

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **SNAPPER GROUPER COMMITTEE**

**Charleston Marriott Hotel  
Charleston, SC**

**September 16-17, 2008**

### **DRAFT SUMMARY MINUTES**

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened at the Charleston Marriott Hotel, Charleston, South Carolina, Tuesday afternoon, September 16, 2008, and was called to order at 1:30 o'clock p.m. by Chairman Mac Currin.

Mr. Currin: We will begin the Snapper Grouper Committee meeting. Good afternoon, everyone. Thank you for being here on time. Everyone has had an opportunity to look at the agenda. I don't anticipate any modifications or change thereof. Anyone else have any modifications or suggestions to change the agenda? Seeing none, the agenda will stand approved.

We also have minutes from our June meeting. Everyone has had an opportunity to look at those. Are there any additions or corrections to the minutes from the June meeting? Seeing none, the minutes will stand approved as well. Our first item of business today is an Oculina Monitoring Report, which Kim Iverson will bring us up to date on.

Ms. Iverson: Thank you, Mr. Chairman. I'm going to focus this afternoon on the Oculina outreach, an update on the Oculina outreach. It's Attachment 1 in your briefing book materials and it just kind of goes over quickly some of the activities that have taken place since the June meeting. I think you'll recall that Myra Brouwer gave an update on the research activities, including some recruitment studies that have been conducted by Dr. Sandra Brooke and some other scientists, and there concerns about possible encroachment of illegal fishing activities within the Oculina Bank.

We spoke with Major Brett Norton from FWC following the meeting and they had a big boat meeting with all their large boat captains in Ocala on July the 15<sup>th</sup> and Major Norton had suggested that Dr. Brooke and any other scientist that wanted to participate in the meeting come over and discuss their concerns with FWC and the big boat captains at that meeting and also invited council staff to attend the meeting and cover some of the management issues with the Oculina Bank.

I was fortunate enough to be able to attend the meeting. Unfortunately, Dr. Brooke's car broke down in Winter Haven and so she was unable to make the meeting and so she was unable to discuss her concerns with FWC, but since then has been in contact with Major Norton and some of the other folks there about her concerns and I believe some other scientists that were involved.

I'm sorry and I don't mean to project the -- You're not expected to read that and this is in your briefing book. I was just using it as my notes and so -- Since we had an hour allotted for the presentations, I was able to go ahead and talk about the council's work with Oculina Bank and also talk with the big boat captains rather informally on some of their concerns and how we can do a better job with outreach as far as their mission is concerned.

They use our regulation brochures. They use the Oculina Bank brochure whenever they stop vessels and keep in mind these are big boat captains from the east coast, the Florida Keys National Marine Sanctuary, as well as the Gulf of Mexico. It was a good opportunity for me to meet and get a better understanding of some of the issues that are going on over in the Gulf, especially in relationship to MPAs.

We focused initially on the Oculina Bank and the concerns and issues there and then talked more in general about the proposed MPAs, the deepwater MPAs that the council has been working on through Amendment 14 and some of their concerns in enforcement. It was just a good opportunity to talk informally and I took some notes and was able to I think incorporate some of their suggestions as far as reprinting the regulation brochures and additional outreach materials.

In addition, in July, the National Marine Educators Association held their annual conference in Savannah, Georgia. I was fortunate enough to go and present jointly with Kristin Ryan, who is the marine educator with the Smithsonian Marine Station down in Fort Pierce, Florida. It was my first NMEA meeting. Susan Shipman was gracious enough to identify me as soon as I walked in the conference room and helped to answer some questions.

It was a really good meeting and I enjoyed it. The session, I think, was well attended for being later in the week. I was able to distribute outreach materials, including Oculina brochures and the posters, as well as the DVD *Revealing the Deep*, the deepwater coral DVD, and we had very good response to that.

The Smithsonian Marine Station down in Fort Pierce has their static exhibit and display and is also using the DVD *Revealing the Deep* in a continuous loop as part of their display materials and also our Oculina rack cards, the brochures. Since then, I've had the second issue of the *South Atlantic Update* that had a little feature on the *Revealing the Deep* DVD and availability and I think what happened must have been the spring issue that I put it in there and people said I need to order that and then they forgot about it, because this time around they remembered.

We've been distributing quite a few of the DVDs, in both high-definition and regular format, and they've been really well received. We continue to distribute the Oculina brochures and other posters and materials and I think we've probably got about 2,000 brochures left and so we'll probably plan on hopefully, depending on budget, reprinting those and also updating and reprinting the regulations brochure, the South Atlantic regulations brochure.

That was one of the things that the law enforcement personnel at the big boat meeting said, is not to put a date on it necessarily, like it expired. Most agencies, especially at the state level, produce their regulation brochures on an annual basis and so ours currently says "June 2007" and so after the discussion, I had some input and we decided that on the cover we would put "Effective as of" and then put a date, so that it didn't tend to expire. When they hand those out now, the fishermen are saying this is an old one, without realizing that most of the information is still current within that document.

Along the lines of law enforcement and outreach as far as the Oculina Bank, I just wanted to show you that we do now have on the council's website a law enforcement jump -- What we call a jump page. It outlines the fact that the council is not responsible for law enforcement, but works closely with law enforcement agencies, both at the federal and the state level. It has an active link to the Law Enforcement Advisory Panel, to NOAA Fisheries Office for Law Enforcement, and the U.S. Coast Guard.

If you scroll down a bit, there are links, active links, to each of the state agencies and how to

report violations and then on the left side, there's a module or a box that has the law enforcement reports available and I've circulated the enforcement report that Otha Easley had graciously circulated earlier today and so those quarterly reports now are posted on our website.

The Oculina reports are also available both on this law enforcement jump page and on the Oculina Bank page on the ecosystem section of the website. This is the law enforcement section. The law enforcement jump page is readily accessible from the home page. Myra has been -- We worked together to add these links and so if you go to the home page, there's a quick link here, at the bottom of the page.

I think it's effectively given the public an understanding of the council's role in law enforcement and providing that as a resource for people that want to report violations and we're open for suggestions. Myra and I have been working closely on this, if you have suggestions on other information that would be good to post on that particular jump page.

I think the only other thing, as far as Oculina outreach, is I'm continuing to work with South Carolina Sea Grant and publishing an MPA outreach document. That is the -- They're working on the layout right now and I'm hoping to have a draft for the council to review, if you would like to review the document, sometime in October. I still don't know the timeline as far as final implementation for the deepwater MPAs, but we want to be ready to go with some sort of a summary and possibly print that, if budget allows, once the MPAs are put into place.

Right now, that document contains kind of a sidebar information on the Oculina Bank as a managed area, just to raise public awareness of the Oculina Bank. When you're talking about the deepwater MPAs, you certainly have the MPA sites off of Florida, but I thought it was important, in talking with other staff members, that it was good to have reference to that Oculina Bank area, so that if you're fishing out of Fort Pierce or you're fishing out of Cape Canaveral, you're aware of that, as well as the other MPA sites that are off of Florida. Does anybody have any questions?

Mr. Currin: Questions for Kim?

Mr. Geiger: Kim, when you were at that big boat conference, did they discuss or did you hear them discuss at all the tempo in terms of operations out at the Oculina Bank?

Ms. Iverson: Lieutenant Jeff Cedar, who is the captain of the C.T. Randall, was there and I don't recall that he said that they were stepping up any operations. There were concerns, obviously, of fuel. That was one reason that the meeting -- This was the second time the big boat captains had gotten together. Last time, they got together in Tampa and all the big boats came together. This time, they drove and met in Ocala and so certainly there were some discussions on concerns of fuel, but as far as the frequency of patrols in that area, I didn't get any specific numbers, whether it was increasing or decreasing.

Mr. Currin: Other questions for Kim?

Mr. Easley: I have a little information to follow up on George's request. I had our Special

Agent in Charge of the Oculina Bank, Rich Chesler, gather some information on the trends for both Fish and Wildlife as well as Coast Guard and the few times that we've been able to get out there on our vessel. I have nice graphs and some data and statistics that I can present to you either now or later on or just give you some hard copies. It's your choice.

Mr. Currin: Otha, thank you very much. Maybe we'll do that during the liaison reports and during the law enforcement report on that. Thank you. Other questions for Kim on Oculina outreach? Thanks, Kim, very much. We appreciate it. The next agenda item is the ACL Proposed Rule and that's found under Attachments 2 through 4. I think Gregg is going to give us a little overview and he's put together some suggested comments that everybody should have had an opportunity to look at and perhaps others of you have additional comments or may have some reaction to Gregg's and we've got Dr. Rick Methot that's here also to talk to us a little bit about the rule as well, proposed rule.

Mr. Waugh: What we thought we would do is I'll go through and present potential comments or a list of potential comments for you all to consider and then John Carmichael will go through some comments specific to the ABC control rule and that issue and then we would let Rick Methot offer comments and then we'll get into the specific discussions.

The ACL proposed rule is Attachment 2 under the snapper grouper tab and what I'm going to be going through are the suggested ACL proposed rule comments. Again, this is a list that I've put together and we've run it by staff and everybody has had an opportunity to comment and these are available to you to consider, including in a letter that we will put together and have approved at full council to send in, representing the council's comments on this ACL proposed rule.

The first item deals with emergency regulations and interim measures and this was not changed in the reauthorization and the suggestion here is to request some clarification, to see if the issue of temporary regulations could be addressed with an environmental assessment. When we get into the interim rule, you'll see that were we to consider a longer term, a year-long closure, the determination has been made that that requires an EIS. We can do an amendment and an EIS in that timeframe and so it seems like it's taking that tool of a temporary regulation out of the council's ability to use.

The second item is a performance standard, where NMFS is proposing to add some flexibility, given scientific and management uncertainty, by proposing a performance standard such that the catch of a stock exceeds its ACL more often than once in the last four years that is more than 25 percent of the time then you have to take some action.

Given the extreme data deficiencies in the Southeast, the lack of necessary data collection programs, the council may want to express some support for such flexibility, because it appears, when you read the Magnuson Act, that it doesn't allow that level of flexibility.

The third item is this issue of state and federal management and accountability measures and not to pick on the State of Florida, but certainly a number of the regulations that we've looked at are proposing closures in the State of Florida and the State of Florida representatives have pointed out the problems that this raises in terms of impacts in their state, but the issue comes down to

that the ACL has to cover the overall fishery, but the accountability measures would only be implemented for the portion of the fishery under federal management authority.

If we get situations where a state is not developing compatible regulations, the harvest, in certain instances in that state, could be sufficient such that we could not allow a fishery in federal waters and so it's just looking at how you all might want to comment on the impacts that may have to our council actions.

The fourth item deals with ecosystem component species and the National Marine Fisheries Service is requesting comments on appropriate criteria for classification of ecosystem component species and our suggestion would be to look at some level of catch, perhaps looking at the top twenty species, and focus our data collection and assessment and management on those and deal with some of the impacts of the others through our ecosystem-based management approach.

Species groupings, the proposed rule allows for stock complexes to be established and proposes some criteria. There is some wording that says although you set these up, you have to periodically look at what the stock condition is and so you may lose some of the benefit of the species groupings if periodically you have to make determinations about stock status relative to overfishing or overfished for each of the species.

The sixth item is statutory exemptions to ACLs and accountability measures. There's an exemption included for species that have a life cycle of approximately one year. We may want to provide support for this interpretation and a comment specifically that we think white, brown and pink shrimp and rock and royal red and calico scallops fall into this category, given their life cycle.

The seventh item are the requirements for SSCs related to annual catch limits and the wording in the Magnuson Act is quite broad and we may want to clarify that the SSC is not charged with actually collecting the data and writing reports, like SAFE reports, to meet the requirements of the Magnuson Act, rather that the SSC will review data, assessments, reports, et cetera developed by NMFS and other sources and provide advice to the council, based on those data, assessment, reports, et cetera.

The SSC may be required to calculate ABC recommendations. Also, to clarify that the SSC serves as a part of the required peer review process when they review the outcome of the SEDAR assessments and develop their overfishing level and ABC recommendations. The SSC serves as a final peer review, but this is not to be viewed as redundant of the SEDAR peer review. Certainly they would catch things if something is way out of whack, but it's not a routine re-review of the SEDAR assessment.

Then the last item there is the Magnuson Act clearly states that the SSC specifies the overfishing level and the ABC. The proposal for the council to set an ABC control rule that would specify how the ABC is calculated seems to go against this provision and so we may just want to request some guidance on that issue and I know this is something that Rick is going to comment on.

Item 8 is the ABC. The reauthorized act does not define ACLs, AMs, and ABC and there's



some wording that comes right out of the proposed rule that's included there and we should indicate our agreement or disagreement with these definitions and in particular, the determination that ABC equals landings plus discard mortality.

The National Marine Fisheries Service proposes some flexibility that at least when some of us read the Magnuson Act we don't see that level of flexibility. The Magnuson Act specifies the ACL as a limit, implying that it should not be exceeded. The proposal that the OFL is greater than or equal to ABC, which is then greater than ACL, which is greater than or equal to ACT, implies that ACT could be set equal to OFL and that doesn't appear to be implied in the Magnuson Act.

Item 9 is sector ACLs, ACTs, and accountability measures. A council may decide, but is not required, to divide the ACL into sector ACLs and we've talked about this in our allocation discussion. The Magnuson Act talks about an ACL that is a limit not to be exceeded. The idea of using multiyear averages for the recreational sector, because the data collection program has not been improved to provide the data necessary for management, seems to counter this requirement. Some are comfortable with using averages. We've got an approach that looks at using the PSE, or proportional standard error, to accommodate the variability in the catch.

Item 10 is data. There's a requirement now that FMPs should contain a description of fisheries data for the stock, stock complexes, and ecosystem components. It goes on to detail the information that is there. We think this is a good idea and that the council should support this and we've got some measures to address data collection issues in the decision document for Amendment 17.

In terms of the time table when establishing a rebuilding plan, the National Marine Fisheries Service is proposing that the two-year period that will be to prepare and implement that that comes online after July 12, 2009. Their proposal is that fifteen months be allocated to the council and nine months be allocated to NMFS. We may want to comment on this, because the Magnuson Act process is very open and it takes time and we would propose that the councils have eighteen months to develop and complete a proposed amendment and then that would give NMFS six months to review and implement.

Item 12 is exemptions to the requirements to prevent overfishing. This gets into the issue of some minor stocks. This would require that we have a minimum stock size threshold for every species, including species like speckled hind, warsaw, Nassau grouper, and goliath grouper. This would require the council to manage the deepwater fishery looking to build the stock size of speckled hind and warsaw above their minimum stock size thresholds. You may want to comment about that as well. Then we have a couple more general issues that sort of get into what John is going to talk about and so I'll end it there.

Mr. Currin: Thank you. At some point, I think, maybe for my benefit, it would be best if we went back through those, Gregg, and I don't know whether you think it would be better to let John address the ABC control rule issue or not or we deal with the comments on these particular aspects that you've introduced, but I think we need to focus on those individually and see if the council members are in agreement with Gregg's and staff's suggestions or if the council or

committee has other suggested comments and modifications to those that have been suggested.

Mr. Waugh: I think if we could get through John's and then give Rick a chance to comment and then come back through. Again, those are there for you all to select which of those comments you want to use.

Mr. Currin: All right then, John.

Mr. Carmichael: ABC control rules. At the last meeting in June, we discussed the issue about ABC control rules and that was -- I guess at that point the proposed rules had come out and the council had realized there was going to be a requirement for them to set ABC control rules with guidance from the SSC, following what the Magnuson Act has suggested that we do, requires that we do.

The council directed us to go as staff and start working on that and largely in response to the SSC coming to the realization that it really needed some further guidance to deal with the ABC issue, which is certainly an outcome that was loud and clear from their meeting in June.

This also reflects an ongoing request from the SSC for a number of years and dealing with a number of assessments and in our previous language simply for dealing with recommendations for OY that the SSC has stated that they're not sure of the confidence, the level of risk, that the council is comfortable accepting when it sets management regulations. What level of risk of overfishing does the council desire when it picks a particular target?

As a result, this level of risk issue has kind of been batted back and forth between the council and the SSC and the SSC is saying we can give you whatever you want if you give us the risk, but the risk is a management decision. That's a common theme for a number of years and it's certainly become very critical as we deal with these ABC control rules, as we go through the options and discuss one of the options and certainly the option that the SSC seems to most heavily lean toward.

Just briefly as a teaser to where we're all going, so you can keep this in perspective as we go through the discussion today, in September of 2008, which is today, the Snapper Grouper Committee, which is you, are reviewing the initial cut of the alternatives. This is to try and deal with what the Magnuson Act states, the revised Magnuson Act suggests, which is that the council will establish these rule with feedback from the SSC. Given that our SSC meets twice a year and every other meeting of the council; we needed to get this thing kick started.

You're getting to review these alternatives, which are based on staff's thoughts and looking at what you've done in the past and what the SSC discussed in June. The SSC will get revised alternatives and your recommendations for review in December of 2008 and then hopefully there will be guidelines by then, which may help us, deal with some of the procedural issues related to the control rule.

At that point, likely you'll meet after the SSC, in which case you can have a second round of reviewing this, with perhaps any suggestions you have here incorporated, as well as any

guidance from the SSC, and hopefully be well on our way to having this thing wrapped up. The thought then is that final approval of some sort for this in March of 2009, whether that's in Amendment 17 or something that goes through the Comprehensive or it's something you approve this framework which we then work into the documents as we go. We can certainly discuss how we want to deal with it from this point. That's the long-term picture of where we're going.

The short term is dealing with this idea of an ABC control rule. Essentially, what the control rule is intended to do is to simply specify the separation between the acceptable biological catch and the overfishing level that the SSC is providing.

The Reauthorized Magnuson Act specifically states that it should account for assessment uncertainty and that is one of the things that got the SSC kind of hung up, is dealing with the assessment uncertainty and deciding just how much of that uncertainty they get in there. There's a probability with everything and they want to know what your acceptable probability is for dealing with overfishing.

The Act also states that it should be developed by the council with the SSC input and guidance and I think we're well on the path of fulfilling that mandate, by dealing with this now and talking with the SSC in June. Another thing the ABC control rule is supposed to do is really just establish a process for the ABC. It's a specified process for how the council is going to go through with it. It's how it's going to be calculated, who is going to calculate it, who is going to review it, how are you going to implement it, how are you going to make sure it was reviewed?

I think once we get through the more thorny technical issues related to what it will look like, the other issues may fall into place a little bit more as we work through the FMPs. Today, we're focusing on the first step, which is that appropriate level of separation between the overfishing level and the ABC.

What this really comes down to is just simply the risk level. What is the risk of overfishing this council is comfortable with when you have to pick a specific yield. That's the critical decision and in my discussions with various members of the SSC and watching them function over the last year-and-a-half and dealing with making recommendations without having clear guidance, the common thread, as I said, has been they need to know that risk level.

I think if we get that that we'll be on our way toward getting recommendations that the SSC and the council are happy with and the SSC can feel confident in making a scientific decision and not overstepping the management decision of risk.

Mr. Boyles: I've got a question for general discussion if you want it now or I can wait until you're done.

Mr. Carmichael: You can bring it up now if you think it's a good time.

Mr. Boyles: I'm not on your committee, but I did have a question. Recall several discussions about allocation and I ask the question again and I don't know if this is the appropriate place or

not, but we've talked about the concept of conservation, if you will. We had a very lengthy discussion at the June meeting about the whole idea of how do we account for that and asking or answering the rhetorical question of do we have to allocate every last pound of fish that we've got? John, from your perspective, you're zeroing in on the uncertainty factor here. Is it appropriate at this point to talk about the idea of uncertainty as well as conservation?

Mr. Carmichael: Conservation may be taking it a step further than we're willing to deal with now. I think it's a valid question for the council. It's certainly not something the SSC necessarily would want to weigh in. They would do whatever your guidance tells them in terms of making that sort of allocation level decision.

Dr. Chevront: I want to make sure that we're understanding the uncertainty aspect of this pretty clearly. What you're asking for us to give is what is that level of risk across fisheries that we're willing to accept going over OFL? The stock assessment itself takes into account the uncertainty that exists and so what we are really trying to do is to come up with just that number. What is the probability that we could exceed OFL?

One of the things that we are encountering here is that you're going to find some people who by nature are more risk-averse than others and it's just like investing in the stock market, which is probably not a good thing to be talking about this week, but some people are more aggressive in what they're willing to risk and lose in doing this and this is an individual -- This is a human dimensions aspect of it and I can understand why the SSC is shying away from that, because they want to be totally quantitative in their analysis and as managers, we're being asked to take on the more qualitative aspect of it.

