference between an economic efficiency analysis and an economic impact, because there is a lot more information that goes into an economic impact analysis than it looks like it goes into an economic efficiency analysis. I don’t know if that’s something you can do right now. I don’t mean to put you on the spot, but I think maybe some explanation of that might be good for the committee to see or have for the June meeting.

DR. PONWITH: Yes; you are exactly correct, I am not an economist; but if you think about this, my simple explanation is this efficiency analysis that there doing is as close to the fishery – the analysis is done as close to the fishery as possible; and so it’s using information on the prices that commercial fishers are getting for their landings as oppose to ripple effect that you get, which would be the economic impact analysis.

The impact analysis is much broader. If there is a dollar that exchanges hands, what is the ripple effect of that dollar going out from the fishery to include the icehouse where they buy their ice or the transportation of the product to the wholesaler and ultimately to the retailer. It is a much broader analysis. This would not be focused on economic impact. It would be looking at the economic efficiency of the allocation using a net benefit analysis.

DR. DUVAL: Actually Brian has come up to the table and he is an economist, so we’re going to ask him to give us the benefit of his wisdom.

DR. CHEUVRONT: I think everything that has been said so far is fine, everything Bonnie has fine and all the discussion has been great. One thing I would like ask to the council to do or the committee, whoever is considering this, is to think about what do plan on doing with this information once you’re gotten it; where do you plan to go with this?

Any direction that you can give to the science center staff that says these are the kinds of decisions that we want to make with this information can help them as they’re formulating the kinds of analyses that they want to do. They can’t second guess what the council wants to do. You can ask them to do an analysis; they’ll do the analysis and come back and you might find that it doesn’t give you the answers that you want.

I would like to recommend that before the committee or the council requests the science center to do a specific analysis, please think about what it is that you want to do with the results once you have them.

DR. DUVAL: I think that’s sage advice. My understanding is that this is simply one tool that will produce a piece of information that the council can consider during any deliberations on allocations. Bonnie.

DR. PONWITH: And for your wisdom I thank you, because that actually is a point that is really, really critical. I appreciate the explanation of your desired timing on this; because what I could

see is setting out the course methodology, sort of the theory behind the analyses that we could do, deliberate those with the SSC and get those views on those; because these are important analyses and we want to make sure that there is a comfort with the approach that is being taken.

Then what I could picture is the SSC working with our economists to help frame up the types of questions the council would have to answer to help us refine that analysis; and that would be worth its weight in gold. Something as simple as if you were going to make a change, how would you affect that change, through a season length change, through a bag limit change; you know, simple questions like that help refine the analysis.

Again, I wouldn't attempt to get into that conversation here; it would be really good to do after we get the meeting with the SEP. But then that's exactly right, the more refined your instructions are, the better the quality of that analysis. Then the second thing was a point on a point and it escapes me, so I will turn it over back to you.

MR. BELL: Brian, I actually appreciate those comments because my concern up front was – and I'm not an economist, but I assume the closest we can get to an apples-to-apples comparison is X-vessel value, commercial versus willingness to pay. That's as close as we can get. I don't know what that will look like; but thinking where we were going with part of this was we would have data that we might use to consider future allocations.

There will be a lot of folks paying attention to this; and if that's as close as you can get, you've sort of got oranges and tangerines or something; but if that's as good as you can do, then keep that in mind. I could see where folks might – I'm always sensitive to – because I've got the same sorts of data, you know, for my fisheries in South Carolina. When we throw up, well, okay, we've got a \$25 million X-vessel value commercial; well, that's not the total value. I realize this isn't economic impact; this is something else. If that's as close as we can get to apples and apples, then that's just what it will have to be.

DR. PONWITH: It's directly to that point. You raised the exact issue, and this is what makes these analyses so controversial. It is one sector sells and another sector doesn't; and that makes the comparison challenging. One thing to keep in mind is if you're doing an economic analysis on the impact of altering a percentage that one sector is going to get, it is a very strong analytical tool to evaluate within the sector.

In other words, if you get A and next year you're going to get B, how does that influence the health of sector? The same is true of the other. If you're looking at within recreational, how does a change within the recreational industry of this allocation rate to that allocation split look. It is a more challenging comparison going across because one is a transaction-based industry and the other one isn't. The methodologies are different. The methodologies are accepted standard methodologies, but they're different from one another. So comparing from one sector to the other is more challenging, but, again, those are the accepted tools that we've got.

MR. PHILLIPS: Thank you, Bonnie, for the explanation. I'm glad to see it's going to go to our SEP so they can give their input. I can see the economic side of this; I don't see a social side of

this. The saying of Mark Twain comes back, “If you choke a number long enough, it will tell you anything you want to hear.”