We have to face that issue of how risk-averse do we want to be and making sure that we all understand let's say what a 25 percent risk means. It doesn't mean that necessarily three out of four years that we're going to be okay. It's in any given year we could run a risk say of 25 percent of overfishing. I would like to have a discussion at some point about how risk-averse folks are and hear some of those individual differences, because we may or may not be all that far off from each other.

Mr. Currin: We will have those discussions, Brian, and I think when we do that it's real important to recognize the differences in risking your own assets or capital and risking the assets and capital of others, which greatly affects most people's approach to risk.

Ms. Shipman: You hit upon that. It's a fiduciary responsibility that we have to public trust resources and we may feel different about that. Also, I think the stock is going to vary. I may feel differently about coastal pelagics than I feel about the risk I'm willing to take on longer lived species like snapper grouper. I don't know that a one-size-fits-all risk level is going to work.

Mr. Carmichael: I have a graphic on the risk level, which when we get to that it may help to ease some of this. I think it's coming up in the next slide.

Dr. Crabtree: One thing when you have the discussion to bear in mind is it's not really that

you're talking about the risk of going over the OFL, the overfishing level. That's one type of risk that's related to how well can you control the catches. The risk is more -- Even if you stay under the overfishing level, you still may be overfishing, because of the uncertainty about the magnitude of the overfishing level and the productivity of the stock all to begin with. That's really, I think, more what this is sort of getting at.

Mr. Currin: John, go ahead.

Mr. Carmichael: That's exactly what the risk that we're talking about here is. It's because MSY is an uncertain parameter, which we'll get right to. The options that we've presented for you are you could set ABC as just a percentage of OFL, just knock 10 percent off the poundage. You could set ABC as a percentage of the exploitation level, the MFMT, which we use to establish the OFL. That's very similar to where the council is on its default OYs in the past, where you set OY at 75 percent of FMSY.

The third option that we've presented is where ABC is based on the probability of overfishing and this is where the SSC seems to be leaning that they have for some time now, even when recommending ABCs in the past and recommending OYs, has said they've really felt it should encompass more of the true assessment uncertainty.

By going down this route, of course, this is more complicated. It's simple to just say we'll just use 75 percent of MFMT and we'll be done with it, but that may not always work in all the stocks and it may not be appropriate because the level of uncertainty in the assessments varies. Some of our assessments give us much more precise answers than others. When we deal with the ABCs based on --

Mr. Currin: John, hold on just a second. Mark has got a question.

Mr. Robson: Could you just expand on that -- Go back to the last slide, please. Could you kind of expand just quickly on what that means and what kinds of things would be looked at if you're going to try to figure out a probability of overfishing?

Mr. Carmichael: That's where we're headed.

Mr. Currin: John is ahead of us, as usual.

Mr. Carmichael: Sometimes. I'm probably way behind you, but I know what the next slide is when you don't. When we deal with the ABC based on assessments and probability, for a stock that we've assessed and potentially there's a probability analysis, what is the distribution of MSYs when they run the assessment and consider the uncertainties in things like natural mortality and catchability and growth and there's a distribution of MSYs that occurs and they can analyze that and give us a probability where any given yield will fall within that range of probabilities.

To actually let the SSC give you the specific poundage, they need to know what the level is and it's going to be more complicated when we deal with the non-assessed species, because if we

don't have a quantitative assessment and we can't do this evaluation of MSY and we don't have MSY, then we're going to have to consider some other options.

Those are discussed in there under that particular option, but I think what we need to do is deal with the critical issue of understanding the probabilities and picking the risk level associated with them and we can fill in these pieces as we progress, because what's holding up the SSC is this idea of probabilities. This slide hopefully will explain this in a clear and concise manner, to show you just what we're talking about.

The gist of this is that an assessment is run many, many times. There's the runs that they do to bracket the key uncertainties in things like natural mortality or which data series they use or how much uncertainty they assign to historical data series and things of that nature and then there's the run that they can do around the base run, which evaluates the uncertainty in that base run.

They may say run this model a thousand times, just to use a simple example, and use a range of Ms from say 0.2 to 0.4 and randomly pick within that range or maybe pick from some distribution that's centered around 0.3. You can do whatever you want, but the gist is that they take the key things that vary and the key things that vary are natural mortality and they're catchability of the different surveys, especially when we're dealing with our fishery dependent surveys, and it's certainly recruitment. How many fish are going to be born in the future is a huge question.

They allow those things to vary and essentially, what you're going to end up with is some distribution of outcomes. We did a thousand model runs and so imagine this is the results of a thousand different model runs and this shows the frequency distribution of yield at MSY and right in the center of that, of course -- They pick the median, right, and so the median MSY is the one that they would say your yield at MSY is right here with the median, but there's these distributions -- This red line will vary greatly depending on the assessment's certainty.

If it's a very precise assessment and we have good numbers and it's performing very well and there's lots of data and lots of time series, it might be pretty tight. If it's an assessment with a lot of uncertainty in the life history of the species and the data series that are most important and a lot of high error assigned to the datasets, then those tails may extend way out.

The probability that the SSC is focusing on is that area is the crosshatch there with the red, the area that's to the left of the green line, because any yield that you pick is going to have some probability that over those thousand runs that it actually exceeded MSY. It's critical to note that it doesn't mean that there's a particular run where your yield at your target F, which is lower than your MSY, exceeded the yield at the MSY in that run, because that's physically impossible.

What it means is that over a thousand runs there's overlap. There's one run where maybe it said MSY was 500,000 pounds and there's another run that says that your yield at your ABC maybe, or even in the past your yield at your OY, was 20,000 pounds higher than that. Over a thousand runs, these things happen, because of the tails of these distributions.

The probability that we're focusing on is the sum area of that curve and what the SSC has looked

at is anywhere in the 25 to 30 percent range, based on their initial evaluations of how the 75 percent FMSY and FOY has worked out.

Dr. Cheuvront: My question has to do with -- You've drawn something here that is pretty similar to what might be a normal distribution. When you run, for example -- You plot the MSYs for these thousand runs and they're not typically normally distributed, are they? That's correct, that they're not normally distributed.

My question would be the more that the peak is to the left of the distribution, the greater the risk, in essence, of choosing the peak is going to come up to exceeding OFL. If it was skewed more to the left and the peak was far to the right, you would have a lesser chance of exceeding OFL. I'm just wondering -- Probabilistically, you would still have the same probability of doing that, but the closeness of the value that would exceed OFL could be very narrow or very wide, depending on the distribution of those runs.

I'm wondering if there was some way that the SSC could take into account the shape of the distribution. For example, let's say we had numbers for something like wreckfish and it was skewed very much to the right. You would probably have a higher chance of exceeding OFL --

Mr. Carmichael: No, because you're going to have -- The chance is what's coming out of this and so you're going to pick the chance. What's going to vary from stock to stock and assessment to assessment will be the actual percentage of poundage difference between MSY and whatever your ABC ends up being. In an assessment where it's pretty tight and you have a tight curve, such as this near normal curve shows, you may not have as much separation, whereas one with a very long tail, it may tend to push more separation between the green lines and the red lines.

Dr. Cheuvront: That's what I'm saying, is that we would feel much more comfortable if there was a lot more separation between the green vertical line and the red vertical line than when they are closer together, because the --

Mr. Carmichael: Why? If they're both based on the 20 percent risk and the reason that the one is closer is because your assessment had many more years of age data and much better life history information and is the more stable and well performing model, scientifically there would really be no reason to have more confidence in one just because of the poundage. I think the poundage can very often give you a false sense of security.

Dr. Cheuvront: It may be more of a psychological thing, in that if it appears that they are quite far apart that we would feel more comfortable to make that probability of going over the OFL -- We might be willing to take more risk than if we could see -- We see the numbers are close together out of the total range.

I'm just trying to figure out how we're going to frame this discussion for making our decision. I believe it was Susan who made the comment -- Like coastal pelagics, I would be less conservative worrying about dolphin and whether we're going to go over OFL there, because I know we could recover from that pretty quickly, as opposed to goliath grouper.

Goliath grouper, we would probably want to be very, very risk-averse, because that's such a long-lived fish. Dolphin, no big deal. In a year, you're fishing on them and they're big fish. As you can tell, I'm struggling with trying to figure out what are the parameters that I would like to use to come up with our decision and it's as much psychological as it is biological.

Mr. Carmichael: I can tell you what we know from the SSC level. For many things, we work with a 50 percent probability and so I think that's -- You wouldn't want to go above that. You wouldn't want to say we're happy with a 70 percent chance that overfishing occurs. I think 50 is the top, based on practice and previous Magnuson Act situations and where we are.

Now, the SSC looked at the range of 20, 25, 30 percent and really hammered down around 25. As I said, what they hung their hat on there was the paper that came out by Shertzer et al done with the gag example that showed the F 75 percent MSY default for FOY. It gave about a -- I think it gave like a 30 percent chance that overfishing could occur, given say a 10 percent management uncertainty. It said like there's a 30 percent chance that you could actually harvest that OY and the model could turn out and say, well, no, actually MSY was lower than, a 30 percent chance.

Some on the SSC felt that was fine. Others felt that 25 percent is probably a more comfortable number. Part of that is tied on the Magnuson language in the proposed rule about the one in four years of exceeding the target and kicking in accountability and saying there's a 25 percent probability there. There are some on the SSC who would be very happy with only a 10 or 20 percent probability of overfishing and given that most of these red lines are going to be relatively long tailed, that's going to often drag those landings down to extremely low levels.

I think in many cases -- I'm often accused at the SSC of being overly simplistic in my thinking in these, but I think that in a lot of cases these distributions might, to some degree, reflect the nature of that fish and the differences between a volatile, fast growing, easily recoverable fish like vermilion or red porgy or something versus a long-lived, slow growing fish.

In most cases, there's a much broader range than the actual MSYs that we can see in these. It's a very different situation and so I think the -- I would like to be optimistic and think that in a way this is going to be somewhat -- If you pick a percentage under this curve, it's going to be somewhat automatically adjusting for the nature of the information that we have and the life history of that fish, within reason.

Now, it doesn't mean that the council might not decide to say that for these extremely long-lived fish that are especially slow growing that maybe we want to have a percentage of 30 percent or 40 percent. For these other fish that are much more productive and we know that they're more productive and we know more information about them, those keystone species in our management, like vermilion and porgy and black sea bass, maybe you say we're okay with a 20 percent risk of overfishing.

I don't think the council has to pick one number for every situation and the council may say here's our default number, but in certain circumstances we may change that number and we believe this fish is more prone to overfishing, maybe more give and take from the SSC, though



the SSC is very hesitant to say this is the risk.

Now, if you told them we would like less risk of overfishing for a very slow-growing fish, then you've given them something else to go on and they don't feel they're stepping on your toes and I think that's probably what you're thinking. You're not necessarily comfortable with one-size-fits-all not knowing everything, but maybe you could give a maximum. A range would even greatly help the SSC in working with this and it would probably help us in coming back with some more information as to how this would work out. What's really critical is some sense of what is the risk this council is comfortable with?

Dr. Crabtree: One thing, John, where I think that it results in confusion with this though is when you look at this, it's like we're talking about the risk of overfishing is defined by the ABC. What the guidelines really envision is a system of targets and limits and I think a lot of times, at least in my impression with some of the SSC discussions, where they were equating the ABC with the limit and not taking into account how much lower the target may be, it seems to me you could set a relatively aggressive and risk-prone limit, but set your target very conservatively and if you were reasonably good at hitting the target, that system would have a relatively low probability of overfishing and would maintain, on average, a fairly high level of biomass, because you're, on average, fishing at a lower level.

Somehow we need to make sure that -- Because we have on the books right now a target catch level, in general, of 75 percent of FMSY and so that has, for gag, as an example, something like a 30 percent risk. That doesn't necessarily mean that has to be where you set your limit in order to achieve that measure and so we need to make sure we don't get confused about that.

Mr. Carmichael: That's a good point. The SSC was aware of that and really it's -- The probability will set where the ABC is and not vice versa. This green line is based on whether you pick 20, 30, 40.

It can be moved anywhere, based on what you ultimately pick and yes, it is true that the ABC becomes the limit to the council in terms of your ACL, in which case you work down from your management uncertainty to establish your catch target. What we're trying to get here is how much assessment uncertainty is the council comfortable with when the SSC sets its limit?

Mr. Boyles: Again, I'm not on your committee and, John, I may not be exactly clear on how much work is entailed, but would it be reasonable to expect that the SSC could maybe give us five numbers, based on a 10 percent probability, 20 percent probability, 30, 40 and 50 percent probability, that the ABCs would exceed the OFL?

Mr. Carmichael: They can give you the full distribution of probabilities and you can pick any number. There's an infinite number of numbers that are available in there and so yes, I think once we have the curve, the frequency distribution curve for MSY, then it's a relatively simple exercise, if you wanted to focus in on those.

Where it becomes more complicated is when one option builds on the other option. If the SSC is left grappling with what's the appropriate probability, then they don't have confidence in setting

the ABC level, whereas maybe if you told them 20 percent to 30 percent, 10 percent to 40 percent, then they can tell you here's the ABC at 10 and here's the ABC at 40.

Dr. Crabtree: Is the problem, John, that we don't have the frequency distribution around MSY? I think they may have done that set of analyses for gag, but I'm not aware that that type of analysis has been done for anything else.

Mr. Carmichael: I think we have them for more species, in a more simplistic thing, than what was done for gag, more of what just reflects this picture, which is just the distribution of MSY. What was done for gag was earlier on and more involved and accounted for also the assessment uncertainty. I've talked with Erik and we think a lot of this might be available, or certainly easily determinable, by pulling it out of the results of all of the thousand or however many runs were done for each assessment. I think we do have -- We can get to this information relatively quickly for the species that we've assessed. The SSC's hang-up really is in the interpretation of it.

Dr. Chevront: Would it be useful then, John, to follow up with what Robert was saying, to set 50 percent as one bound and then deciding what the bound would be on the other end, for example whether it's 10 percent or 20 percent, and then just ask for several numbers and would it be appropriate then for the council then to discuss the uncertainty, the management uncertainty, and figure out what the acceptable level of uncertainty is, species-by-species, once we have discussed the uncertainty issues that we're concerned with, as it relates to management?

Just trying to wrestle with the concept, to come up with a way to give the SSC a way to give us discreet numbers, because that seems to be what they're asking us for, yet allows the council to take into account some of the management uncertainty, things that we have to consider, things like how quickly would the species recover if we actually exceeded OFL.

Mr. Carmichael: When it comes to the management uncertainty, as I envision it, is how well you perform with regard to limits and discard problems and bag and size limits and that's what you're supposed to account for when you set your ACT, once you've set your ACL. That's a whole separate question that we're not talking about here. This is purely about the assessment uncertainty, which gives you your limit.

Now your question though, however, about how fast could this stock recover if it were say declared to be overfished, how fast could it recover, that's sort of another thing. To me, that is the question this council should ask itself when it sets the MSST, the minimum stock size threshold. I think that's kind of a question for another day. We've always sort of set MSST using 0.5 or something, but really -- I've always believed for a long time that it should be based on how fast would you want something to recover if you decided it was overfished.

I think that's kind of another side question. I think the management needs to be addressed with ACT. Really, this is just focused on the assessment uncertainty. I think, given this curve, if you use 50 percent that you're at MSY, more or less, or pretty darned close. I think depending on what information was used to derive this and the more simplistic approach that we know we can do for everything and likely have available, MSY and ABC would be the same then and so ABC

would equal OFL, if you used 50 percent.

It's from there on down to 10, 20 -- I'm trying to remember gag and the separation between MSY and OY was 5 percent, in terms of pounds. We're talking about an OY that had a 30 percent chance of overfishing and the poundage separation, when you looked at MSY and OY, was on the order of 5 to 10 percent, because of being the curves of all these things. Now, you drop off 25 percent on exploitation, you don't give up 25 percent of yield. You give up 5 or 10 percent of yield.

Even at the 30 percent level, you're not taking a huge hit on poundage and maybe having that information for the council is what you need to feel comfortable, but as I would advise a SEDAR panel, that's kind of borderline of saying let me see how it works out with different Ms and then I'll pick my M.

I would much rather you pick your risk level today, based on your own gut feelings and what you think seems like an appropriate level than necessarily look at a bunch of answers and then decide I'm happy with how that one works out. I don't know that we have anything else to give you in terms of saying how do I evaluate the risk and that's why the SSC has bumped up against the wall every time, because they're going how do you evaluate the risk and we need the council to tell us.

We know we're doing MFMTs at the medians, at the 50 percent, but we need to set this target, this ABC, this catch that you can have, such that it keeps us from overfishing and accounts for that assessment uncertainty. How do we account for that? 80 percent confidence intervals, is that enough? Is a 20 percent probability enough or do you want to use the other side of the 80 percent and say no, I need an 80 percent. Keep that in mind, right.

When you tell people an 80 percent confidence interval, usually people tend to think of 80 percent chance of success. If we used 80 percent and used the lower end of it, we're only assuming a 20 percent chance of actual success. 20, 25, 30, that's where the SSC is lying.

Dr. Chevront: We're really more worried about a one-tailed test here and not a two-tailed test, so all of your probability is in one end. If we have a probability of doing even better, that's great.

Mr. Carmichael: It could be over here.

Dr. Chevront: It could be. I'm just going to throw out there what I personally would feel comfortable with. I would probably feel comfortable with about a 25 percent, knowing what is the risk that we would -- Probably not any number smaller than that, because I think this is a public trust resource and it's funny. The literature on risk analysis and decision making says that groups tend to make riskier choices, but this is one of those examples where I think a group is going to make a much more conservative choice, because the impact isn't just to us alone. It's going to impact literally the stock and other people and we can't run the risk of jeopardizing that future. Personally, I think I would feel pretty uncomfortable with any risk value of less than 25 percent. I would consider higher than that.

Dr. Crabtree: I just want to make one comment back to what John was saying about the fishing at OY versus MSY and the difference in the yield is only 5 percent or something like that. That's probably true on average and at equilibrium, but remember that for a given level of biomass in the water, fishing at that particular biomass at OY versus FMSY, the yield is going to be pretty big in that case.

Equilibrium concepts sound nice, but they're theoretical concepts that really aren't real world and so when you start talking about the difference at fishing at FOY or FMSY, that's a 25 percent difference in fishing mortality the way we look at it and that's a substantial difference in what you're allowed to take in any particular given year.

Mr. Currin: Other questions for John at this point? I see none.

Mr. Carmichael: The decisions we're looking for is what is your acceptable risk of overfishing? Number two is do you have adequate options for the ABC? Are you happy with the options that we have, the three main options, understanding that one may require considerably more work?

The SSC guidance on the options is pretty clear. The one thing the SSC agreed on across the board is ABC should be based on a probabilistic evaluation of assessment uncertainty and so any options that are based on ABC as a percentage of MSY or a percentage of the fishing mortality rate at MSY; the SSC is going to frown upon strongly. You may still be able to set a control rule, since that's your responsibility. That's contrary to what their guidance is, but their guidance was clear on this, to account for the assessment uncertainty in your control rule.

Dr. Crabtree: Then is it fair to say -- A starting point right now, we're fishing at a target F rate of 75 percent of FMSY and so is what the SSC is saying is that's where we sit and we move away from that as we get more analyses to indicate something else is more appropriate?

Mr. Carmichael: What they're saying is they'll give ABCs based on the risk level you tell them in the future, as you get something more appropriate. They used the -- In lieu of having probabilistic analysis for all the species before them, they used the 75 percent MSY as a proxy rule of thumb, ad hoc interim 500 different caveats they put on it by the end of the week for picking that, but they didn't assign any particular significance to it, other than the situation comparison with gag. It's a fairly open case at this point as to how it's resolved.

Of course, the final decision is is there any process or procedure or information we should discuss now or perhaps we wait and see what the guidelines tell us and maybe it will reveal the future to us and we won't have to agonize over how we configure this anymore?

Mr. Currin: You're not being serious, are you?

Mr. Robson: You'll have to excuse my ignorance about all of this, but if you're looking at -- If you have the opportunity to improve, through better data or more information, or narrow down the range of uncertainty in a particular assessment result -- You have better data and better information and a better estimate of natural mortality or something, you're going to narrow up that curve.

Mr. Carmichael: That would be my expectation, yes.

Mr. Robson: That's going to affect what we would -- Doesn't that affect at how we look at giving the SSC some estimate of the risk of overfishing? No?

Mr. Carmichael: It affects the qualitative evaluation of the separation in poundage, or percentage of poundage, between the OFL and the ABC, but it doesn't affect the risk of overfishing as reflected in the assessment results. That's sort of the key thing. If the assessment were tighter and that curve were tighter, there would be less separation.

If the assessment has much greater uncertainty and it tends to swing widely in one direction or the other, then those tails are going to dictate that you have a broader separation. It's going to pull that ABC, that 20 percent area under that curve. It's going to pull it towards the origin and so it's going to increase the separation, at least how we -- I haven't looked at it for thirty different stocks, but intuitively, that's what it should do.

Dr. Chevront: This 25 to 30 percent is pretty much status quo from what's been going on now, as I understand it, correct? Isn't that sort of the equivalent? My real question though is what you would -- Would you like a motion from the committee for us to come up with a number that we would feel comfortable with that can then be passed on to the SSC? I would feel comfortable making a motion if that's sort of the kind of direction that you're looking for and at least let's open it up to discussion to a specific motion and see where we can go with it.

Mr. Carmichael: I wouldn't say it was exactly status quo, because ABC has been recommended based on different criteria over the years. There has been times when ABC has pretty much been OY and there's been other times when ABC was really different than OY and that was one of the things the SSC discussed, is that ABC has been somewhat of a confusing thing for them at times and knowing what to expect.

In a way, if you set -- If you just said use the 75 percent sort of rule of thumb as being that, what that's done is that's made that what was historically the OY really more of a limit, in some ways, whereas before it was something you could target. Now it's the landings level that you should not exceed. It could be viewed as being a more conservative approach to management.

Dr. Crabtree: It really depends on how you're viewing this and gets back to my previous comment. If you view what you're talking about, 25 or 30 percent, as the whole package, meaning set a target that gets you that, that's one situation, but if by ABC you mean the ceiling for the limit, that's a very different situation. Based on what we've heard, just as an example with gag, we're probably setting the target at a level that, if we could hit it perfectly every time, has about a 30 percent chance of overfishing, based, I think, on Erik's analysis.

To achieve that, we're looking at a thirty-plus percent reduction in grouper and a four-month closure. Now, if you change the game and say our target now becomes the limit and we're going to reduce beyond that and so we need another 25 percent reduction, then we go from a thirty-something percent reduction we're going from now to a fifty-some percent reduction and I suspect your four-month closure you're talking about becomes at least a six-month closure and

so it becomes potentially a very substantial difference, depending on how you come at that. I think that's why we're really got to deal with this issue of risk of overfishing and how a combination of target and limit fits into that.

Mr. Harris: I guess I'm somewhat confused. What I'm confused about is that we are -- The council is being asked to value the assessment uncertainty and I don't know that we're the right body to value assessment uncertainty. I think that's an SSC kind of job. They know what the assessment is based on and how good the data are.

We don't necessarily know that, but we're being asked to come up with an acceptable risk of overfishing based on an assessment uncertainty. Somebody has to tell me what the assessment uncertainty is.

Mr. Carmichael: It's a little more subtle than that, though.

Mr. Harris: Good. That's what I needed, is more subtlety.

Mr. Carmichael: They're going to evaluate the assessment uncertainty and they're going to interpret and give you results that incorporate the assessment uncertainty, assuming that you can give them the one key thing, which is how much of that assessment uncertainty are you willing to risk towards overfishing?

There is uncertainty and they can live with that and they can interpret and they can give you yields that adequately reflect all the complex things going on within that uncertainty, assuming you give them that one number, which is how much risk will you take? If you're gambling, what chance of overfishing are you willing to accept, 80 percent, 50 percent, 30 percent, 20 percent, 10 percent? That's the thing that is the policy call that has to be made, what is that risk level?

Mr. Robson: That's kind of what I thought I was trying to ask before about. When you do an assessment, that process helps to define the uncertainty of the assessment. We're presented with a distribution curve of results on MSY or whatever it is the value is. I don't know how many other council members are struggling with this. I certainly am and I'm thinking if we could somehow just get back to the probability curve and if you could try one more time maybe to -- I would like to ask that we understand this clearly before we move too much further, because it is important and I think Roy has pointed that out and what it could mean in terms of management actions. I don't think we're all at the same level of understanding and I'm sorry.

Mr. Carmichael: That's okay. It's complicated.

Mr. Harris: It seems to me if there's less risk of uncertainty in the assessment information that we might be willing to be a little bit less risk-averse, if you will. The more risk of uncertainty, the more risk-averse I think we have to be and so it's kind of -- We're being asked to choose a risk of uncertainty or choose -- Now I'm really getting confused.

We're being asked to choose something when the risk of uncertainty may be dramatically different from one stock to another, but yet we're almost being asked to come up with a one-size-fits-all and I guess maybe that's where I'm confused.

Mr. Carmichael: The critical thing is that the assessment uncertainty is embodied in the shape of the curve. What you're picking is an area of the curve, regardless of its shape. If the curve were skewed like this light blue line or we can drag that tail on even out. If it looked like this, if you have some really skewed tail, then this green line may shift to one direction. It may shift away from the midpoint, which is MSY. It's all dependent upon the shape of the curve and that's where the assessment uncertainty comes in.

That's the part we're not asking you to worry about and the part that we're essentially saying for a less precise assessment, greater uncertainties, that curve spreads out more. Separation between MSY and ABC spreads out more, even though you're still trying to capture 20 percent of that area or 30 percent of that area.

You're trying to capture the same percentage. The separation, the distance between red and green here, will be determined by how this particular curve, this red line, is actually shaped. The thought is that assessments that are more uncertain have much broader tails. It's going to pull that to a lower poundage to account for the 20 percent value that you're picking or the 30 percent or whatever the value is that you happen to choose.

The hope is that when you do it this way and you account for that assessment uncertainty, by just picking a percentage, as opposed to saying I want a 20 percent poundage difference, then what you're doing is you're somewhat allowing the assessment to determine that poundage difference, because if you just picked a poundage and you said let's just set ABC at 80 percent of MSY, there's going to be assessments where you're going to look at it and you're going to think it's pretty tight and we could have fished it closer and there's others that are going to be huge differences and you're going to say that's a really, really small poundage.

I think it would be very complicated in that sense and then you would be left with trying to judge a strict poundage percentage against the assessment uncertainty. This way, you're letting the assessment uncertainty dictate the poundage difference. You're saying this is how much assessment uncertainty I'm willing to put on the table and risk.

The gist of these things is that any given fishing mortality rate run through the assessment a thousand times, I get a thousand yields. I get a thousand equilibrium yields. For any fishing mortality rate between zero and infinity, because that's how high they run, I can pick a fishing mortality rate. In this case, we picked a fishing mortality rate of MSY and I can get a curve of distributions that shows these are the thousand different outcomes for fishing mortality.

Each one of these is a yield and so then I can -- Instead of taking an F, I can take a given yield, which is our ABC, and I can compare that given yield to that distribution and figure out what's the chance that this yield in this year would exceed this equilibrium MSY. Really, what you're saying is how many MSY outcomes are less than this ABC or how many are greater, depending on how I'm looking at it, but you're comparing this yield to this frequency distribution.

Mr. Currin: I've got a couple of people on the list. Before I do that, I want to make sure everybody knows Rick Methot. Rick, welcome. He's here to provide some comments and it may be an appropriate time for you to -- Feel free to jump in where you think you can help us out with this, Rick, at any point.

I want to say one thing before I get -- It may or may not help, but if you think about it, the best case scenario would be -- We should wish we had a small pond with an absolutely known number of fish and a known productivity and then we could determine exactly what the yield would be from that pond and we could say to whoever was harvesting that pond that you may go in and get exactly that MSY every year and there's no uncertainty anywhere. We know everything.

That curve would be very steep by comparisons, if we put it up on the screen. We don't have that luxury and so as our uncertainty increases, the curves of those tails get further and further apart and that's where we have to start trying to account for the uncertainty. I don't know whether that helps or not at all, but --

Dr. Cheuvront: John, basically what you're asking us to do -- Let's say that this was a standard normal distribution. You're asking us to choose essentially what amounts to a Z score that's going to put a certain percentage in the tail, correct, statistically speaking?

Mr. Carmichael: Absolutely, yes.

Dr. Cheuvront: That means that this is a characteristic free -- Like an individual characteristic of the fishery have all been taken into account in the assessment. The fact that some are wider distributions and some are narrower distributions are all based on the characteristics of the data that we have that tells us information about that fishery.

If it's just a small number of pounds between going over and not going over or a lot of pounds in essence has already been taken into account in the assessment that has already been completed. All we're being asked is for us to name the ABC or the probability here that we are not going to exceed OFL. If we set -- As I understand Magnuson, there's no reason -- If we felt very, very certain that ABC couldn't equal ACT and ACL, if we felt very, very certain, this is just the maximum level. If we feel comfortable that that is sufficient, then we don't have to back off too much further for the ACTs and the ACLs and all that.

I think what we're trying to say here is we want to know what is the minimum that we're really willing to risk going over ACL. I'm willing to say 25 percent. We can back off. This gets to the point that Roy had made earlier, is that if we need to back off more as a council, we can do that, but that comes with real consequences. It just means that we can't take any more risk, other than what is set for ABC.

Mr. Carmichael: Right and what you said was a good point, because there's many different statistical distributions and you can do many experiments with different standard errors, but they can all be judged with a certain test, using 20 percent or 80 percent confidence intervals or something of that nature.

Scientists commonly -- Humans in general accept a certain precision across the board for various tests that may or may not be related and assuming that all of those uncertainties are in that percentage that you've accepted as acceptable, that you've chosen as being this is acceptable. That's really the key thing that we're asking to do here, pick the Z level.



Mr. Robson: I think I got it. You want the council to tell the SSC what the confidence interval -  
- What degree of confidence we want to evaluate the statistic, a one-tailed test. We want to say  
with 95 percent confidence interval or 80 percent or 90 percent. That's what you want us to tell  
you, the actual uncertainty of the result in the assessment is whatever that curve comes out to be.

If you have a -- Let's say we have a 25 percent confidence interval and the tighter that  
assessment is, in terms of the quality of the information coming out of it, means the closer you're  
going to -- The smaller the area outside of the tail that you're going to --

Mr. Carmichael: It will mean the closer the ABC and the MSY yield are.

Mr. Robson: That's right.

Mr. Carmichael: ABC and OFL will be closer, less percentage difference.

Mr. Robson: The light is not bright, but it's coming on.

Mr. Currin: Rick, do you have anything you want to add at this point or -- Really, feel free to  
jump in. I know we had a scheduled slot for you after John finishes, but it may be more  
appropriate for you to enter in now and any other time you see fit.

Mr. Methot: Thank you. This is my first opportunity to meet here with the South Atlantic  
Council and so I'm pleased to have this chance and I'm glad Gregg extended this information to  
me. For the record, I'm Richard Methot. I work with the NMFS Office of Science and  
Technology. Actually, I have a joint appointment between Science and Technology and the  
Northwest Fisheries Science Center and I serve as a stock assessment expert in both capacities. I  
also serve as the science advisor to the group in Headquarters that is developing the National  
Standard 1 Guidelines.

I was going to initially come here and provide basically the same presentation that has been  
provided to a variety of public hearings, but clearly you are far along in this process and that  
would have been very redundant and even demeaning, given how much good thought you've put  
into this so far. I think you are very much on the right track with the kind of discussions that  
you're having and how far you've come with the packages so far.

Let me just offer a few comments here on what John has presented on this and then later get  
cycled back to some of the issues on the proposed rule itself, following up on Gregg's  
discussion, and we can get back to that later.

I think what you have here, John, is exactly the kind of concept -- What you said just a moment  
ago is very much how we see this being interpreted. I think a couple of additional things that  
may help think this through is to look a little bit beyond setting the ABC relative to the MSY and  
ask the analysts to play it forward a bit. That is, as you set this ABC relative to the MSY, you're  
setting a limit on how much fish can be caught an upper limit on the ACLs for coming years.

That provides some limit on the fishery and what you're playing against that is what's the chance

that we'll leave the stock in an okay condition two, five, ten years into the future and these are the things that are being played off against each other. What are the chances that setting the ABC according to this guideline will prevent overfishing and prevent the stock from getting depleted in the future versus allowing as large an optimum yield as possible?

The Act calls for setting optimum yield as reduced from MSY, according to a variety of factors. This provides us a recognition that among those factors is the uncertainty and how well we know MSY in the first place. We're looking at trying to provide the guidance for playing off the achievement of OY as a large fraction of MSY versus the chance that it would leave the stock in an overfished condition sometime in the future.

By playing it forward a bit like that, you can begin to think also about, well, if we go over just a little bit, versus going over a lot, does that matter? Well, yes, it does matter, if you play it forward a bit, and also it's along the discussion of pelagics versus very long-lived species and the consequences of overfishing are different. Yes, they are different and as you play it forward a bit, those differences will start to play out.

That's one of the things that you can try to look at and think about as you make your decisions about how to set this degree of certainty that we feel as though we need to have in order to set the ABC levels and there's certainly no restriction at all on having different levels of risk for different species groups. That may be exactly the right thing to do as you consider the diversity of species that you have. It's probably not a species-by-species basis, but some general guidelines could be developed.

One of the technical challenges in doing this is in that first step of how do we feel confident that we have a wide enough set of multiple assessment runs in order to really describe this probability distribution and that's something that we as a technical community in the agency and our various partners, we're getting better and better at doing that, but it's an imperfect field. It's a growing field and I think one of the things that you want to address in terms of reference for SEDAR and your SSCs is looking at the degree of completeness of characterizing this uncertainty.

What you would want to guard against is a false sense of certainty creeping in. If you end up looking at just a few factors in that uncertainty, you end up with a narrow distribution and if it's artificially narrow, because you just didn't look at all the right factors, then you have a bigger risk of overfishing than your numbers are telling you and so you need to ward against that and I think one of the biggest technical challenges that we have is when there's not very much information to do this very complete analysis.

Our ability to have proxies for uncertainty is one of the things that we are trying to do and so one of the things we have going on in the agency right now is we have a small working group that is not developing technical guidance, per se, but just trying to work on some technical examples of how to do this as well as we can.

That's ongoing and it's sort of been parallel with developing the guidelines themselves and the people on that working group are representatives from all the NMFS Science Centers and so that work is going to permeate into the process. Mike Prager from the Southeast is on that group and

so you're well represented there and we're trying to help advance the state of our science in that regard, to be as consistent as possible.

Another working group active in the agency is developing an approach at looking at the vulnerability of species to the effects of fishing, trying to take a very broad brush approach across species groups, and that -- Their thinking may well provide us some additional thoughts on how to deal with this issue of pelagics versus very long lived groupers. They have different vulnerabilities to the effects of fishing on a year-to-year basis and so they may well be able to give us some further guidance as things develop.

I think that pretty much covers it. Again, I think that you've come a long ways in your thinking so far. I think it's very right-minded in its approach and the fact that you're down to the point of talking about is it 25 or 30 percent chance of overfishing that we need to deal with means that I think you very much are working in concert with the intent of the guidelines.

Mr. Currin: Thank you, Rick, very much. Questions for Rick? Again, feel free to jump in if you think you can enlighten us in any way during our discussions. Just raise your hand and I will recognize you. Other questions or comments for either Rick or John?

Mr. Carmichael: I think one of the last things Brian said was whether you wanted to do a motion or guidance. That's up to you. If you can do a motion or if the group can come up with guidance that we can work with, I'll go with it either way. If you're afraid of things being left to interpretation, you may want to do a motion.

Dr. Cheuvront: I think I'm just going to go ahead and make the motion and then we'll get the discussion. **I move that we set 25 percent of MSY as the level of ABC that we want the SSC to recommend.**

Mr. Carmichael: You want the 25 percent probability of overfishing.

Dr. Cheuvront: **25 percent of probability.** Thank you. My motion is finished there, but I think we can get to the issues that Roy raised and some of the things that Rick mentioned, where as a council where we set that ACL is how close we're going to get to that ABC. That takes into account some of our management uncertainty.

Mr. Currin: Motion by Brian to set 25 percent probability of overfishing as the level of ABC that we would like the SSC to work with or to recommend. I guess we're recommending it to them, actually. Is there a second?

Mr. Robson: Second.

Mr. Currin: Second by Mark. Discussion?

Mr. Robson: I guess my question is -- I'm seconding it because I want to have more discussion about this. Brian, you had mentioned that it may depend a little on the species characteristics and so this wouldn't necessarily apply across the board, but the motion is -- This is kind of what

we're setting as the standard error probability, but how do you then account for a council looking at a greater acceptance of higher error rate, based on the ability of the species to rebound from a mistake in our --

Dr. Chevront: For example, let's take -- We were going to apply this to dolphin. Then we would probably set ACL very close to ABC, if not exactly the same. If we were talking goliath grouper, we might actually want to say the consequences of overfishing in this case would be really, really severe and we could set ACL lower than ABC, so that we could -- It would be an additional 10 percent error rate that we would have to add in for goliath grouper, for example, because we were more concerned about the consequences of overfishing that fishery as opposed to dolphin. This basically is going to be the minimum amount of uncertainty that we are going to be willing to accept across fisheries. That's basically, I think, what this motion boils down to.

Dr. Crabtree: Rick, you were suggesting that we look more into the future and what's the likelihood that we become overfished and so I guess I'm trying to figure out how to ask the SSC to look at this, because it seems to me you would want to know if we were set something up so we had a 25 percent probability of overfishing, then what's the likelihood that over the next ten years a stock might become overfished, if it had the characteristics of gag or something else?

I think that's something to look at. Really, if you think about it, the only reason we don't like overfishing is because it makes things tend to become overfished and depleted and so it seems like we would want to look at that.

I think, John, we need to ask them to look at it more than just ABC, but -- Again, I keep harping on this, but if we put together a system of a target and a limit -- Like what we have now, if we have a limit that's the MFMT and a target that's 75 percent of that, then evaluate it relative to that kind of probability and some of those kinds of things.

Mr. Carmichael: I don't recall if the gag looked at an extended timeframe, if Erik has any recollection on that, if it's sort of accounted for over time. It looked at a number of years into the future and so we can maybe do something like he's suggested and I think giving them a percentage to focus on I hope will kind of allow them to open the floodgates and get rolling on some of this.

Dr. Crabtree: I know, John, in the Gulf we did an analysis looking at gag and red grouper, where we asked if we fished at the FOY level, which over there is 75 percent of FMSY, what would be the likelihood that we would become overfished? We were looking at what's the appropriate level to set the minimum stock size threshold, because I had concerns that for some of these stocks the one minus M that we use is getting so close to the target level that you're going to just, because of recruitment fluctuation, become overfished. As I recall, that analysis showed a very low likelihood that you would ever become overfished if you could fish at that level. Something along those kinds of lines might be worth looking at.

Dr. Laney: This may be a stupid question, John, but I'll ask it anyway. Is there a temporal dimension to that probability? In other words, if you set the probability of overfishing at 25 percent, is that in any given year it's 25 percent, i.e. you have a one-out-of-four chance that

you'll overfish in a given year, or is that too simplistic a point of view?

Mr. Carmichael: its one year, as I would expect. I don't necessarily mean -- It certainly doesn't mean that over four years you would overfish. It's not that sort of thing. Is it more -- I'll look at Erik. It's sort of more of the hundred-year-flood type of probabilistic analysis. You could get 200-year floods two years apart or you could go 500 years without them. I think this is kind of like that, given the way these uncertainties work and these probabilities. It's not a coin toss necessarily, where if I did it enough I would get it twenty-five times. It's more of a coin toss, but each individual year is a whole separate time.

Mr. Currin: Other discussion on this motion?

Mr. Methot: One thing you might want to clarify here, and in playing off this question on the temporal dimension, ABC is in concept more an annual number and MSY is a long-term average number. I think here it's not so much the level of ABC, but it's more the level of the ABC control rule that would give you this kind of probability. As a clarifying comment, I think just thinking of it in terms of this is a process for setting the ABC, recognizing that it can fluctuate from year to year or assessment to assessment just because the stock that you're applying the rule to is fluctuating in abundance.

Separating the ABC from the ABC control rule concept could clarify it and the 25 percent level, the analysts are going to be looking at a range no matter what in order to try to understand the consequences of 25 percent and so I think having 25 percent there is fine, but I'm sure whatever package comes back to you will have some degree of evaluation across a range as part of it.