I’m a little afraid of trying to do a commercial versus recreational numbers to numbers. I don’t think it adds up because – and you can do that at the dock, but I still don’t it adds up because the commercial is not necessarily trying to get the highest price from the ultimate consumer to match what somebody may pay going on a headboat or something. There is an innate value of the people that don’t go fishing having access to a resource, and I don’t think you can put a number on it.

It’s a social value that I don’t think you can put a number on, and that is going to be part of the commercial package, per se. On the other side, the recreational, you’ve got a value of being out on the water and pulling that fish in, and that might be figured in the price you pay to go on that charterboat. But for the non-fishing public to have access to a healthy food source and just have access to this resource, it is really difficult to put that number on there from a social point of view. I’m looking forward to hearing some thoughts from our SEP on how and if you can do this.

I get really worried when we try to do just numbers and this number equals this and this number equals that, so we should change allocations without being able to put in these social issues of availability and ownership of resource and things like that. I know you have been requested to do this for a while. Roy and I have had discussion on this a time or two. I’m concerned about the social and the common Everyday Joe having access to resource and it not being sold to the highest bidder, per se.

MR. JOLLEY: Thank you, Charlie, and I just want you to know that I agree with you a hundred percent and the venerable West Palm Beach Fishing Club would be very supportive of what you just said.

DR. MacLAUCHLIN: Thanks, Charlie, for that little shout-out and for bringing up the social. I wanted to say that the SEP is going to talk about this specifically. They can talk about the methodology and everything behind an analysis like that, but they’re going to ask, well, what is the goal, what are you wanting to do, and then we can tell you if this type of reallocation is appropriate.

If your goal is to maximize the economic value, then you would use this kind of analysis. If the goal is to maximize social value – I mean, that’s I think what they’re going to be really interested in. Something similar came up at an earlier SEP meeting a few years ago – maybe the first one – and basically the question was what do you guys think of catch shares; and the were like, for what; what are you doing it for?

Do you want to address this issue, this issue, and then we can tell you if something like that would be appropriate. That is what I’m a little worried about with the SEP is that they’re going to want to know what your end goal is first before they evaluate how to get there. The other thing I wanted to mention was that I know that you guys like look at different tools and different analysis; but if you’re not sure what your management goal is with reallocation, which is just a

tool – that is not a goal; it's a tool to get to some vision like we've been talking about – the public and different user groups are going to kind of latch on to these different ways that you're looking at reallocation.

If that is what you decide not to use, then it's going I think to send a very conflicting message of, well, you were looking at the economic efficiency; why are you not looking at it anymore; you've decided to go this way. You may really just want to talk about your end product first before you talk about your assembly line. That's all.

DR. DUVAL: I made the request that could we have our SSC or the SEP just look at the utility or validity of this tool at the last council meeting because we received some public comment that this had been used in the Gulf. Dr. Ponwith suggested that, well, as a first step let's see if there is actually the data to support the use of the tool.

We have an answer that there is a mixed bag of data to support the use of the tool. I don't think we're prepared to talk about a goal right now. Again, this all gets back to we elected to postpone consideration of snapper grouper allocations until after the visioning. I think it would be a little bit premature to talk about a goal right now.

That's just my personal impression because I think you're just going to do exactly what you just said; you're going to create some perception or misperception of what the council's goal is when I don't think we've decided on a goal. My intent was to just say is this a tool that we could use; is it a valid tool; do we have the information to use it; and not this is what we're going to use when we talk about allocations.

I think when the Comprehensive ACL Amendment was place which established most of our existing allocations, there was some concern – I know Ben and some other folks have brought up some concern about the use of a piece of the formula that we had used, and that was based totally on landings' information and the variability within the recreational landings and do so.

I understand that those may be some of the questions that the SEP has. I don't think we're ready to talk about a goal; and what I'd be looking for from them is what are their thoughts on the validity of the method and the tool based on the data that we have; but that is just me. Are there comments from around the table? Roy.

DR. CRABTREE: I think ultimately this is an analysis you're going to want to do when we take on the allocation issue, because I think it is one of the things you need to consider. But getting to Charlie's point, National Standard 5 says, "Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources" – so I think you need to consider it – "except that no measure shall have economic allocation as its sole purpose."

Then you have any number of other requirements which say – National Standard 4, for example – "Such allocation shall be fair and equitable to all fishermen, reasonably calculated, promote conservation, carried out in a manner so no particular individual or entity acquires an excessive share."