Dr. Crabtree: That's a good point. Somehow you're going to want to weigh the risk of overfishing and the consequences of overfishing against the amount of yield you're giving up by backing off on this and then you're going to somehow balance those two and determine what combination of risk versus fishing gives you the maximum benefits to the nation.

Obviously if you carry these things to extreme, you could bring the amount of fishing so far down that there's almost no chance of overfishing and I guess if your only goal is not to overfish, you're happy. At the same time, you've given up all of this yield and recreational opportunities and all of those things.

I think, John, we are going to need to see more of a range of things evaluated and then what's the yields and what's the implications of all of this, in terms of what we're doing, before we're going to really be able to come down to a decision on what we would want to do with it, it seems to me. Somehow we're got to balance those two things out and I don't think we really have much basis right now for knowing how to balance those.

Mr. Currin: That's getting close to sneaking in and looking at your birthday present before your birthday though.

Mr. Robson: The result of this motion is that we're setting a risk level that even if you have a species that may be very resilient, if the level of information that you're basing the assessment

on is either very poor or there's a lot of variability in it, even though you have a very resilient species, you set that target and you're going to have a much wider gap between what you can allow, in terms of the ABC, and what the actual maximum sustainable yield would be.

Mr. Carmichael: Between the actual ABC and the estimated maximum sustainable yield. If you have that great uncertainty, you have great uncertainty in the maximum sustainable yield. While we may think the stock is very resilient, we also have great uncertainty and it means we don't have a good handle and remember that MSY is notoriously about the most difficult thing for us to estimate.

There's only a few species that we have the assessments that we have where we can actually evaluate this. We're really going to be dealing with more of the species where we don't have the information.

Dr. Crabtree: It is, as you said, Mac, to look at your birthday present before you get it, but, John, I think you made an analogy of kind of like choosing M and looking at how the assessment comes out, but I don't think that's really the right analogy. In this case, we're trying to offset the probability of something bad happening, but we've got to give up yield in order to affect that and I think you have to know what are we going to give up to get this probability?

From that sense, I think we have to look at what's in the box, because I don't think we can balance this unless we're able to say to get this probability we've got to give up this amount of fish and fishing opportunities and things. In the end, we've got to weigh those two and I don't think you can weigh them unless you know where this is going to take you.

Let's be realistic about this, too. If we get to where the rubber hits the road, in terms of the regulations that have got to go into place, and we've worked ourselves into such a conservative posture that we've virtually got to shut everything down, you're going to see a whole lot of scrambling going on. Let's make sure we know what we're getting ourselves into before we get ourselves into it and make a knowing and informed decision about can we really live with these sorts of probabilities. Otherwise, I think we get ourselves into just a world of trouble down the road.

Mr. Methot: I just to reinforce what Roy was saying, that this kind of a tradeoff analysis is the kind of information you want to have in front of you when you make this decision about level of risk and seeing the tradeoff analysis for highly resilient pelagic species versus long-lived species. I think what you want to see is -- You want to see as much of that as you can before making this kind of decision.

I think you're in the right ballpark here, but in starting off with -- You have OY set to 75 percent of MSY as the starting point for many stocks and you could start by saying if that's our control rule today, how does that translate into these kinds of probabilities across stocks, for stocks that we know a lot? Is this allowing us maybe only a 5 or 10 percent chance of overfishing and for stocks that we don't know much at all, is this 75 percent rule still allowing a 45 percent chance of overfishing? It could be that disparate. We don't know until you see that kind of analysis.

Mr. Currin: Thank you. That's a very good point.

Dr. Cheuvront: I understand what Roy is saying and all. I can't help but feel that what the SSC is asking us to do is to set what is the maximum probability that we want them to consider, what is the maximum probability of overfishing that we want the SSC to consider in recommending ABCs?

My suggestion was at 25 percent. That's actually, to me -- That's the motion that we have up there right now, which is a fairly moderate level, in my estimation. However, we could modify, if I could be allowed to modify my own motion -- I don't know if that's quite allowed, but set a - - This is the modification I would offer. **Set a maximum 25 percent probability of overfishing as the level we want the SSC to consider in recommending ABCs.**

Then they would justify why they wanted to set it at that level or a smaller number. That still doesn't keep us as the council from being more conservative, because as we consider accountability measures and all the other aspects of management that we want to consider, the SSC is just being told this is the maximum that you can set. Now, as managers, we can decide whether we want to be more conservative than that or not. I guess I wanted to amend my own motion to set a maximum of 25 percent and I think, Mark, you were the seconder, weren't you? You're cool with that?

Mr. Robson: Yes.

Dr. Cheuvront: Just to help us move on, can we just call the vote then?

Mr. Currin: If we're going to modify this motion, I think I would allow at least some comments or discussion by the committee members, if there is any. Then we can vote on the motion. I would just, before we vote, remind everyone of the advice and suggestion that both Rick and I think Dr. Crabtree made and I think it's important that we do in fact make sure that the analysts give us some ranges around whatever value, if we're going to lock into a particular value, so that we at least have a feel for how the yields vary and others as well.

Dr. Crabtree: Brian, what if you found that if you're willing to live with a 30 percent that the levels of restrictions that are required are much less onerous and the consequences in the long term aren't that different? I don't think we ought to put a maximum on there now, because I don't think we have any real basis for knowing whether this should be the maximum or not. Why 25 percent rather than 30? Why not 20?

Until we have some analysis to give us some idea of the consequences of what we're doing, why do we want to rope ourselves in on it? I guess I would be a lot more comfortable with this if it didn't have the maximum, if we made it clear to them that we want to see a range of analysis to give us some guidance on what the consequences of these types of decisions are.

Dr. Cheuvront: I think, Roy, we both want to get to the same end. I don't see that there's so much disagreement. If we want to change the wording, I'm okay with that. I figure that we're going to get from the SSC implications of potential decisions that the council might make.

We're going to need some numbers to help us do that. I would like for us to have a number that we can say start here and then we can include all these other factors that the council has to consider for the number that we end up with.

Dr. Crabtree: It just seems like by saying maximum that we're saying start here, but only work in one direction. I think the motion ought to be that we think somewhere in the neighborhood of 25 percent is a good starting point, but we want to see some evaluations of probabilities a little greater and a little lower and what are the consequences of that.

Dr. Chevront: I guess I didn't think that my motion precluded that. If you interpret it as doing that and you think it would be clearer to leave out that maximum, then let's pull that out of there, because I don't -- **I agree with what you're saying completely and if you feel that that extra wording in there muddies the waters, then I'm okay with pulling that out.**

Mr. Currin: I would be more comfortable with that as well, Brian.

Dr. Crabtree: John, you and Gregg can clarify to the SSC that our intent is to explore around the margins of this, right?

Mr. Carmichael: Do you have bounds? Can you give me a high and a low? 20 to 30?

Dr. Crabtree: I'm pretty comfortable with 20 to 30 as a starting point to take a look at initially and see -- Is that enough range though that we're going to be able to see differences or is that such a narrow range?

Mr. Carmichael: The SSC argued adamantly for a half a day between 25 and 30 and so I would think 20 and 30 is going to give you something.

Dr. Crabtree: I've seen SSCs argue about all kinds of crazy stuff.

Mr. Carmichael: I think 20 to 30. Erik, do you think that gives us some -- We'll have to see. I think it helps to know that we're looking at 20 to 30 and not 50. I think that's a big step and I think everyone is well aware that the council may look at a particular fishery and a particular situation and decide another rule is in place and that we don't expect this to just be a blind fill-in-the-blank at this point and that's where the process will come in.

Dr. Crabtree: I guess from my perspective that I would rather see a broader range, 10 to 40 percent or even 10 to 50 percent. Why not? Why not look at 10 to 50 percent and then you know what the full consequences of any potential reasonable thing you look at. I think -- Maybe Erik knows, but once you have the program set up to look at this, Erik, isn't it a pretty simple matter to evaluate a larger range? I don't think it's a whole lot more work and so my suggestion would be to go 10 to 50 percent and then we can really look at it.

Mr. Geiger: Just as a point of order and to keep the record straight, we've got a motion up and seconded and we've got an amended motion up and it's been seconded and in the course of discussion, we're trying to form a third motion. I think we need to vote on the amended motion



and then the motion and if somebody wants to make another motion, so be it.

Mr. Currin: Or perhaps somebody could withdraw the first two. We have three different versions of a particular motion up there at this point or had them at one point and so I'm not sure the best way to get out of this. Perhaps if people are comfortable -- Or we can start at the beginning. I think the first motion was to set a 25 percent probability of overfishing as the level of -- That's changed too, but of ABC that we want the SSC to recommend. I'm not positive what that means, but that was the first motion.

I believe the first motion, before it was modified, was to set 25 percent probability of overfishing as the level of ABC that we want the SSC to recommend. That's the first motion and then that motion was amended to -- Can we get back to that third motion, Gregg, if you still have that captured? Those were friendly amendments or improvements to the motion, I believe. Procedurally, are we okay with the crafted motion that is before us on the board? I will read the motion.

Mr. Harris: I have a question on the motion. We're not asking the SSC to recommend that to us. We've already put it up there for them. We're recommending it to them. Is it to evaluate as opposed to recommend? What is it? **I think it's to evaluate, as opposed to recommend.**

Mr. Currin: I believe that you're correct. That term on the end has bothered me from the beginning, but I believe that's how it was stated in the beginning.

Dr. Cheuvront: **I accept that friendly --**

Mr. Currin: It's been suggested that we might get out of this box by withdrawing this modified motion and then starting over and make sure that we've got the verbiage corrected, so that we don't diddle with it anymore.

Dr. Cheuvront: **I'll withdraw my motion.**

Mr. Currin: Do we need concurrence by the seconder as well?

Mr. Robson: I was the original seconder and I will concur.

Mr. Currin: As modified, I presume. Without objection, the motion is withdrawn. I see none. The slate is clear, more or less. Ignore what's on the board and let's see if we can make that read the way we would like for it to. I think the last concern, Gregg, is about the very end of that wording. We want to make clear that this is a recommendation from the council to the SSC to explore that range of probabilities of overfishing.

Mr. Robson: Are we asking the SSC to give us three values? We're saying we want to evaluate a 25 percent and then a high and a low. Do we need to fix that language to clarify what we're asking them to give us a value on?

Mr. Carmichael: My question, along those lines, is this what would become the gist of the ABC

control rule, that in the future the ABC recommends control rules across -- Recommends ABC across this range or is this something you're requesting that the staff and the SSC collectively come up with some evaluations of how this range plays out and then the council will hopefully hone in on an acceptable level?

Dr. Crabtree: I believe we are asking the staff, the Southeast Fisheries Science Center, and the SSC to evaluate a range from 10 to 50 percent probabilities of overfishing and the consequences with respect to setting TAC and I think that's the gist of what we're trying to get to here, so that we can make an informed decision about what risk of overfishing and how that plays off into things.

Mr. Carmichael: Evaluate it with regard to overfishing and TACs and consequences over time with regard to the stock becoming overfished and all those things we discussed, so you can make a better decision? Good.

Dr. Cheuvront: Mr. Chairman, I would like to make a recommendation that we go into recess for about ten minutes and those of us who are interested in it, hash out what this motion is going to be and then come back and then actually make the motion, instead of doing all this around the table.

Mr. Currin: That's an excellent suggestion. Let's take ten minutes. Be back here at twenty to, read to go.

Mr. Currin: We're going to start up again.

Dr. Crabtree: It occurs to me that given the acronyms we're using now, maybe instead of saying "TAC", we should say "ABC".

Mr. Currin: That makes sense. I think that's clear and that's actually what the SSC has asked us to do and that's what we're asking them to do as well, to set the ABC. They need this information for that. Roy, since you suggested it -- I'm not sure the motion has been read into the record yet and at some point --

Dr. Crabtree: I'll be happy to read it. I think we all need to understand though -- I talked to Erik a little bit and they can probably do this with gag, but what we're endeavoring in here is a pretty difficult question and I doubt we're going to come to any complete resolution to this by our December council meeting.

I guess when we get into 17 and some other things that we're going to have to talk about how we handle these sorts of things until we can resolve where we're going to come from then, because I would guess -- I would guess we probably only have the data to do this type of analysis for a relatively small number of species. I think it's a good starting point, but I think we just all need to understand that we're not likely to get this whole issue resolved in a way that's going to guide all of our decisions on Amendment 17.

This is more of a long-term issue to take out, but on the other hand, I can't think of a

fundamental question to put before a council than what is the probability of overfishing that you're willing to accept and so I think it's something that does bear a lot of scrutiny and I think that it will have a great deal of influence over things that happen for us for years to come. **The motion is to direct the SSC, SEFSC, and staff to evaluate 25 percent (range of 10 to 50 percent) probability of overfishing when setting the ABC with respect to overfishing.**

Mr. Currin: Motion by Dr. Crabtree and is there a second? Second by Susan. Further discussion? I see no discussion. **Any objection to the motion? The motion is approved without objection then.**

Ms. Shipman: I was going to ask this a long time back, but I think it still is germane. Can they bring back to us in December the gag example, applying this motion to it? Is that possible? I would like to see what this looks like in the real world in terms of a range of probabilities.

Mr. Carmichael: I think that would be our intent, to try and have gag to the SSC and to this committee as the example species. This may be the most furthest along for December and hopefully Erik and company will be able to do that as the ones who have done the analysis, depending on -- The one sort of caveat there is that they're so heavily engaged in the vermilion and Spanish mackerel assessments, which are going to wrap up this fall and have the review in mid-October or something. It will be whether or not we can get on that.

It might require them looking at some of what they have now and seeing how they can maybe pull some different examples out of information we've already got, but we'll certainly try and that will be our intent, to have it for December.

Ms. Shipman: I'm not set on gag necessarily. That was just the example battered around. Vermilion or whatever, but I would just like a real-world example of what this could play out to look like.

Mr. Currin: Other comments after that? I think we can allow them the discretion to pick one that would be illustrative. If they have the data to do that analysis, that level of analysis. Gag is one that they suggested they knew they could, but perhaps there are others as well. John, anything else that you need to tell us or you need to know from us?

Mr. Carmichael: I'm not going to press my luck. I've gotten all I could probably hope to get for.

Mr. Currin: My suggestion then would be that we go back through the comments that Gregg has suggested, comments that Gregg has drafted, on the proposed rule, the ACL proposed rule, and at least allow everyone, once again, to take a peek at some concerns that Gregg identified and if there are others that the council or the committee has, this would be the time to consider Gregg's comments or institute your own or air your own.

Mr. Waugh: Again, these aren't just solely mine. I certainly am the primary author of this, but the staff has all had input and these are here for you to select from in drafting the council's response to the proposed rule.

Mr. Currin: I think we ought to just start at the beginning. They're tabulated by subject area, I guess, and as we go through I guess chronologically or by page number as you go through the document and is that correct, Gregg?

Mr. Waugh: Yes.

Mr. Currin: From the beginning, I guess, is the best way to say that. The first one is emergency regulations/interim measures.

Dr. Crabtree: I certainly understand this one and I think it is -- I might agree with it, but it's not really a comment on the guidelines. It's a comment on NEPA, which is a different law. The Magnuson-Act doesn't require an EIS, period. NEPA does and the guidelines are on Magnuson and so I don't disagree that we ought to be able to do temporary rules with an EA, but I think this is not a comment on the guidelines. That's my take.

Mr. Currin: Other comments? Gregg, do you have a response?

Mr. Waugh: Roy is right. The reference is to the allowance in the Magnuson Act that was not changed for doing emergency or interim rules, but Roy is right that it's not a part of the proposed rule.

Mr. Currin: Should that be submitted then as a comment regarding the proposed rule strictly or would there be a better place to make this comment?

Mr. Waugh: I think if you're interested in pursuing that then we should pursue that -- I know there's an effort underway with NEPA that Bob has been working on. Maybe that's a better avenue.

Mr. Currin: That makes sense to me, to hold that back, just in reserve, until we see the guidance that we hope to receive on NEPA sometime in the future.

Mr. Methot: Just a comment that as you think through the accountability measures and frameworking mechanisms into the FMP in order to implement those accountability measures, the degree of analysis that you need each time you do a modification, according to those accountability measures, is something that -- I'm not an expert on the NEPA/EIS aspects of this, but to the degree that you can framework the approaches for accountability measures, in order to do them rapidly and in-season, is something to take into account here.

Mr. Currin: The second one -- Is everybody okay with the approach to the first suggestion? The second one is a performance standard, Number 2. That's pretty straightforward. Comments? Do people like that and think that we ought to recommend the council submit this as a comment on the proposed rule? I'm seeing heads nod in the affirmative. Number 3 is state and federal management and accountability measures.

Dr. Crabtree: I guess it's not entirely -- Yes, this is a problem, but it says the council may want to comment and what would we comment, that this is a problem?

Ms. Shipman: It also transcends Magnuson and I think it also gets into the federal consistency issue with coastal zone management and that's a whole other ball of wax in terms of timing and all of that. This one is actually I think a bit more complex than is stated here. I don't have a solution, necessarily. I still don't have a solution to federal consistency either.

Mr. Currin: I guess it's really a comment on the potential consequences of the proposed rule, either what's in it or not in it, but not necessarily a comment on the rule itself. What's your pleasure here?

Ms. Shipman: It gets into that whole issue that -- I think we have it in billfish, where the management measures would apply regardless of where the fish are caught and it's a real complex issue. As I said, I don't have an answer for it. You're right that the way it's structured or framed here has to do with the disconnect of the measures, but it also gets into federalism and states' rights and this, that, and the other.

Mr. Currin: Any other comments on this? I'm gathering, at least from Roy's and Susan's responses so far that this is one that you would be in favor of not submitting in response to the rule.

Dr. Crabtree: If we're asking for the agency to provide some sort of clarifications or guidance or something like that, but I can assure you that everyone involved with drafting this understands that this is a problem. We're living with it in the Gulf right now and it is a real problem, but I'm not sure what we're specifically asking of the agency. You can ask for clarification as to what a council might do in this kind of situation or something like that, if that's what we're getting at, but I'm not sure otherwise exactly what it really would -- What we would really be asking for the agency to do in the proposed rule.

Mr. Currin: I'm seeing suggestions, at least without further clarification, that we would omit these from the comments that we would recommend the council make. Number 4 is the ecosystem component species, the EC species.

Dr. Crabtree: Gregg, what we're suggesting here would be that you go into an FMP and say the top twenty species, in terms of landings, are in the FMP, but not the rest of them or something like that? I'm not sure that I understand it exactly.

Mr. Waugh: This applies to snapper grouper. That's the only one where have this large, huge complex of very minor species and so the intent here would be that we classify some portion of them as ecosystem component species.

Dr. Crabtree: We would be suggesting that the agency provide some minimum landings threshold and if a stock falls below that then it would be an ecosystem -- It doesn't seem to me just saying the top twenty, that they could really do that. You could have twenty and all of them could have huge landings. I don't know. I think that's what you're getting at?

Mr. Waugh: Yes and that top twenty was just an example. I think what we would to do is go in and look in the Snapper Grouper FMP and see where that cutoff might be. It may be requesting

guidance to have some flexibility to go into an FMP like the Snapper Grouper FMP and for the council to come up with some cutoff.

Mr. Methot: The intention of being able to create this ecosystem component was to create a category of species for which the information is that the catch is a *de minimis* impact on the stock. I think I agree completely that a top twenty approach is probably not a strong record for making that assertion that below that things are ecosystem component. It's not going to be extraordinarily easy to do, but that's the intent that things that are below this line are clearly, according to the available information, not being impacted by the fishery and so don't need an MSY and status determination criteria and ACLs.

The other part of this is I noted some mention of what to do about prominent overfished species. I would -- My first inclination is that if a species is overfished, it couldn't possibly qualify as an ecosystem component species, if it had been impacted by the fishery previously such that it became overfished. I don't think that could qualify as an ecosystem component species.

Dr. Crabtree: I think you're clearly right about that. I think more what we're getting at with speckled hind, warsaw, goliath, and Nassau is essentially those fisheries are closed and so there's almost no information being collected and so how do we get out of that bind? I think there's some concern on the council that we're going to end up in that box on red snapper even, at some point.

My view is the only way to get out of that is fishery independent monitoring programs that give you some indication independent from the fishery, but I do think it's legitimate to come in and ask for some clarifications about what could be an ecosystem species and maybe some more clarification of what level of landings might be a legitimate thing to ask for.

Mr. Currin: It would help to have some criteria to define whether a species is *de minimis* or an EC species or not. That definition could vary.

Dr. Crabtree: Of course, the more criteria and things you get, then the less flexibility you may have in the end and so be careful what you ask for.

Mr. Currin: There is a downside there and so I guess that's the big question. Do we want to ask for NMFS to define that standard in the proposed rule or do we want to propose a standard that we might develop and ask for approval of that? I guess maybe those are the two questions.

Ms. Shipman: I think what Gregg was suggesting that the councils comment that councils should be given that latitude to develop that and submit it for review and approval by National Marine Fisheries Service.

Mr. Currin: That makes sense, rather than ask them to develop the standards. Okay. The whole issue with the other species that aren't currently in the fishery, but are deemed overfished -- We currently don't have any way to gather information. There aren't, in many cases, independent sampling programs in place to gather information about those. We certainly need that, but I don't know how we get there. Then this is one we would like to submit then? Okay. Number 5

is species groupings, to ask for clarification of the requirements regarding indicator stocks.

Mr. Methot: With regard to complexes, I think the way to think about when to use complexes is more of a fallback, when you can't do things on a species-by-species basis. I recognize that that comes up often and it certainly comes up in snapper grouper, but the intention is that we try to get species-by-species information, wherever possible.

The language in the guidelines that you don't just form a complex and then forget about all the component species forever after isn't what we would want to see end. Yes, form the complex, because that's what you need to do in order to make any progress in managing a fishery unit, but don't lose sight of the fact that it is composed of separate species and keep some pressure on trying to get information on those separate species.

Mr. Currin: What's your pleasure on this issue regarding species groupings?

Mr. Robson: Are we asking to clarify -- I don't want to get away from the flexibility to use species groupings, just because it's going to be impossible to deal with so many species individually and so I just want to urge caution that we don't get too far away from that flexibility.

Mr. Currin: I think the guidelines are pretty clear that that's certainly the option that we have, as Rick pointed out, where we don't have information on species, but his advice is don't use that as a crutch.

Dr. Crabtree: I think it's an important flexibility that the councils need and I think there are a number of cases where species groupings make sense. I wouldn't want to lose that.

Mr. Currin: This is one that we would like to reiterate our support for the use of species groupings, where data is lacking for various species. Number 6, statutory exemptions to ACLs and AMs, for species with a life cycle of one year, approximately one year. Gregg's suggestion is the council may want to provide support for this interpretation and to comment specifically that we consider the following species to fall within this category: white, brown and pink shrimp and also rock and royal red shrimp and calico scallops.

I know that when I read this, I was a little -- I had a question, I guess, as to whether we know enough life history information about royal red shrimp, since they are such -- They're deepwater and cold-water environment critters and it would not surprise me if they had a significantly longer life span than one year and the same approach that might be appropriate, and I agree with, for white, brown, and pink shrimp may not be appropriate for royal reds. I just don't know about the life history of those critters, nor calico scallops.

Dr. Crabtree: I know that royal red shrimp live to be five-plus years and are clearly not an annual crop and so we ought to take them out. I don't know anything about calico scallops.

Mr. Waugh: Calico scallops live on the order of a year to eighteen months and so we've made the argument in the past that they're basically an annual crop.

Mr. Currin: We're comfortable with rock shrimp being included with the penaeids, that they're basically an annual crop? Is everybody comfortable with that?

Mr. Cupka: Gregg, was there some language in there also that these exemptions are for species that not only have a life cycle of one year, but also are not undergoing overfishing or are overfished? It's more than just having a one-year life cycle to be exempt, isn't it or is it not?

Mr. Waugh: I think there's another requirement that if their status becomes overfished then you have to specify some parameters.

Mr. Cupka: It's more than just being an annual crop. It has to be an annual crop that's not undergoing overfishing or is overfished, I believe.

Mr. Currin: Roy said he can answer that for you, David.

Dr. Crabtree: I'm fairly certain that the provision in the Act refers to not undergoing overfishing and so in the case of pink shrimp in the South Atlantic, it's overfished, but we have had these science panels meet and determine it's because of environmental causes and not undergoing overfishing and so I believe it still is exempt from the annual catch limits requirement.

Mr. Cupka: The only point I was trying to make was that just because it's an annual crop doesn't automatically exempt it. It has to meet both requirements, I think, and not just the one.

Mr. Currin: If we remove royal reds, then we would like to provide this as a comment is what I'm hearing. Number 7 is the reauthorized act requirements for SSCs related to annual catch limits. The clarification is suggested that the SSC is not charged with collecting data and writing reports. Other comments or clarification regarding our SEDAR process and how that works as an independent review panel?

Mr. Methot: With regard to SSCs and peer reviews, on Friday of this week, there will be an advance notice of public rulemaking published and it will lay out the process for revising the National Standard 2 guidelines with regard to best available science and several of these topics will be taken up in this context of revising the National Standard 2 guidelines and you'll have opportunities to comment on that.

Some of the issues are -- Three main issues are criteria for a peer review process and so looking at SEDAR and similar processes in other areas and looking at them and coming up with some statement about their common characteristics and what a good peer review process should look like and I'm sure SEDAR is going to do well in that regard.

Another aspect, an important aspect, is the relationship between a peer review process and SSCs. Further down, you talk about the SSC as the final peer review. Yes, that's true and we very much would want to see the SSC and the peer review process work in concert with each other and that it not be a -- I think it was mentioned earlier and I agree with it, that the SSC is not a redundant peer review. It's sort of a stopgap and they use the peer review process in order for



them to make their recommendations.

Then the third aspect is the SAFE documents. The current National Standard 2 guidelines are curiously silent on the role of the SSC with regard to best available science and so with the revision of the National Standard 2 guidelines, one of the topics is the degree to which we can clarify the role of the SSC and the SAFE document and using the SAFE document to document the decisions made by the SSC and similar issues. These are topics that we see taking up under the National Standard 2 guideline revision.

Dr. Crabtree: I have a couple of comments on part of this SSC general comment. I guess it's the third draft response, where it says that MSRA clearly states that the SSC specifies the overfishing level, the OFL. In fact, the OFL is never mentioned in the Act anywhere. The Act says in one place that the SSC gives ABCs and things and then there's another spot in the Act where it talks about develop annual catch limits and it says that they may not exceed the fishing level recommendation of the SSC or the peer review process.

The Act never really defines ABC, I don't believe, Rick, and it really doesn't put any limits on the fishing level recommendation from the SSC. Now, it does later on say that the ACL has to be sufficient to ensure overfishing doesn't occur, I think, but I think it's not as simple as it's set out in this statement and then in Step 1 of this process, it says assessments provide the MFMT and in fact the MFMT is specified in the fishery management plan. Ultimately, the council is responsible for determining what that is and in Step 2, the SSC really doesn't set the overfishing level. It calculates it or the assessment does, based on the MFMT that's actually specified in the fishery management plan.

The assessment and the SSC determine whether you're overfishing or not, but the parameters that are laid out, that are the reference points that you gauge whether you're overfishing or not, are really specified in the fishery management plan by the council. I think it's more complicated than it's laid out here in a little bit in terms of how it's done.

Mr. Waugh: Mac, it seems to me you might want to deal with the first two points separate from the third one. Our previous action, you have in essence -- The motion we did about the risk level, you are working with the SSC to develop a control rule and so it seems to me, at least at the committee level, you've already decided that you are going to develop a control rule in conjunction with the SSC. Given that, then that third response would not be appropriate. Focus on the first two.

Mr. Currin: Thank you, Gregg. That makes sense. Anybody have problems with those first two comments? They seem to be very appropriate and clarify the council's position. Roy, are you okay with those first two? Okay.

Mr. Cupka: I was just going to point out, Mr. Chairman, that this is asking or I guess would require that councils modify their SOPPs and so maybe this will help get a review through sometime on our SOPPs.

Mr. Currin: Good luck. On to Number 8 and it's acceptable biological catch. Gregg raised the

issue of whether the council is comfortable with the determination that an ABC level should include landings as well as discard mortality.

Dr. Crabtree: It kind of depends on what you mean. One of the comments I've made on the proposed rule that I think needs to be cleaned up is the -- It's not quite clear and I think we need flexibility that the ABC and the ACL -- It may or may not be total removals, but it certainly has to take into account that mortality.

When I read that the ABC must mean annual catch and take into account the mortality that means that the ABC could be landings, but it's factored in the mortality. The reason is when we start setting ACLs, I think we're going to have to set them as landed catch, because that's all we can monitor on a short-term basis and keep up with, because the information we have on discards and things takes too much time.

It's either going to involve going through the observer program and looking at the number of observed discards and then stratifying and expanding it out to an overall estimate or if it's the logbooks, it's going to involve getting all the logbooks pulled in and calculating all that or in the case of MRFSS, I guess, you've got that kind of issue.

I think we need to maintain the flexibility to determine, depending on the type of data collection programs we have, for the councils to decide whether they're going to put in place an ACL that is total removals or an ACL that's landings, but in either respect, you've got to make sure that the mortality issues are factored into all these things and are taken into account.

Mr. Currin: Your recommendation then would be to modify that draft response and indicate that the council needs flexibility to deal with those issues?

Dr. Crabtree: It says we should indicate our agreement or disagreement, in particular that ABC equals landings plus discard mortality, and I think we just need to make it clear that our view is that we need to be able to have flexibility, exactly right. If it works for us to have an ABC that's landings, but factors in the mortality in some way, that's something we ought to work out with our science panels that works best in our situation, it seems to me. I think, Rick, that's kind of the intent of the proposed rule now, is to let us do that, isn't it?

Mr. Methot: It certainly is the intent that all mortality be taken into account somewhere in the process. I think we were thinking that the ABC would best stay in total mortality, to the extent possible, and that moving to a landings only kind of currency would happen when you went over to the ACL side, but I don't know that that is really a hard and fast line that we need to draw, as long as we're certain that it gets taken into account.

I would hope that you would be able to take the total mortality into account certainly through the OFL and the ABC side, but certainly it's very realistic to set the ACLs and even more importantly, perhaps the sector-specific ACLs in terms of landed catch, because you'll have different levels of bycatch going on with different sectors.

Mr. Currin: Other comments?

Mr. Waugh: Just to clarify. When we say factored in, that would mean either that when the assessment was done they included the bycatch mortality or we have estimated the bycatch mortality and deducted when we say that the ABC is just equal to landings.

Mr. Methot: Yes.

Dr. Crabtree: Then on the second one, Magnuson-Stevens specifies the ACL as a limit, implying that it should not be exceeded. I guess that's true that it implied it as a limit, since it called it an annual catch limit, but if you remember back -- I think this is accurate, Rick, but the Lenfest Report -- Some of the earlier things actually treated the ACL as the catch target, at some point, and so that's been there.

I'm not sure that -- I think Magnuson sort of acknowledged that it would be exceeded on occasion, because they said we had to have accountability when that actually happens. It seems to me -- If I think about it, I think the Act only mentions ACLs in two very, very short places in the whole thing and so there's not a lot of guidance in here as to what exactly they did mean, other than they wanted us to put some kind of catch level in place and try not to go over it, but I'm not sure beyond that there's much specificity in that/

Mr. Geiger: I certainly don't know, but if you think about the fact that they're taking into account that overfishing may occur, because they put accountability measures in place, it may be that they put the accountability measures in place to ensure that the council set the limits low enough to ensure that overfishing didn't occur. I think payback, in terms of the severity of what you have to do, it could be worse than the initial rules that you would put in place to prevent overfishing.

Mr. Methot: I agree with Roy that there aren't very many words in the Act itself with regard to exactly what these things mean and we're getting into the nub of why this took a year longer than we originally had hoped. The language of the Act is such that overfishing doesn't occur and not such that ACLs don't get exceeded.

ACLs are a tool to prevent overfishing and I think that's the focus that we've taken in developing the proposed rule, that the whole suite of ABC, ACL, and ACTs are a suite of tools to prevent overfishing and the accountabilities, exactly as you were just saying, George, play into this as well. Having the accountability measures as part of the total package helps ensure that a good attention is made to having a sufficient buffer between the targets and the limits.

Dr. Crabtree: Just one more point. I pointed this out many, many times and I believe particularly with recreational fisheries that this will be the typical case. It's quite likely that we will most often exceed ACLs because there are more fish out there than we expected and things are better than we thought and overfishing is not occurring.

To me, that's one of the problems with this whole -- If you think about it, when a recreational fishery, in my experience, goes way over what you thought they would catch, it's usually because the fishing is really good and you had a very big year class exceed that. There may well

even be cases where going over the ACL, in and of itself, is not a bad thing at all. I just think, again, it's one of these things where we need a lot of flexibility in how we deal with it.

Mr. Currin: Where does that leave us on this draft response here? Gregg, have you gotten enough clarification from anybody or from us to tailor that and modify it or do you need further guidance?

Mr. Waugh: No, I think I've got enough now. Just to reiterate, what will happen is you will see a draft letter so that you'll be able to look at this again before the council approves it.

Mr. Currin: Thank you, Gregg. Number 9 is the sector ACLs, ACTs, and accountability measures. We talked about the fact that the ACL is not strictly a limit not to be exceeded. Regarding the multiyear averages for recreational sectors, because of the data collection programs that are in place and the only ones we have --

Dr. Crabtree: My only comment would be I think multiyear averages like this are a type of flexibility that we're going to want to have and I agree with the author of the draft response that there are going to be some who are going to not like that notion, but on the other hand, unless we can substantially improve the quality of our recreational catch data, in some cases we're going to have to do something to smooth those numbers out or we're going to be faced with a whole other set of problems and I think we're going to have to work through that on a case-by-case basis and I would rather have that than have the agency be overly prescriptive about how to do it.

Mr. Currin: I would certainly agree with that. Is everybody comfortable with that response then? All right. Number 10 is data. It's stated in the proposed rule, I think, that the FMP should contain a description of the fisheries data for the stocks and complexes and ecosystem species. I agree that's a good idea. I think it highlights some of the data problems that we have and makes those more real by describing, in some cases, the frequency of the data collections or lack thereof and allow, as the authors suggested, the opportunity to point out the additional data needs we have here. Is everybody okay with that? I am seeing no heads indicating otherwise.

Number 11 is time table in establishing a rebuilding plan. This is the one, if you remember, I believe, where Gregg's or the author's or the team's, whoever did this, suggestion that the councils be given a little more time than indicated in the proposed rules and that that time be taken away from National Marine Fisheries Service. I suspect I could gauge Roy's response to this. I would be comfortable with this one. Since they have to approve the rule ultimately though -- Any other comments on that one, on 11? Number 12 is exemptions to requirements to prevent overfishing.

Dr. Crabtree: The guidelines, at least up to now, have pretty much required we have an MSST for every species anyway and I don't think there's any question that if a stock is overfished that you cannot allow overfishing. I think if anything now the proposed rule at least allows some categories of stocks to be ecosystem components and I don't think they would then require minimum stock size thresholds.

At least this partly addresses that, but I don't think in the case of species like speckled hind and

warsaw grouper and Nassau grouper and goliath, for which everything we have indicates the reason that they have problems is a result of fishing mortality -- There's not any way to get out of it.

This is, I think, referring to what's called the mixed stock exception, which has been a very controversial provision of the Act and which to my knowledge no one has really ever tried to apply. There's been all kinds of discussion about that. I certainly don't mind you asking for specific guidance on it, but that's just a tricky part of the whole guidelines and there's been an awful lot of discussion about that, I can assure you.

Mr. Currin: We can ask for guidance, but we shouldn't be overly optimistic about receiving a whole lot and is that what you're saying? All right. There are several general issues for discussion, the OFL/MSY relationship and the ACT/OY relationship.

Mr. Waugh: Mac, I don't think we need anything on those.

Mr. Currin: You don't? Okay. Gregg, I may have some things that I'll get to you. It's very difficult for me to pull from my notes as I'm trying to direct the herd, but I'll try to at least sit down with you and let you see what I've identified as potentially things that we might want to include and we can broach those at the proper time. Does that get us through the ACL proposed rule?

Mr. Methot: Just on this last point of the OY, I would just make one general comment, to perhaps help clarify in people's minds what we're thinking here. The Act asks that the OY be set below the MSY, taking into account socioeconomic and ecological factors.

What we have here with this sequence of ABC, ACL, and ACT is a way to include in this calculation of OY the prevention of overfishing and so to that extent, science uncertainty and management uncertainty is now part of the total package in both preventing overfishing and obtaining OY. It's not that the uncertainty is preventing you from attaining a higher OY, but it's that the OY is what you can get, taking into account the degree of uncertainty that you have.

Mr. Currin: Thank you for that. Anything else on the ACL proposed rule? All right. Thank you very much and, Rick, thank you for being here. We appreciate it and we appreciate your comments. Red Munden, I saw you there earlier and didn't seem to have an opportunity to welcome you. We're glad to have you here. Red is the liaison from the Mid-Atlantic Council and an employee of the Division of Marine Fisheries for many, many years. We're glad to have you.

The next agenda item is Amendment 16 and it's 4:30 now. I don't know how much progress we can make into Amendment 16 in thirty minutes. We're scheduled to go to 5:00. If you want to go later than that, I presume we can. I know there's other activities planned for the evening. Mr. Chairman, I'll ask for your direction on this, as to whether you want us to get into 16.

Perhaps we could make some headway by having Gregg review the public hearing comments and perhaps Jack address some of the other comments that have come on the SDEIS in roughly

that thirty minutes or so. Would that seem to be reasonable, Gregg? Then we could begin, assuming we don't have time, with Kate and some analysis that she's done on fuel prices and fishing effort, changes in the last few years as a result of increasing fuel prices and how that's affected effort. Does that sound reasonable? All right. Gregg, when you're ready.

Mr. Waugh: This will be very brief. The minutes were included in the first briefing book mail out, plus we have sent out the videos of those. I'll just touch on the highlights of the North Charleston public hearing on August 12. We had two commercial representatives attend. There was support for changing the gag allocation to using the years 1986 through 2005 and support for the May 1 start date for gag and support for lowering the 1,000-pound gag trip limit down to 700 or 800 pounds.

There was support for the 1,000-pound vermilion snapper and support for eliminating the recreational bycatch and some interest in looking at LAPP again in the future. There was support for gag as the indicator species with the 1,000-pound trip limit and the May 1 start. There was support for electronic dealer reporting, so that we have a lower step-down when you set your ACT, and support for using the control date, shaking out some more of the participants that have annul landings less than 1,000 pounds.

At the Port Canaveral public hearing on August 8<sup>th</sup>, we had six organizations represented, the Recreational Fishing Alliance, Central Florida Offshore Anglers, Dehookers, and a tackle shop representative. There were three commercial representatives and sixteen recreational and one for-hire and commercial.

There, we got into a lot of the comments about the problems with the data, particularly the MRFSS data, indicating that effort has declined, support for the gag allocation, indications that the assessment conclusions are contrary to what people are seeing. They're seeing lots of gag grouper in the water.

Indicators that the economic impacts are not adequately presented with the way we're modeling the impacts now and a lot of concern that these reductions, the combination of the gag and vermilion, would put a number of individuals out of business, particularly the headboat sector. That's supported by the economic analysis.

There was more interest in looking at trip limits rather than seasonal closures and an interest in having gag open in January and have the closure apply in February, March, and April. There was support for going with a bag limit of one for gag and a lot of indication that there's not support for the closure. Just the economic impacts are too great.

The Jacksonville public hearing on August 7<sup>th</sup>, we had seven charterboat/headboats, four organizations, fifteen recreational fishermen, and four commercial. A number of individuals spoke in support of the no action alternative for all actions. There was a lot of discussion about problems with the data collection and the MRFSS and we need better assessment data, plus discussion of a particular situation with a port sampler in north Florida.

Impacts on the headboat sector are very high. We had a number of headboats attend and point

that out and indicators that vermillion snapper are in good shape, as compared to what the assessment results are showing, and a lot of comments against a closure. That's the overview and everybody has the minutes and maybe the council members who chaired those would like to add something.

Mr. Currin: Any comments from any of the council members who chaired those? Again, everybody has received these and received the DVDs of all the public hearings and in the case of other things, both direct emails and copies of those, they were sent to us from the council office as well.

Mr. Robson: I was at the Cape Canaveral workshop and the other thing that came out in the comments, even though it wasn't part of what we were receiving comment on, was they had heard about the red snapper issue, as a result of the June discussion at the council, and that, combined with all of the other species and potential closures, got a lot of comment and concern about that piling on of impact as far as economics. That came out over and over again.