Then you National Standard 8 which says you need to look at the importance of fishing resources to fishing communities and sustained participation by these communities. There are a whole lot of things that the statute is very clear that you have to take into account; but I do think net benefits/economic efficiency is one of those things that you ought to take into account. I think this is a pretty well-established methodology and technique.

We've been through this and are going through this in the Gulf now with red snapper. We have had our SEP go through it and all that, and the techniques and the way to do it are pretty well established; but it is just one piece of the puzzle and doesn't give you here is the answer and this is what it needs to be. Sometimes it can give you indications of what direction you ought to think of going, but there is a whole lot more to it than just that.

DR. DUVAL: Again, I think having some more information for the committee on what the tool is and having some written description in the briefing book is really going to help us out. Roy.

DR. CRABTREE: And we have a lot of those kinds of materials and presentations already put together and ready that we've gone through at the Gulf Council over the past years where we tried to go through how you look at this, how economists look at allocation and how the analysis works, and it has tried to put it for a non-economist to do. We have all that stuff whenever you're ready to look at some of that already ready to go.

MR. BELL: Kari was saying kind of tell us what you intend to do with the tool and then we'll tell you. Our question is, is this a useful tool and their answer might be, well, it all depends. Maybe we give them sort of a suite of these are these possible ranges of ways the tool might be applied or something without committing to a specific we're going to use the tool exactly like this or something. My concern in all of this is I'm just worried about – I'm prejudging how this is all going to come out. I'm just imagining again comparing willingness to pay to simply X-vessel value. Maybe I've already predetermined it in my head and I'm wrong.

DR. DUVAL: I have similar concerns. It is the oranges versus tangerines comparison again. I think that's a metaphor for it. If there are already materials and presentations and available, as Roy had indicated, I think it would be great to perhaps have those in our briefing book so that we can have a better sense of exactly what it is.

I, quite honestly, know nothing about this tool; and so I'm certainly not prepared to even offer a range of what the goals might be for using it. If others around the table are, feel free to offer them up; but at eighteen minutes after four, I'm not sure how well people's brains are operating after everything we've been through today. I think it might be a more prudent approach to have some of this information before discussing goals for how a tool might be used; but that's just me. I don't take risks. Chairman Boyd.

MR. BOYD: I would just say that you really do need to get the documents that Roy has available and all the work that he has done. There are two documents that were presented to the CCC that have been presented before. One is a tech manual on allocation and I can't remember the name of the other one. Roy, do you remember it?

One is the Lapointe Report and then another one. Bonnie's staff has put together several studies on the Gulf and the willingness to pay and the X-vessel price and everything. I can tell you that we've been going through it and it is extremely complicated, especially if you're not an economist.

I think it's probably pretty complicated if you are an economist. It is extremely controversial. As Mel and as you have said, there are points of view from every point of view. One of the issues that Roy just brought up that we discussed a little bit behind the scenes at the CCC is National Standard 5 where it says that economics shall not – and I'm not quoting, but shall not be the sole consideration. Does that mean that if it's 80 percent of the consideration, it's okay, because then it would not be the sole consideration; or does that mean it is 2 percent of the consideration?

There are a lot of innuendos and discussion and a lot of points of view that you really need to study up on. If you look at that one tech manual – and I wish I had the number of it – it comes down in the summary area; and again I can't quote, but it says basically allocations are a policy decision and not a scientific decision. That is in the NOAA Document. You better read and you better understand it.

DR. DUVAL: Yes; I would agree; and I think the Lapointe Report is something that has been mentioned before around the table when we actually were considering this Comprehensive Allocations Amendment back in June. I think most of us have a copy of it from a briefing book or two ago somewhere; and I'm sure we can get that NOAA Technical Memorandum on allocations.

I agree as we step down this road of reconsidering our existing allocations for this fishery, we're going to want to have all of that information at hand. I do think that maybe having some of the information on basically what is an economic efficiency analysis, since it is obviously readily available, would be helpful for us. I would leave it at that. David.

MR. CUPKA: Some of these discussions remind of a lot of the discussions we had back when we had the Allocation Committee. We were looking at different ways possibly to consider allocations and we kept having to come back to landings, which everybody knows has some problems with it and whatnot; but at the time we didn't feel like we had the data to even consider some of these other aspects.

I think where we're trying to get now is have we gotten to the point where maybe we can get some other perspectives that won't necessarily be the sole basis for allocation, but which can be considered in conjunction with some other things like perhaps landings or whatever. Everyone was fairly dissatisfied I think basing them strictly on landings, but we didn't have any other alternatives at the time. Hopefully, we're going to get past that point at some point.