Mr. Geiger: I did Jacksonville and I was with Mark and, Gregg, I'm sorry and I might have missed it. I was kind of jotting them down, but one of the other things that came across loud and clear from a lot of people was the discussion of effort reduction, reduced effort. Did you mention that?

Mr. Waugh: Yes, I thought I did, but yes, there were a number of people commenting that their view of number of vessels at the boat landing and number of vessels offshore is down and we assured them that we were looking into this and that's the analysis that Kate will present.

Mr. Geiger: I know a couple of people asked me a question about the number of people who appeared on the video DVDs and there was a problem with corrupted files and we've taken action with a new camera and system to preclude that from occurring in the future and so hopefully we won't have a problem with corrupted files.

Mr. Boyles: I'm not on your committee, but I did chair the North Charleston hearing and we had a relatively small number of people turn out, but I think Gregg did summarize those comments very well. We did hear a lot of off the record comments about the same thing, effort reduction with fuel prices and things. I was surprised at the turnout.

Mr. Currin: Anyone else like to add to Gregg's comments on the public hearings? Okay. Thank you, Gregg, very much and Jack McGovern is going to give us an overview of comments that we received on the SDEIS, additional comments that have come in since --

Dr. McGovern: All the comments on the SDEIS are in the briefing book. We summarized some of those comments and sent them out to the council and we're going to update that this evening. The supplement was published on August 1, the NOA, and the comment period extended through yesterday, September 15<sup>th</sup>, and it provided three additional alternatives for gag and one for vermillion snapper and the analysis associated with that.

Most of the comment letters were form letters and each of the form letters had different

introductory text and those form letters generally did not support management measures that would affect the recreational sector, but supported those that would affect the commercial sector.

The personalized comments in the form letters all cited inadequate data on recreational landings as a reason not to take any action on the recreational sector. They also cited that there's probably been a reduction in fishing effort due to gas prices. They feel that there's habitat destruction being caused by the commercial sector, with rock shrimping and longlining, and overexploitation of -- Their comments were mainly with gag and overexploitation by the commercial sector and unfair regulation on the recreational sector and they cited negative economic impacts on the recreational sector and a lot of individuals indicated that fish populations were in good shape or rebounding and additional management measures weren't needed.

One set of personalized comments was very detailed, pages long, and it indicated that longlining should be eliminated. It indicated that dehooking devices and venting tools should be required, which is being done in 16. Spearfishing shouldn't be allowed during upwelling and that individual indicated that the gag stock assessment was too conservative and a four-month spawning season closure was too long, because he felt that gag do not spawn for four months, and he also questioned the MRFSS data and, again, said fishing pressure was down because of gas prices.

There were a number of comments on the Monroe County alternative that said that Monroe County doesn't catch a whole lot of gag and that regulations contained in the new Alternative 6 would not help the status of the gag population, but would have negative economic effects on the local community and two of the commenters offered new alternatives, one of which is included in an appendix of Amendment 16.

Both individuals had alternatives that would close gag for the whole year and allow fishing for other shallow-water groupers, but one individual made comments that indicated that there were problems with the grouper fisheries in Monroe County, particularly with overexploitation during the spawning season.

EPA continues to support Amendment 16, but feels that the FEIS should discuss when the SEDAR assessment, results from the SEDAR assessment, will be completed for vermilion snapper and didn't feel that -- They felt that we should wait until the results of that were completed and most of the other comments didn't specifically deal with the actions in the SDEIS, but had support or opposition to Amendment 16 and there were a number of comments on red snapper as well and I'll have an updated version sent out to the council in the morning.

Mr. Currin: Thank you, Jack, very much. Questions for Jack? All right. Kate, come on up and we can at least start with the analysis you've done and we may be able to get through it, depending on the questions.

Again, I would remind you -- You heard both Gregg say it and we've heard it in public testimony and Jack in his analysis indicated as well there's a lot of comments about what's perceived to be a huge reduction in effort, particularly in -- In both sectors actually, both commercial and recreational, due to economic times and rising or high fuel prices. Kate has



looked into available data and tried to update some analysis of effort within the fisheries and that's what she has got for us here. Everyone should have a handout that was passed around earlier today titled "South Atlantic Region Commercial and Recreational Trips 2000-2008" and this is an update over the charts and that section that was provided to you in your briefing book. Has everybody got that?

Ms. Quigley: What I'm going to do right now is go through that document that you've got in front of you and I'm just going to review the data that I used. With regards to the commercial fishery, I used logbook data from 1998 to 2007 and the Diesel Producer Price Index 1998 to 2007 and then for recreational, I used MRFSS 2000 to the third wave of 2008, where headboat data came from state logbooks and the MRFSS for-hire survey.

The charterboat data comes from the MRFSS for-hire surveys and private boat data comes from MRFSS surveys. Almost everything comes from MRFSS, except I'm going to have a discussion of South Carolina charter logbook data. Then I also used annual monthly nominal retail price of gasoline.

Just a reminder with regards to the MRFSS data, any of the data that I'm using from 2008 is subject to change and so the numbers that you saw last time, back in June, for 2008 have since changed. Those numbers are not finalized and so those go up and down. The data from 2000 to 2007 does not.

Here's just a summary of the commercial fishery. What we see is that numbers of trips has gone up from 2006 to 2007, just slightly. Number of trips landing snapper grouper species specifically has gone up slightly, as the diesel PPI has gone up. As the price of diesel has gone up, trips have continued to increase just slightly. That's all the data that we have about commercial.

Then here's annual retail price of gasoline from 2005 to 2008. It has increased, as you know, and then we've got monthly retail price of gasoline. We see it's increased over the first half of 2008 quite a bit and then it's kind of leveled off and now I'm sure for September it's increasing again, but this was the most recent numbers that I could find.

This is just a summary of the recreational fishery. Total number of recreational trips in the South Atlantic increased from 2006 to 2007. With regards to charter trips, Georgia and North Carolina saw declines, slight declines, in number of trips between 2006 and 2007, while Florida and South Carolina saw increases and I'm going to talk about that some more in just a moment. As far as private recreational and rental trips, all four states increased increases in trips between 2006 and 2007.

I'm going to talk now about a data discrepancy that we alluded to last time, in June, where we saw that the MRFSS data show the charterboat trips in South Carolina increased from 29,000 to 84,000 trips. These are angler day trips between 2006 and 2007. The South Carolina Department of Natural Resources charterboat logbook data shows the trips increased from about 39,000 to 39,500 in that same period of time.

I went and I talked to some of the MRFSS staff and they indicated that the for-hire survey that they use does not directly use the South Carolina logbook data. Instead, they do this for-hire survey, which is a telephone survey, and then they have intercepts on the docks and they had received some numbers and then they always make corrections made and these are the numbers that they came out with, 29,000 and 84,000. Here is a graph showing angler trips from the South Carolina Department of Natural Resources and what we can see is there's no jump. They're not seeing a jump in number of trips taken.

Then I took a look at the data specifically in the EEZ, recreational trip numbers, trips taken to the EEZ. Total recreational trips to the EEZ increased from 2006 to 2007 and for-hire recreational trips increased from 2006 to 2007. Private recreational trips increased from 2006 to 2007 and now we've got 2008 data and so this is taking a look at the monthly data, recreational, for-hire, charter, which is basically the only data that is shown in MRFSS, is the charter data with regards to for-hire, except for South Carolina and North Carolina. They show 2005 to 2007, but as far as 2008, they just show the charter data that they get through this for-hire survey.

There's lots of fluctuations in trip numbers across the three waves that are shown on the website. There's no consistent trends there. With regards to private trips, consistent decreases in Florida and South Carolina trip numbers. In the EEZ specifically, charter trips decreased in the second wave and private trips decreased in the first and third waves and so kind of up and down. Again, 2008 data is not yet finalized and could change by December, when I provide you an update in December.

Just given this data, we're not seeing, with the MRFSS data, any consistent decline in trip numbers overall with the increasing fuel prices and while there are decreases in some categories in some states, there's no clear trend evident at this point in time, with the data that I've got available. However, we've received a lot of emails and a lot of phone calls noting that the number of trips is down.

In particular, we've received phone calls and received email from South Carolina and Florida challenging this data and them trying to gather their own data about what's going on in their area and that's what I have at this point in time.

Mr. Currin: Thank you, Kate, very much. Questions?

Ms. Merritt: Kate, when you count trips, does that imply that these are strictly trips where fish were landed?

Ms. Quigley: I don't believe so. I believe MRFSS, the data -- If you're referring to the MRFSS data, they count trips and so for a headboat, the number of anglers on that headboat that went out for a trip, whether they caught a fish or not, and the same is true for charter and private, from what I understand, and maybe, Jack, you can correct me if that's not true. Jack is nodding his head that yes, that is true.

Ms. Merritt: What about commercial?

Ms. Quigley: Commercial is based on the logbooks and so any trip that they recorded in the logbook is recorded here.

Ms. Merritt: To follow up on that, so when a commercial boat has, quote, a no fishing report, that doesn't include any trips they've made where no fish were sold and so those numbers would not be included, correct?

Dr. Cheuvront: Kate, I would like to refer back to what you have in the paper as Figure 1. It was in the commercial and I don't know if you want -- If we can back up and display that, I've got a -- Yes, that's it. You mentioned that there was no significant correlation and I think largely that was due to the sample size. Your N was actually only equal to 18. Excuse me, but your degrees of freedom was only equal to 18, which would mean that you would have to have an extremely high value of the correlation for it to be statistically significant.

If you look at the bottom line that's nearly horizontal that indicates trips that landed snapper grouper species, you can see over the ten-year span that there was an overall decrease of about 25 percent of trips and maybe it's just because of my academic background, but we refer to that as social significance, even if you don't have statistical significance.

That means a lot to the guys who are involved in that fishery to have that many fewer trips and in thinking about that, there may be some data that might be missing here, like we don't know if that number of trips landing snapper grouper species was moderated by the reduction in fleet size, if that's what caused that, or other trip characteristics.

If we had CPUEs or something like that, that might help. If you kind of look at the lines as they are now, you look at the diesel PPI line and that's a pretty overall steep slope and what you have here with the number of trips landing snapper grouper, the lines cross, but the snapper grouper species landed trips has a very shallow slope. Eventually, that would be significant, if you had more years of data.

I guess I just didn't want to let it go that we were saying that this doesn't mean anything. This actually can have a huge impact on this fishermen who are involved, but I think we're missing a little bit of the data that might help us determine whether that truly has social significance, in that affects an individual fisherman, has decreased the number of trips in which they have landed snapper grouper over 25 percent, or if this simply is accounted for by reduction in fleet. There's several different explanations we can give.

Ms. Quigley: I would agree, absolutely. Let me just clarify it and I put this in the paper, but maybe I didn't say it. When I was saying we're not seeing correlation specifically between 2006 and 2007 -- While prices are going up, we didn't see number of trips going down, but I would agree that yes, the number of trips landing snapper grouper species between 1998 and 2007 has declined as fuel prices have gone up, absolutely.

I just wanted to say that in this paper I tried to avoid saying anything about cause and effect, such as fuel price increases are causing people to take less trips or more trips, because there are other things happening at the same time, as you mentioned, such as changes in fleet size, which could

make CPUE go up and therefore it's more profitable to go fishing, even though fuel prices are going up.

There's a lot of different things happening and so I just want to clarify that I'm not trying to speak about cause and effect and saying that I'm trying to make a relation between that, just is there correlation or not between 2006 and 2007, but I would agree with you, Brian.

Dr. Crabtree: Kate, are the fuel prices and gas prices that you're showing here in constant dollars, adjusted for inflation?

Ms. Quigley: The diesel prices are. The nominal retail prices of gasoline are not and so this -- I used the nominal retail price of gasoline because this is kind of what people are seeing at the pumps. This is what you fuel your car up with and so this is something that -- For the annual, we might want to take a look at something that's been adjusted for inflation, as far as over the past year, or maybe not. Maybe nominal retail price is good enough.

Dr. Crabtree: I agree if you're looking at short term, or the last little bit, probably not, but if you're going to look at a long term, I think you would need to make some adjustment for that.

Mr. Robson: This gets at the issue of unknowns that you have to factor in and going back to the chart for the commercial landings and then we had the diesel information and Brian mentioned the fleet changes and I wonder too if there's any way you can factor in the revenue side of the equation for commercial fishers, based on an average price per pound for snapper grouper over that period of time, because that would tend to either exacerbate or mitigate their costs and that needs to be factored in as well.

Then the only other general comment I would make is that -- Kate was very careful to say this. We've done a lot of looking at information in the report between 2006 and 2007 and a lot of the comments and concerns coming from the fishing interests out there that we're hearing are very, very recent observations that they're making and so we're looking at really what's happening just in the first six months of 2008 and we have very limited information available to look at for that. The 2006/2007 kind of waters down the ability to see a trend and I think what the fishermen are looking at is what's been happening just in the last six months.

Mr. Currin: I think we need to keep in mind as well the purpose of this analysis and it was a response to the declining effort that we're seeing and so the reasons for the slight increases and all that are really not what we're after, although they're very, very interesting and it's more of a socioeconomic study. This is a very pointed analysis that Kate has done to get at the issue that we heard so much from during the public comment period and that was that effort is -- Nobody is fishing anymore or at least it's greatly reduced.

Mr. Boyles: Again, I'm not on the committee, but, Kate, I'm wondering, is there any way to get at an average price for a for-hire trip? My sense of things is that people don't respond in the for-hire sector to the price of fuel. It's a secondary variable, but they respond to the price of the trip and even anecdotal information. I know Tom could probably shed some light on that. There's probably not a way to get that coastwide with any degree of confidence, but it strikes me that that

would be a much stronger -- You would be able to make a much stronger correlation that way.

Mr. Currin: I know they went up, Robert, and were going up all during the year in North Carolina. There were adjustments, fuel adjustments, and surcharges that the guys were adding as fuel prices went up.

Ms. Merritt: Just to tag on to Mark's comment regarding the pressure being affected by the prices as well, I passed along to Kate earlier that this may be an unusual phenomenon, but it may also affect pressure as well as the prices and I had heard that there are some dealers who have not only reduced the price that they're paying for the fish, because their costs have increased so much more to deliver the product, but that there are some that are actually not even buying fish because they have cut out some of their delivery points or some of the part of that whole delivery system. That is also having an effect on the amount of pressure, because you will see less landings, if this is a phenomenon that is going to spread or go on for a while. I have no clue and I just heard this recently.

Mr. Swatzel: I agree with what Mark said. Right now, the issue is what's happening in 2008 and we really don't have any data yet to quantify that, but I can just tell you that from a for-hire perspective, we're facing an economic depression right now. It's not only the issue of fuel prices, which affect profitability, but it's just the numbers of passengers are way down. It's just because of the economy in general.

I know the Myrtle Beach area experienced a pretty good decline in the number of tourists this year and we're certainly seeing that trend up and down the coast right now. Effort is being significantly reduced in the for-hire sector. We don't have the numbers to show that yet, but I can just assure you that's happening.

I think I shared with the council that our numbers, concerning headboat passengers, at least in our business through August the 15<sup>th</sup>, were down about 20 percent. The number of trips that we've operated are down about 17 percent and that's significant from a crewing perspective, just to try to maintain crew now, because they're facing literally a 20 percent drop in their income.

The number of passengers and the number of fishermen that decline is real and it's significant. From some of the numbers I've heard up and down the coast, we're probably lucky in the Carolinas. I've certainly heard higher numbers in the Florida Keys, numbers being down 30 to 40 percent. I do think we need to consider this testimony we've heard from fishermen in weighing where we go from here, because we just don't have the data yet in for 2008.

Mr. Robson: Tom just pointed out in a specific personal way what I was going to just comment on and some of the public comments we received -- What seems so out of sync is having business owners, whether they were commercial or charter business owners, coming and saying that their number of trips was down by anywhere from -- We heard everything from 10 to 50 percent or more.

To specifically point -- Without providing us actual numbers, of course, or evidence, but to say anecdotally that their personal business was affected and they had documented X percent

declines in either the number of bookings or the number of trips or whatever and so those percentages sounded -- They sound significant when you look at what seems to be happening in the data. I was just going to make that point.

Mr. Geiger: Tom, I guess my questions go back to you. I know in my business that the number of -- The people who fish with me, an extremely high percent, are what I would refer to as tourist fishermen, as opposed to regulars or people who have a great deal of expertise or experience and could do it on their own.

I can assure you that my business is being affected as well, but it goes along with a theory I have and my question to you is on any given trip, do you have any idea, in terms of the percentage of souls that you take on your boat, how many of those would be from a tourist class of angler and what percentage would be -- You might term them regulars, the people you see on a regular basis who instead of owning their own boat choose to fish on your headboat and occupy that same spot on every trip.

I know in Sebastian that our headboats have clients that are in that mode, that they fish twice a week or three times a week and they fish on the same spot on the boat every time they go and they're classified as regulars, whereas the rest of the people are tourists. Do you have any of that type of information?

Mr. Swatzel: I don't have any exact numbers, but just an estimate on my part, it's probably about 80 percent of the number of passengers that we carry are probably tourist related. We don't have that kind of clientele that I see in some of the Florida headboat fishery that go multiple times a week. That's just not really heard of.

Part of it might be because our ticket prices are so much higher to go on an all-day trip now. We're \$90 a person and so that might be part of the reason that we see that, but most of the passengers that we carry, a significant number, are just tourists.

Mr. Geiger: That's interesting and my prices haven't changed in five years and my trips have just dropped off, too. Again, that's the tourist thing. I have this kind of theory, based on people I know who fish and people who report to me their methodologies and what they're going to do in the future. It's kind of like the recreational fishing community might classify it in terms of the like the alphabet and from A to L, you've got these tourist-class people, or people who have very little experience, first time boat owners who fish very infrequently.

Then maybe from M to T you've got an intermediate class, who have a little more experience and have more ability, and then you have the U to Z people who are the fanatics, the people who have the tri-motor Intrepids and Contender boats that have all the equipment and have quite a bit of experience and can throw an extra person or two onboard to offset the cost of fuel.

What I'm being told from that crew is they're not stopping and my experience at the boat ramps in my town, which is a very isolated location, those are the people who seem to be continuing, whereas the entry level people, in that A to L range, are the people who are dropping out first, because they're probably not very successful when they fish anyway.

It's a high-end endeavor and they're primarily family people and those are the people that seem to me to drop out first and so in all the testimony that Mark and I took and I heard up in Jacksonville, it's extremely difficult. You can quantify possibly how many people are not fishing, or the reduction in trips, but it's difficult to quantify what type of reductions in mortality you get associated with the reductions that you're seeing from the part of the population that has stopped fishing. It's just very, very hard for me to wrap my arms around quantifying those reductions and equaling them to the reductions in people fishing.

Mr. Iarocci: To George's point, and this my own personal observations and what I've been hearing, George, you're absolutely right. Being a fisherman and checking out boats and stuff, what I do see on the water now and what I do see being trailered up and down the roads are the Contenders, the Sea Crafts, the three motors, the boats that would fish a kingfish tournament, the professional fishermen that are going to put their time in and do it right.

Being on the water a lot, I don't see the charterboats that I see leaving the dock in the morning to go fishing. I see a few every now and then. I don't see the recreational people at the ramps and I don't see them where I crawfish. I don't see them diving and I don't see them fishing the bridges. The effort is not there.

One boat in particular in Islamorada, he had to raise the cost to \$400 to go offshore fishing, depending on -- Now when you talk to a charterboat, you want to fish the reef, you want to fish inshore, you want to fish offshore. Depending on what you want to do is what you have to pay and people aren't paying it. The effort is down and I agree with Tom and Mark there is a substantial decline, but like you said, George, to try to get the effort and look at what's going on with that, it's going to be hard to quantify.

Mr. Robson: It's kind of the same thing that's been said and I agree and we have limits on how quickly and what kinds of information we can look at, obviously, to assess this effort change, but what seems like it's important for us to know, to inform our decision about what to do about some of these snapper grouper issues for the future, is to know what kind of more permanent changes may be taking place because of the economic conditions.

If we had a way of getting information about, and I hate to use these kinds of terms, but the closing down of wholesale dealerships or bankruptcies or the number of commercial or charter fishermen that are simply going out of business.

Those are the kinds of things that probably would inform our thinking about what to do with these fisheries in the future, especially if we are going to talk about adding on really significant changes in regulations that will force even -- It's almost like adding on to the economic issue that could drive some of these long-term reductions in effort even more. I don't know where we can get all that information so quickly, but it seems like some of that must be out there somewhere and I just don't know where and how easy it is to get it.

Mr. Currin: Other questions for Kate or comments on the analysis that she's done? Kate, thank you very much. We appreciate you putting this together in short order and bringing us as up-to-

date information as you could possibly get on that particular issue. We will recess until tomorrow morning then at eight o'clock. Be here ready to go at eight o'clock.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened at the Charleston Marriott Hotel, Charleston, South Carolina, Wednesday morning, September 17, 2008, and was called to order at 8:00 o'clock a.m. by Chairman Mac Currin.

Mr. Currin: If we can come to order, please, we'll reconvene the Snapper Grouper Committee. Good morning, everyone. We will continue on with Amendment 16. Before we do that, I had a couple of points that I wanted to bring up that one of the fishermen came up yesterday and indicated what I thought everyone should be aware of and some feelings and impressions he had that consideration of the LAPP program by the council in the past, recent past, perhaps had stimulated some trips and effort on the part of the commercial industry, in an effort to build history.

He said that recent upturn we've seen in rising commercial effort may be partly due to that. In addition, he said that in his area, southern North Carolina, 15B coming through, that was going to prohibit bag limit sales by commercial license holders without federal permits, he saw a spike and increase in the effort by that group and so that also may have pumped up the commercial landings some. Anyway, just points of information for everybody.

I think perhaps the best way to approach 16 is to look at each of the alternatives for which the council currently has a preferred alternative selected. We will go through each of those and if there is desire to discuss changing any of those preferreds, then that's the way we'll do it. I'll turn it over to Gregg and he's going to lead us through here and I believe in your PDF document that we will start on page 188 and that's Attachment 6 under the snapper grouper tab.

Mr. Waugh: The first action point is to deal with management reference points for gag as shown here in Table 4-7. Your preferred alternative is that MSY equals the yield produced by FMSY. MSY and FMSY are defined by the most recent SEDAR.

Mr. Robson: What page are we on?

Mr. Currin: Page 188 in your PDF document of Attachment 6. Let me know when you've got it. It's Section 4.1.2. Everybody set? All right.

Mr. Waugh: We're in Table 4-7 and this shows that the FMSY value is 0.237. In terms of the actual poundage value, it's 1,238,000 pounds gutted weight. The optimum yield is the yield produced by F at optimum yield. Our preferred alternative is 2B, which is the FOY is 75 percent of FMSY. That poundage value is 1,217,000 pounds gutted weight. Those are your two preferred alternatives.

Mr. Currin: Any desire by anyone on the committee to consider changes to those reference points?

Mr. Harris: Mac, I'm not on your committee, but as we go through these, if we had specific



public comments to an issue. I don't think we probably did with respect to this one, but if we could just raise those public comments and address them, I think it would be helpful to get those on the record and acknowledge why we're staying with our preferred alternative, if that's needed. I know we got a lot of public comments on snapper grouper recently and I'm not even sure sometimes what they were in reference to, but to the extent that we can do that that would be helpful.

Mr. Currin: We can try, Duane. As you I'm sure realize, it will be extremely difficult. We did go through and summarize the public comments yesterday afternoon, before getting into the amendment itself. If you're relying on me to recall all of those summarized comments to put them in, it's going to be extremely difficult for me.

Everybody has had an opportunity to read those. I think there are some issues that we heard resoundingly, that everyone should be very well aware of, concerns about the data and the MRFSS numbers and the fuel prices and impacts on effort and general disagreement with changes in the regulations that are going to reduce harvest and there were numbers of others as well, but we can -- Anyone that has a good feel for comments and wants to bring those up during discussion of particular items, that would be great and we'll certainly allow that discussion and comment.

Mr. Harris: What I was primarily referring to is not something like MSY determinations and those kinds of things, but if we had a proposal for a closed season, for example, and somebody suggested that rather a closed season that we ought to reduce the bag limit -- I think if we can address that, so that if we know why reducing the bag limit doesn't get us to the same place that a closed season gets us to, that would be helpful, I believe.

Mr. Currin: We'll do the best we can.

Dr. Crabtree: Gregg, I think we all understand, from the way this is laid out, that MSY and so OY are things that are going to change from year-to-year, based on our perception of what the biomass of fish in the water is. These are things that as we get new science and new assessments would be essentially just recalculated in terms of the numeric value and so we're putting in place a more formulaic expression here that would be recalculated as new science becomes available and that's clear in the document that that's our intent?

Mr. Waugh: Yes and what Roy is referring to is you all are, in essence, approving what's labeled here in the column "equation" and that's how we calculate it. Each SEDAR will then give you your numerical values and so this will not be an action item in the future. Each SEDAR will just update the numeric estimate for FMSY, FOY, MSY, and OY. If at some date in the future you want to change how that's calculated, then it will be an action item.

Mr. Currin: Very good point and I think everybody understands that. The actual numbers may change based on data, but the formulas are what we're approving. Any further discussion on the MSY and OY reference points for gag? All right, Gregg.

Mr. Waugh: I presume there's no interest in changing our preferreds here.

Mr. Currin: I have seen none.

Mr. Waugh: On the next page, just to point out that there is a new estimate for the minimum stock size threshold. We previously have approved the formula of one minus M times the spawning stock biomass. This is not an action item, but the value now has been calculated from the SEDAR and it indicates that we are not overfished and so that's not an action item. The next item is the gag total allowable catch. This is in Table 4-9, right under Section 4.1.3.

Mr. DeVactor: The PDF page number is 197 out of 457.

Mr. Waugh: Again, gag are not overfished, but the biomass is less than the biomass at MSY. The council's SSC recommended a restriction in harvest to FOY as being the yield at 75 percent of FMSY. Right now, based on the biomass size, that equates to 694,000 pounds gutted weight for 2009 and your decision was to keep that at 694,000 pounds gutted weight until we modify it by a future action. We do have a SEDAR update planned in the future and so we'll be looking at adjusting that value. Your preferred alternative is Alternative 2 there, to set the TAC equal to 694,000 pounds gutted weight.

Dr. Crabtree: I just want to point -- I think the document needs to be explicit pointing this out. It may appear odd that we only have two alternatives here, but really this action -- This is an extension of the decision we made to choose OY and so in effect, we did look at more alternatives for TAC, but once you choose the OY alternative, the TAC is basically calculated out, based on OY. I think, Rick or someone, we need to put that in the document, to make sure we explain how this is linked to the OY decision, that really more alternatives in this were evaluated.

Mr. DeVactor: Perhaps in the future we may not need TAC as a specific alternative. If we have OY alternatives, that would set your TAC.

Dr. Crabtree: I think this could have easily been bundled back into the OY alternative, probably.

Mr. Currin: Other comments or questions about gag TAC? We do have a preferred alternative here, Alternative 2. Any desire by the committee to discuss changes to that? I see none.

Mr. Waugh: The next item is interim gag allocation alternatives, Section 4.1.4.

Mr. DeVactor: That's page 201.

Mr. Waugh: Here, the council's preferred alternative is to define interim allocations for gag based upon landings from the ALS landings system, MRFSS, and headboat databases. The allocation is based on landings from the years 1999 through 2003. This results in an allocation of 51 percent commercial and 49 percent recreational. This alternative would establish a commercial quota of 353,940 pounds gutted weight and a recreational allocation of 340,060 pounds gutted weight.

When we get into the management measures section, you'll see where we step down that

commercial quota to account for post-quota bycatch mortality, but that's the quota that results from the application of the 51 percent commercial and 49 percent recreational allocation.

Dr. Crabtree: I would like to hear some discussion from the council about the rationale for our preferred alternative, particularly in light of the discussion in the Allocation Committee of changing the allocation on gag. I would point out to you that Alternative 4 would result in the same allocation, I believe, as the formula that was discussed in the Allocation Committee that assigned 50 percent weight to one period of time and 50 to the other. It would shift the allocation 10 percent more to the commercial sector, but I think we need to have some discussion as to our rationale for choosing Alternative 2 as the preferred alternative, rather than something like Alternative 4.

Mr. Robson: That was the question that I was going to raise, how our discussion of an allocation process would affect this if we move forward with Amendment 16, looking at that formula. It would change the allocation, in my mind, significantly away from what we have here as a preferred and I was just trying to figure out -- We're talking about those new allocations being part of Amendment 17 and annual catch limits and so how would -- We would have to come back in and change this if this becomes the preferred.

Mr. Currin: That would be certainly an option that the committee and the council would have, to change those. It doesn't make a whole lot of sense to establish one value today and come back in tomorrow or six months down the road and make that change.

Mr. Robson: To that point, I guess given the discussion we had about the formula for defining allocation and what it might mean to the gag allocation, I think as an agency position we would be very concerned about shifting the allocation away from the recreational fishing sector and more towards the commercial sector. We've supported the 51/49 mainly because that period of years gives the most fish to the recreational sector.

Mr. Geiger: One thing is this was a recommendation from the AP, from the Snapper Grouper AP, to select this particular allocation. To Mark's point about allocation changes -- Brian, help me here. I don't know if I'm speaking for you or not, but my impression as a committee member is that we're working on a process for determining how we go about determining allocations on future amendments, as we walk through the process.

I don't think there was any intention of ever, once we finalize the process or come up with a formula that the council would try to use in determining allocations on future amendments, to immediately apply that to fisheries or amendments that are in place. We would wait until a stock assessment was conducted and apply that methodology at the next go-round.

Dr. Crabtree: George, does that mean in all likelihood -- I know we're going to have to come back to this when we get to Amendment 17, but that we're going to talk about the issue in Amendment 17, as to whether that is the correct vehicle to make an adjustment to what we're doing here then?

Mr. Geiger: I don't think necessarily. It depends on how far we get in the Allocation Committee

defining F. I think we still have to define that F factor, whether we have an F factor, and how it applies to that formula.

Dr. Crabtree: I just want to come back to a couple of things. Mark said the agency's position was they support this because it gives the most to the recreational. I don't believe under Magnuson that's really a rationale I'm comfortable with. I think we do have a good rationale that the AP recommended this.

They felt like that was the most fair and equitable allocation and my sense of this council is, based on our review of these different timeframes and all the information we have before us, we agree with the AP that this is the most fair and the most equitable allocation. I think that we need to recognize -- We build a record that this is, we think, the most fair and equitable allocation. We're going to have to have some type of new information if we're going to turn around in a very short period of time and go to something else.

We just need to be real careful with what we're doing and so if we do believe this is -- If we're not going to change our preferred here, then I believe we're standing by the rationale in the document and our view that this the allocation right now that maximizes the net benefits to the nation and is fair and equitable, to the extent that we have that kind of information on it.

We just need to be aware that we're in a little bit of an odd situation here with allocation discussions in the Allocation Committee and then some actions in Amendment 17 and here we're taking action today on this one and let's just all keep that in mind as we move forward and be cognizant of what we're doing right not.

Mr. Currin: Just for clarity, Rick has dug out the AP recommendations and they have changed on the gag allocation over the last twelve months, I believe, and just so everybody understands exactly what the AP recommended.

Mr. DeVactor: When the AP met in September of 2007, their motion read to endorse a 50/50 allocation for gag. However, when they reconvened in June of 2008, they supported Alternative 4 for gag allocation and so that was 61 percent commercial and 39 percent recreational.

Mr. Geiger: Brian, did I misspeak? Is that kind of your take on where we're headed with the Allocation Committee?

Dr. Chevront: I don't think that we had decided in the Allocation Committee yet our recommendation as to when this allocation plan would go into effect, but all the other part of it, I do recollect the same as you did.

Mr. Currin: Recall from the Allocation Committee discussion and council session on Monday that there was no direction from that committee to the Snapper Grouper Committee with respect to the alternatives, including the formula, for these amendments that were in place here. We're kind of in an open field now, but we do need to be cognizant, as we all are, I'm sure, of the direction the Allocation Committee is headed and exactly when that feeds into all the various species committees in unclear at this point.

Dr. Crabtree: I guess when we move on to Amendment 17 that we'll have some more discussion of that. Rick, I'm looking at the discussion here on Frame 202, right under the table, and it still says that the Preferred Alternative 2, 51 percent commercial and 49 percent recreational, is closest to the Snapper Grouper Advisory Panel's recommendation for a 50/50 allocation. If that's changed, we need to update the document.

As I read this, our real rationale for why we're going with Alternative 2 is because it puts more weight on the more recent time series and Alternative 2 uses 1999 to 2003, but that results in the same allocation as would occur if data from the 2004 and 2005 period were used. We're effectively looking at the most recent set of data we have and kind of reducing people equally, based on that, whereas Alternative 4, which I guess the AP shifted for, is much more heavily influenced by the older parts of the time series, when the commercial take was higher.

My sense of what our rationale is that we're trying to achieve more equitable reductions in this fishery and I think that's where we are, if anyone has any other feelings on it, but we do need to update this, Rick.

Mr. Cupka: You know we need to recall what happened at the June meeting too with the AP and the fact that there was concern about votes and the equitability and that kind of stuff and I think the recreational people at that particular meeting felt like they were being outvoted and maybe weren't getting their position on the table.

We need to keep that in mind too and also the fact that it is a recommendation and it's certainly not binding on this council and what we need to do is what we think the data shows is best, irregardless of the recommendation we got, but that pops up in my mind as some of the things that happened at the June AP meeting and I think we need to take that into consideration as well, Mr. Chairman.

Mr. Currin: There were several changes that occurred in recommendations from the AP at that meeting, for I'm sure a number of reasons.

Mr. Munden: I was going to ask if Alternative 4 reflected historical catches by the recreational and commercial sector, but Dr. Crabtree has already addressed that.

Ms. Merritt: I was in agreement with what Roy had said about the Alternative 4 being considered because of the -- With the new information and the AP may not have known about that at the time, when they preferred Alternative 2, but Rick cleared it up when he said that they had gone with Alternative 4 in the June meeting. That was my recollection.

However, I do think that we are kind of in an odd position, in that we can't be assuming that the 50/50 allocation formula will go in and I think it's kind of presumptuous of us to do that at this point. I would be in favor of Alternative 4 with the information that I've got and I'm not sure that the AP would feel that way at this point though. The comments that we got, people weren't aware of this new formula.

Mr. Currin: No, that's still kind of in the works right now, but currently, the preferred alternative

is Alternative 2.

Dr. Cheuvront: Mac, I think if I recall correctly and putting the conversation together, from what Roy had said and what Rick has told us, Alternative 2, which is our preferred, really kind of relies on the landings from just the last several years. If you look at Alternative 4, it's from 1986 to 2005 and the numbers that were used by the Allocation Committee to come up with suggested potential allocations went from 1986 through 2007.

The fact that Alternative 4 is a 61/39 split in the allocation, in the document it was -- When you add the two extra years, one more percent goes to the recreational sector and so it shows that the trend is moving towards more fish towards the recreational sector. However, I think Roy has a really good point, if I'm understanding what he's saying, that we have endorsed the Allocation Committee's plan, at least at this point, to use the algorithm to help us determine allocations and it makes sense to start being consistent now.

We're going to have a difficult time justifying why we're supporting using just the last three years or so of landings for Alternative 2, when at the same time we're saying we have to take into account the long-term as well as the short-term trends and that points to Alternative 4. If we wanted to switch our preferred alternative to Alternative 4, I would probably be in favor of that.

Mr. Robson: To Brian's last comments, I guess the only concern with going ahead and looking forward to using the allocation formula that we discussed -- What was critical to that formula was a fairly specific species-by-species analysis of the F variable, the future variable, and we don't have that available to us at this point, other than I would argue that based on the changes in trend between the recreational and the commercial sector and particularly in the case of Florida, where the recreational fishery is so important, that that would -- I would project that trend on out and that would be part of the variable that would then lead us to even maybe a little further and then you would wind up back at Preferred Alternative 2 on your allocation.

Dr. Cheuvront: To that point, this shows a difference, again, in state-by-state differences in the fisheries. This is largely a recreational fishery in Florida and the division in the fishery in North Carolina is much closer between the recreational and the commercial sectors, in terms of the proportion of the landings. All we're basically doing is pointing out our state-by-state differences.

Dr. Crabtree: Just a couple of points. What you're doing with Alternative 2 I think is based on five years. I think somebody said three, but it's 1999 through 2003. I think that's five years. Based on the text, it sounds like it's the same for 2004 and 2005 and so probably you could extend this to seven years and you would still be at the same starting point.

I want to point out too that your Alternative 2 is consistent with the decisions you made in Amendment 13C and other recent amendments, where you basically chose a time series of years that were in the recent time series and then with the idea that you're reducing people equally. I understand that it's the council's desire to move away from using these time series anyway and find some other way to handle these kinds of things.

I think that you could have a lot of different opinions as to why the mix of the fishery has shifted over time, because it does seem to have shifted more towards the recreational sector, and different people can point to regulations, effort is down, prices, all kinds of things, population growth, as to why that make have happened, but I think at least based on the discussions I've heard after the last six or seven years at this council, there does seem to be -- When you don't really have a good basis for coming in and making some shift, I think there's a sense of comfort with the notion of let's come in and look at what's happened for the last five or six years and then let's reduce folks equally.

There's been some sense of equity in doing that and that is kind of where we came in 13C and it seems to be where we're coming to in this amendment and I understand the desire to move to some more far reaching kind of plan for the future and I think that's good that we're working on those, but we're faced with decisions today and you just have to grapple with those, but I just wanted to point out that there is some consistency with this and some consistency with some of our previous decisions.

Mr. Currin: Thank you, Roy. I think that's an important point to consider here. Again, I'm very appreciative of the ongoing work the Allocation Committee is doing and I think some form of an algorithm offers promise to us. I'm not sure that we're quite there yet, to the point that I feel very comfortable accepting what seems to be an approach by Solomon to cut the baby in half because we don't have better information right now and although we like the approach, we don't really know how to fine tune it and so we've just kind of cut it in half, to look more recently.

That gives us some indications, I think, but I'm not sure that I'm comfortable enough with the refinement of it now to start using it to direct our decisions, especially on an amendment we've been working on for a couple of years now.

I've heard some interest around the table in changing the preferred alternative for the gag allocations and I've heard some interest and support for leaving it as it is. Is there a motion by anyone on the committee to consider a change?

Dr. Chevront: I would like to go ahead and make a motion, because I would just like to get a feel for the entire committee, how they feel about this. **I would make a motion that we change our preferred allocation alternative to Alternative 4, which is 61 percent commercial and 39 percent recreational, in the gag fishery.**

Mr. Currin: Motion by Brian to change the preferred alternative from Alternative 2 to Alternative 4. Is there a second? Second by Rita. Discussion?

Dr. Crabtree: Just a question for Gregg. I don't mean to imply by this that you should or should not make a change here if that's what you're comfortable with, but, Gregg, this would result in some major changes to the document, wouldn't it, if the allocation was changed? Wouldn't it affect the management measures and all of the preferreds would have to change in a lot of things?

Mr. Waugh: It's certainly within the range of alternatives that we have here that have been

analyzed for the allocation, but there would be a need to look at the other management actions and see how they achieve the resulting quotas and allocation on the recreational and commercial side. I'm not sure off the top of my head if we have the adequate range of alternatives in here already analyzed, but it would require rewriting and perhaps some reanalysis of the other alternatives.

Mr. Robson: As Brian pointed out and I would agree, this shows some of the difference, particularly with this fishery, between North Carolina and Florida, where most of it is being prosecuted in those two states. In our information, based on landings in east Florida from 2000 to 2007, the recreational allocation would actually be more like 65 percent. The figure we've got is -- We consider it sort of a compromise approach.

Again, we have supported that, based on the fact that with the alternatives that were being considered under Amendment 16, this was the one that got us the closest to that proportion in Florida. I couldn't support the motion, based on that.

Mr. Currin: Other comments? I see none. I'll call for a vote. **If you would, all in favor of the motion raise your hand; opposed, five. The motion fails.** Let the record reflect one abstention. Any further discussion of the gag allocation? It looks like we're back to Alternative 2 as our preferred. Any further discussion? Let's move on down the line here.

Mr. Waugh: This brings us to the management alternatives that begin in Section 4.1.5.

Mr. DeVactor: 212 is the PDF page number.

Mr. Currin: Everybody there, page 212?