DR. DUVAL: Yes, I agree. Is everyone okay with that approach like let's hold off for now on discussing goals and I think just getting some information on this tool, what it is, get the feedback for our SEP on the proposed methodology is a good place to start and perhaps we can ask staff for some of those materials that have already been prepared for the Gulf could be

included in the briefing book as an information item for June. Is that okay? If there is no other conversation on this topic; is there any other business to come before the Snapper Grouper Committee? I do not see any; and, Mr. Chairman, I have 4:24 p.m., so I am yielding back some of the time that I sucked up from the December meeting.

(Whereupon, the meeting was adjourned at 4:24 o'clock p.m., March 5, 2014.)

Certified By: _____ Date: _____

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March 24, 2014

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South Atlantic Fishery Management Council March 2014 Meeting – Savannah, GA

Snapper Grouper Committee Meeting: Tuesday, March 4, 2014

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South Atlantic Fishery Management Council March 2014 Meeting – Savannah, GA

Snapper Grouper Committee Meeting: Wednesday, March 5, 2014

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Snapper Grouper Committee Meeting:

Wednesday, March 5, 2014

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| Tom Whately-Jen | 813-933-2018 | tomwhately@earthlink.org | 1310 W. 5th St. Tampa, FL 33604 |
| Ken Strong-Jen | 202-370-7520 | kstrong@oceanfish.org | 21454 DC 20008 |
| Tom Suctel CFSF | 843-222-7476 | tomgsuctel@shiny.org | POB 1311, ME, SC 29576 |

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

South Atlantic Fishery Management Council March 2014 Meeting – Savannah, GA

Snapper Grouper Committee Meeting: Tuesday, March 4, 2014

| NAME & SECTOR or ORGANIZATION | AREA CODE & PHONE NUMBER | EMAIL ADDRESS | P.O. BOX/STREET CITY, STATE & ZIP |
|----------------------------------|-----------------------------|---------------------------|---|
| Robert Johnson SGAAP | (904) 540-2628 | Jrfishing@bellsouth.net | 801 Shore Dr St Augustine |
| David Gonths | 386-527-5588 | Heavylift@doctortgolf.com | 165 Country Cir. Dr. West ^{Port} _{St. John} |
| Paul Nelson | 386-527-0732 | CAPT Paul 1966@aol.com | 736 Merrimac Dr Port Orange, FL 32127 |
| Dick BARNÉ | 910-599-5245 | dharnes55@gmail.com | Williamston, NC |
| <i>[Signature]</i> | 910-630-5847 | Klausen@fhep.com | Southport NC |
| Leila Dummer | 305 393 0934 | | |

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MARCH MTA DAY 2

| | | | |
|----|-----------------------|--|---------|
| 69 | Mehta, Nikhil | nikhil.mehta@noaa.gov | 406 min |
| 65 | Lamberte, Tony | tony.lamberte@noaa.gov | 281 min |
| 52 | Reed, Michelle | reedmich16@gmail.com | 104 min |
| 52 | Barbieri, Luiz | luiz.barbieri@myfwc.com | 89 min |
| 49 | Mealey, Christophe... | cmealey13@gmail.com | 406 min |
| 48 | eich, A | annemarie.eich@noaa.gov | 406 min |
| 47 | wyanski, david | wyanskid@dnr.sc.gov | 217 min |
| 45 | Iverson, Kim | kim.iverson@safmc.net | 288 min |
| 45 | Burgess, Tom | tbburgess@embarqmail.com | 344 min |
| 45 | DeVictor, Rick | rick.devictor@noaa.gov | 383 min |
| 43 | DeLancey, Larry | delanceyl@dnr.sc.gov | 302 min |
| 43 | Austin, Tony | redress@ec.rr.com | 406 min |
| 42 | holiman, stephen | stephen.holiman@noaa.gov | 396 min |
| 41 | Powell, Jessica | jessica.powell@noaa.gov | 395 min |
| 41 | malinowski, rich | rich.malinowski@noaa.gov | 64 min |
| 39 | Merrifield, Mike | mikem@wildoceanmarket.com | 342 min |
| 38 | Brouwer, Myra | myra.brouwer@safmc.net | 391 min |
| 37 | Takade-Heumacher, ... | htakade@edf.org | 10 min |
| 36 | Michie, Kate | kate.michie@noaa.gov | 309 min |
| 35 | Neer, Julie | julie.neer@safmc.net | 374 min |
| 35 | Meyers, Steve | steve.meyers@noaa.gov | 326 min |
| 33 | Haselden, Leeann | leeannhaselden@gmail.com | 22 min |
| 33 | Martin, Gretchen | martin1639@ec.rr.com | 283 min |
| 32 | Schueller, Amy | amy.schueller@noaa.gov | 406 min |
| 31 | Clemens, Anik | anik.clemens@noaa.gov | 387 min |
| 31 | Cheshire, Rob | rob.cheshire@noaa.gov | 390 min |
| 31 | Herndon, Andrew | andrew.herndon@noaa.gov | 303 min |
| 31 | Walker, Quentin | quentin.walker@ncdenr.gov | 213 min |

| | | | |
|----|-------------------|--|---------|
| 30 | Abeels, Holly | habeels@ufl.edu | 397 min |
| 29 | Gore, Karla | karla.gore@noaa.gov | 352 min |
| 29 | sandorf, scott | scott.sandorf@noaa.gov | 374 min |
| 29 | Knowlton, Kathy | kathy.knowlton@gadnr.org | 293 min |
| 29 | Hudson, Rusty | dsf2009@aol.com | 510 min |
| 28 | Crosson, Scott | scott.crosson@noaa.gov | 365 min |
| 27 | Gerhart, Susan | susan.gerhart@noaa.gov | 100 min |
| 26 | Brogan, Gib | gbrogan@oceana.org | 24 min |
| 26 | Jepson, Michael | michael.jepson@noaa.gov | 213 min |
| 25 | Byrd, Julia | julia.byrd@safmc.net | 406 min |
| 25 | Fitzpatrick, Eric | eric.fitzpatrick@noaa.gov... | 784 min |
| 25 | Waters, James | jwaters8@gmail.com | 21 min |
| 23 | levy, mara | mara.levy@noaa.gov | 118 min |
| 23 | Ballenger, Joseph | ballengerj@dnr.sc.gov | 108 min |
| 20 | Helies, Frank | fchelies@verizon.net | 41 min |
| 20 | L, I | captaindrifter@bellsouth.... | 192 min |

MARCH MTC DAY 3

| | | | |
|----|-----------------------|--|---------|
| 80 | L, I | captaindrifter@bellsouth.... | 539 min |
| 77 | Pitchford, Tom | tom.pitchford@myfwc.com | 421 min |
| 70 | Byrd, Julia | julia.byrd@safmc.net | 421 min |
| 70 | Giguere, Cate | cathleen.a.giguere@uscg.m... | 127 min |
| 58 | Reed, Michelle | reedmich16@gmail.com | 68 min |
| 57 | Mehta, Nikhil | nikhil.mehta@noaa.gov | 452 min |
| 53 | holiman, stephen | stephen.holiman@noaa.gov | 428 min |
| 47 | klostermann, joe | grkifk@comcast.net | 377 min |
| 45 | Frede, Robin | rlfrede@gmail.com | 3 min |
| 44 | Austin, Tony | redress@ec.rr.com | 450 min |
| 40 | Martin, Gretchen | martin1639@ec.rr.com | 424 min |
| 39 | Lamberte, Tony | tony.lamberte@noaa.gov | 371 min |
| 36 | Michie, Kate | kate.michie@noaa.gov | 422 min |
| 36 | Eich, A | annemarie.eich@noaa.gov | 483 min |
| 35 | DeVictor, Rick | rick.devictor@noaa.gov | 449 min |
| 34 | Fey, Kasey | keyskeeper@info.org | 192 min |
| 33 | Hudson, Rusty | dsf2009@aol.com | 409 min |
| 29 | Crosson, Scott | scott.crosson@noaa.gov | 19 min |
| 29 | Takade-Heumacher, ... | htakade@edf.org | 285 min |
| 28 | Clemens, Anik | anik.clemens@noaa.gov | 172 min |
| 27 | Gore, Karla | karla.gore@noaa.gov | 380 min |
| 27 | McCoy, Sherylanne | sherrim@wildoceanmarket.c... | 318 min |
| 25 | Cheshire, Rob | rob.cheshire@noaa.gov | 160 min |
| 25 | Abeels, Holly | habeels@ufl.edu | 200 min |
| 25 | Burgess, Tom | tbburgess@embarqmail.com | 108 min |
| 25 | Neer, Julie | julie.neer@safmc.net | 204 min |
| 25 | Ballenger, Joseph | ballengerj@dnr.sc.gov | 246 min |
| 24 | Coggins, Lew | lew.coggins@noaa.gov | 34 min |

| | | | |
|----|-----------------|--|---------|
| 24 | levy, mara | mara.levy@noaa.gov | 175 min |
| 24 | Bademan, Martha | martha.bademan@myfwc.com | 92 min |
| 22 | Brogan, Gib | gbrogan@oceana.org | 44 min |