Mr. Waugh: Right now, what we are proposing -- Mr. Chairman, I'll outline all the proposed alternatives. We've got a mix of recreational and commercial measures in here. Alternative 2 is one of your preferreds, which would establish a gag spawning season closure January through April that applies to both commercial and recreational sectors. It would achieve a 20 percent reduction on the commercial side and a 31 percent reduction on the recreational side.

There would be no fishing for and/or possession of gag allowed. In addition, no fishing for and/or possession of the following species would be allowed: black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby and coney. In addition, we have a preferred on the commercial side. Let me skip ahead to Alternative 4, which is a preferred alternative for the commercial quota, the directed commercial quota. If remember, I said that once we got to the management measure section that we would step that quota down to deal with post-quota bycatch mortality.

The proposal for the directed commercial quota would be to establish -- Assuming that you keep with your preferred for the January through April gag spawning season closure, the directed quota would be 352,940 pounds. That takes into account an estimate of 1,000 pounds of gag that would be caught after the quota was met.



We added for the supplemental DEIS and for public hearings Alternative 3, which had a 1,000-pound gutted weight commercial trip limit, and we had two possibilities for that. Alternative 3a was a fishing year start date of May 1 and during March and April, it would propose to include the shallow-water groupers in that closure. Alternative 3b would do the same thing, except start the fishing year on January 1. This is one where we did receive a number of comments in favor of the 1,000-pound trip limit with either the January 1 start date or the May 1 start date.

We also have an alternative in there -- You do not currently have a preferred on this trip limit. Alternative 5 would divide the directed commercial quota into two regions, allocating 63.3 percent to North and South Carolina and 36.7 percent to Georgia and Florida.

We also included for the second round of public hearings and the supplemental DEIS a new Alternative 6 that would apply south of the Miami-Dade/Dade-Monroe County line. There would be no fishing for and/or possession of the shallow-water groupers, gag, black grouper, red grouper and the others in that group, from June through December 31<sup>st</sup>. Fishing for black, red, scamp, red hind and the rest of those would be allowed January through May 31 in the southern region. This was to apply to both recreational and commercial fisheries. There was a new alternative that the team was requested to analyze and insert here for discussion and that's included --

Mr. DeVactor: It's page 428. It's towards the back of the document. It's 428.

Mr. Waugh: This is a new alternative that the team was requested to analyze. We have the biological analysis completed and there are no economic analyses. This would allow for Monroe County -- South of the Miami-Dade/Monroe County line, no fishing for and/or possession of gag would be allowed year-round for the commercial and recreational sectors. It would reduce the five grouper aggregate bag limit in Monroe County to a two grouper aggregate bag limit and north of Monroe County, there would be no fishing and/or possession for gag or shallow-water groupers during the January through April for commercial and recreational.

Once the quota is met for gag, gag and all shallow-water grouper species would be closed. Reduce the five grouper aggregate to a three grouper aggregate and reduce the two fish bag limit for gag and/or black to one fish. That would apply north of Monroe. Those are your alternatives on the commercial side.

On the recreational side, Alternative 7 would reduce -- In addition to the spawning season closure, it would reduce the five grouper aggregate bag limit to a three grouper aggregate bag limit, reduce the existing bag limit from two gag or black grouper to one gag or black combined within the grouper aggregate bag limit. It would also exclude the captain and crew on for-hire vessels from possessing a bag limit for groupers. That, plus the January through April spawning closure, would result in a 36 percent reduction in harvest and we're targeting a 37 percent reduction.

Mr. Currin: Thank you, Gregg. That recreational measure, if you didn't find it, is on the following page, 214, below the commercial measures. 428 is where the new alternative that the team analyzed -- That was suggested after our last meeting, when we crafted the Alternative 6

here to address some of the concerns from the Keys and this additional alternative that has been analyzed was suggested by some of the folks there, who didn't feel like we had quite interpreted correctly what they had intended at the last meeting. There was an attempt by the staff to address that and it is before you now and I will entertain discussion of both the commercial and the -- Let's start with the commercial measures on gag.

Mr. Robson: I guess I just need to understand what our process is here. We're going to go through all of the management alternatives, management measures, individually?

Mr. Currin: Yes, that's what we're doing and we're down to the commercial management measures for the commercial fishery right now. We've got preferreds selected currently for the commercial industry. It's a spawning season closure from January through April. I don't think we have a preferred regarding a trip limit or a change in the fishing year, but those were alternatives that were provided to us by the AP at the last meeting. They have since been analyzed and included in the document and that's why we did the supplemental DEIS. They had to file that to include those new alternatives and the staff analyzed them.

Keep in mind now that this last alternative at the back of this document, on 528, has not been fully analyzed. It's just kind of an add-on for consideration. It has not been fully incorporated into this document.

Mr. Robson: I guess I have a question about the process we need to follow for that, since it was a late alternative that was added on. It's different from what the supplemental DEIS alternatives that were proposed in June and if we were to consider that as an alternative and assume we were even to make it a preferred alternative, what would that mean in terms of moving this document forward for final approval?

Mr. Currin: I think I know the answer, but I'm going to let Gregg give you the answer.

Mr. Waugh: We don't have the economic analysis and so you would not be able to make any final determinations at this meeting. It would need to come back to you at the December meeting and remember we're already behind. Our year to get this completed was June.

Mr. Robson: If we're talking about Alternative 2, it's not just commercial either. It's the seasonal closure for both commercial and recreational.

Mr. Currin: That's correct.

Mr. Robson: I would just like to open up some discussion about that before making any kind of a motion, but obviously the council has received my agency's concerns about Amendment 16 and they generally center around the four-month closed season, in particular in light of the additional requirements that we were looking at to close vermilion snapper, where there would be an overlap during that time and also then the discussion of an interim action on red snapper, which would -- In Florida in particular for those major species, if you include red and gag grouper, would be a very significant impact on fishing activity for snapper grouper species in our state.

I have a real concern about the four-month closed season and exploring however we can consider some way to mitigate that. If you look at that four-month closed season, especially if you combine all the species, the gag, the black, the red, vermilion, and red snapper, there is a disproportionate impact on Florida for that four-month season. Taking all the species together, for example -- As you might expect, the four-month period would be about 33 percent of the combined recreational landings for those species for Florida, which is about right.

If you look at it for the other three states, it's only amounting to about 8 percent of the annual combined landings for those species and so the impact is much less and if you look specifically at gag, the January to April landings in Florida, Florida has about 88 percent of the South Atlantic landings. In looking at the January to April period for South Carolina and North Carolina, if you split it between South Carolina/North Carolina and Georgia/Florida, that timeframe, only about 1 percent of the South Carolina/North Carolina landings occur in January through April.

There is a disproportionate impact and then the additional problem is created by the fact that we've been pointed out occurring in Monroe County, where you do have a very significant commercial and recreational fishery, and because we're primarily addressing gag grouper and overfishing in gag grouper, we've implemented regulations which are also going to affect fishing for red grouper and black grouper.

As you probably know, the reason why we have these new alternatives floating up in the Keys is there's virtually -- There's some gag grouper harvest, but it's not very significant. On the other hand, black grouper and red grouper are extremely significant and so there's a disproportionate effect, because of our regulations to try to manage gag grouper, on that particular sector of our Florida fishery.

I have some real concerns about that four-month closed season. I don't know what can be done. At this point, we would like to at least have some discussion about that season and if there are any possible alternatives or I may -- I'm formulating some form of a motion to at least -- Given these new alternatives, it may be that we do need to consider postponing Amendment 16, at least until December, to look at some other alternatives.

Possibly one that I was thinking about would be to split out or look at some mechanism to have different closed seasons in North Carolina and South Carolina versus Georgia and Florida, where you could redistribute that impact a little bit more equitably and possibly still achieve the reduction you need, but perhaps with only a two-month closure in each of those two parts of our region. I just wanted to throw a bunch of things on the table and we can have a discussion.

Mr. Currin: Mark, suit yourself on this, but if you've got a motion that we can consider, that might help us out with the discussion and it would more pointedly direct our discussion and allow us to perhaps analyze how those impacts might occur in various regions or depending on the structure of the motion.

Mr. Robson: **I would like to move that we postpone final action on Amendment 16 to December, in order to evaluate these new alternatives that have been proposed and**

**possibly looking at a different way to separate out the closed season to more equitably distribute the impact between North Carolina/South Carolina and Georgia/Florida or North Carolina and Florida or some other option that might be considered by the council.** That also gives us the opportunity to consider the new alternative for Monroe County. The basic motion would be to take a look at the closed season.

Mr. Currin: Postpone action on 16 until December is the gist of the motion. Is there a second? Second by Brian. Discussion?

Dr. Crabtree: Let me remind you that you are already late on your legal mandates to get this done. We've been working on this for I don't know how many meetings now, but for quite a few. There's been ample opportunity to come in and look at these things and make motions to all of it and so I speak strongly against this and with respect to the spawning season closure, yes, it does seem to have greater impact on Florida, but let's remember this is a spawning season closure. That's the title of the alternative.

Its timing is dictated by biology and so nature has set it up in a way that Florida has better weather during that period of time than North Carolina does and that probably means that Florida is hitting those aggregations harder than any other state as well and the goal of this is to leave these fish alone when they're spawning.

With respect to the Monroe County impacts, I don't know that they are disproportionate. It's true that they do not have gag very much in their catches down there, but look at the purpose and need of this document. This document is not just about addressing overfishing in gag. It is about addressing overfishing of shallow-water grouper. Red and black grouper are undergoing overfishing, according to the report to Congress.

We got an SSC recommendation for a catch level at the last SSC meeting, which requires reductions on the order of what are in this amendment. If we don't deal with black and red grouper now, you're going to turn right around and deal with it in Amendment 17 and have it in place. I personally prefer to deal with all of this at once.

We've had a lot of discussion about the need to manage this fishery as an aggregate and I think there's a lot of sense to that. Black grouper also aggregate during this same time of year and they aggregate off the Keys and so all of that is part of your rationale for what you're doing, but I remind you that we've been working on this for some time and we are already behind our schedule on it and so we do need to take action at this meeting.

Mr. Robson: I recognize the amount of time we've been putting into this, but there have been things that have evolved and some of them fairly recently. We have an alternative in this document that wasn't even there in June. As we started developing the Amendment 16, there was a lot of uncertainty about what we were going to do with vermilion snapper and as it turns out, we now have a lengthy closed season for that species.

Then in June, after hearing an SSC report on red snapper, we immediately started talking about interim actions to close red snapper, which would also theoretically take place during those same

four months. In addition to that, we've had a lot of public testimony, overwhelming public testimony, and particularly in my state, about the impact that this amendment is going to have.

I think regardless of the timeframes -- As a council, I believe we have an obligation to consider that input and we have an opportunity to modify or adjust this document and I recognize that putting it off another meeting is going to put us further in the hole. We're overdue now. We are taking steps to develop a plan and I understand that risk in terms of going over our timeframe.

Dr. Cheuvront: I have some real concerns. I understand where Mark is coming from and the real issues that he's facing there in Florida, but I also have concerns about the issues and how the fishery relates to North Carolina and the other states. For example, one of the things I would be very worried about with allowing Florida to fish in January and February on gag is that they could take up the entire quota before the fishery ever even starts in North Carolina, because the quota is fairly low.

We have an Alternative 5 that divides the directed commercial quota in two regions. This is no slight on Mark or anything. He's doing his job as best that he can, but I have a concern that Florida may not comply with whatever we do here in the recreational fishery and that the entire recreational quota could be taken in state and federal waters in Florida and there would be no recreational fishery anywhere else and that's certainly not fair to any of the other states.

I understand where Mark is coming from. The spawning season closure, we do need to protect those fish. I agree with Roy on that totally, but I'm just trying to see, is there some way that we can figure out to allow Florida to have their fair share of the fishery and allow North Carolina and the other states to have their share of the fishery without being hurt by any of the other states?

To me, the most logical way to do that is state-by-state quota and let Mark manage his fish the way he needs to in Florida and let North Carolina manage their own fish, but I know that's not going to happen in Amendment 16. I would like to see us move towards that at some point, because that takes away a lot of the problems that we're discussing right now that I don't feel like I'm having to represent opinions that are vastly different from Mark to try to protect the interests of our state.

I'm fully in favor of letting each state manage the fish within the parameters that this council would set up and I think that would help get rid of a lot of the issues that we're having. As it stands now, we have to deal with Amendment 16 as it is. I seconded the motion because I wanted to have the discussion, but I also am sensitive to the fact that we are way behind on doing this. Really, all I would prefer to do at this point would probably be to go ahead and make Alternative 5 a preferred alternative, but I would -- If this motion dies, I could live with that.

Mr. Geiger: Brian covered a number of the points that I was going to make and being somebody on the council, on the committee here, from Florida, I understand the position, but I also understand that when we embarked down this road on Amendment 16, we knew this was going to be difficult and we all decided as a group there was no objection that we were going to meet this mandate within the time period that we had set before us.

There has been ample time to come to the table with alternatives. As a matter of a fact, some of the concerns that Mark addressed, as Brian indicated, are covered in different alternatives. From my perspective as council chair in meeting our time mandate, I cannot support the motion as it's currently proposed.

Mr. Currin: I'm sure we're all aware, but just for the record, it's not usual for the council to get behind in its amendment tracks. There's ample examples of that in history. However, we're kind of in a new age with the one-year allowance to end overfishing here and this is our first shot at it and we're currently three to four months behind already and talking about delaying it further.

Ms. Shipman: Just a couple of points. It is a regional fishery and I think we need to keep in mind these spawning aggregations -- Those fish are moving from the north down off of Florida. We know some of our fish go down off of Florida and when I say our, I mean the more northern part of the region, as well as South Carolina. Let's not forget it is a regional fishery and let's not get too segmented and compartmentalized into state-by-state, because these are fish that are moving, particularly gag in the spawning aggregations.

The second point is the Monroe County option, I just don't know how we can do anything with that at this point in time without any economic analysis. I'm very sympathetic to the situation Florida is in and the impacts they're going to feel, but I think we've got to move forward and we've got to do the best we can do with what we have in this document and work with Florida and see what we can work out, but I think we've got to go forward.

Mr. Swatzel: I know we're talking about gag grouper, but another component to Amendment 16 is vermilion snapper and the fact that within a three-month period we'll have a new stock assessment, of which I would really like to see. From what I hear, that stock assessment is probably going to be dramatically different from the one that we've looked at. I think that's another good reason for us to consider postponing action on Amendment 16, until we can really take a look at the best available science, particularly on vermilion snapper.

Mr. Currin: Keep in mind, Tom, and I'm sure you're aware, but we have provisions in there to allow the Regional Director to adjust that and we've kind of prioritized those the way we want them and so if the assessment does come out better, he's got direction to act to address some of those.

Mr. Geiger: You covered my point, Mr. Chairman, very adequately. We addressed that, Tom, and we included that contingency in Amendment 16 to preclude us from delaying Amendment 16 and having the ability, if that stock assessment came out more positive, which we think it will be, and it hasn't gone through the review yet, that the Administrator has the ability to make adjustments on the spot and not delay the document.

Mr. Currin: We will be discussing that, if we get to it, but we've got to get through gag first. We have a motion and I'm going to allow a little bit more discussion on this motion to postpone 16 and then we need to move on.

Mr. Robson: I feel a little compelled to defend myself again on the comments about we've had a lot of time to think about this. We have and that's true. We've also had a lot of new things that have happened and it has been a little bit of a moving target, particularly with some of the additional species we're talking about shutting down.

I again come back to the public testimony and the discussion we had yesterday afternoon about effort and shifting effort and as an agency, state agency, the commission will be looking at what we do here and comparing it to say the considerations that the Gulf Council took in looking at effort and adjusting their actions with grouper for the Gulf of Mexico, which hopefully the State of Florida will be consistent with.

I understand the concern about our timeframes. I also feel like there are other provisions in the Magnuson-Stevens Act and development of council management plans that we have to consider and that's taking into account the social and economic needs of the states within those councils and the people in those states. I understand the concern about moving forward, but I still have those issues to deal with.

Dr. Crabtree: To that point with respect to the Gulf Council, I don't think that's a fair characterization, Mark that they changed just because effort was down. There was a lot of discussion about what effort was doing in the Gulf and they heard a lot of public testimony about effort being down, but as is the case here, there's not a lot of data to show that that's happening, but the important difference between the Gulf and what's happening here and the decision was that in the Gulf the landings are already down. They fell dramatically in 2006 and the Gulf also implemented annual catch limits and accountability measures as part of their amendment.

In the Gulf, the percent reduction that was required changed considerably depending on what your choice of baseline years was and if you've used a more recent series of baseline years, then the required reduction to end overfishing was only around 20 percent, but if you backed that series of baselines up a year, further back, then it became something like 40 percent.

The Gulf had a really difficult decision in terms of figuring out what the expected catch would be, because they've already fallen so much, and that led to discussion of concerns about the status of the Gulf stock and ultimately to scheduling updates of the assessments and moving them way up, so we could take a look at it, because there's at least some evidence that the Gulf stocks are in worse shape than we thought they were and I expect that the Gulf will be right back to grouper at their June meeting and probably looking at additional reductions on it, but it's a very different situation and there was a lot more in play there than just decisions based on trends in effort.

Mr. Geiger: I was the liaison at the Gulf meeting during that discussion and Dr. Crabtree characterizes it correctly, from my recollection.

Mr. Munden: As a Mid-Atlantic Council representative, I do not support this motion, primarily because of the comments made by Dr. Crabtree concerning spawning area closure.

Mr. Currin: The motion is before you to postpone final action on Amendment 16 until

December. **All in favor that motion please raise your hand, three in favor; all opposed, six against. The motion fails.** We're still back to the gag management alternatives. We currently have a Preferred Alternative 2, which is a spawning season closure from January through April, and also we do not have a preferred regarding a trip limit. That was with two different options for starting dates for the fishery that were put in the document after our last meeting. Those were recommended by the advisory committee and so those are additional options that may be considered.

There's also a regional option that Brian mentioned that is there that could come into play as well. Currently, all we've got as gag management measures as a preferred is this four-month spawning season closure and we'll discuss gag management measures.

Dr. Chevront: If it would possible -- I'm not sure, but I think my vote on Alternative 2 might be affected on how we decide on Alternative 5, which is whether we're going to divide the directed commercial quota in two regions.

Mr. Currin: The way to determine that is for someone to make a motion that we consider perhaps Alternative 5. We've kind of been beating around that one for a while and really, I don't think it's come to a head.

Dr. Chevront: **I would like to make a motion that we accept Alternative 5 as a preferred motion.**

Mr. Currin: Motion by Brian and seconded by Mark to select Alternative 5 as a preferred for the council. That is an alternative that would divide the commercial quota into two regions, with allocations specific to North and South Carolina and Georgia and Florida, as two separate regions. There's specifications about how the quotas would be tracked, by dealer reports, and in either region when the quota is met, the fishery would close.

Mr. Robson: I guess a question about this would be does this affect the provision that would require commercial fishers to abide by the four-month closed season?

Mr. Currin: My understanding, Mark, is it does not. This is in addition or overlapping, overlaying, with the spawning season closure. This splitting the quota like this doesn't get us any reduction, which we need. This is just purely how to divide the pie up.

Ms. Shipman: I'm looking for the analysis. Can somebody show me how that spreads that fishery out if you also do consider the January through April closures? It's almost like you need to know when the fishing year starts. I'm interested in knowing how it's going to spread it out and it also would be affected if we had the 1,000-pound trip limit.

Mr. Currin: It is complicated.

Ms. Shipman: I need to see the whole picture and I'm not sure whether it's in there.

Mr. Currin: I understand. Rick and Gregg are digging and we'll see if we can come up with



that.

Mr. Munden: I have a procedural question for the staff concerning Alternative 5. As we all know, Amendment 17 proposes, or will propose, that the northern boundary of the snapper grouper management area be moved northward, north of the North Carolina/Virginia border. Should that pass, Gregg, would you go back and include states north of North Carolina in the percentage of the quota that would be allocated currently to North Carolina and South Carolina? Would it be an automatic action on the part of the council?

Mr. Waugh: We would have to look at that in Amendment 17 and figure out how we want to address that. Certainly one way would be to have that quota that would under Alternative 5 apply for North and South Carolina -- You would include catches north of North Carolina in that same amount. The other way would be in Amendment 17 we could look at what the catches have been in those northern states and recalculate this allocation in Amendment 17. We would need the committee and council to make a decision within Amendment 17 of how you wanted that to be done.

Mr. Munden: What I would prefer would be language that would read something like 36.7 percent would be allocated to the states from South Carolina northward and that would cover Virginia or any other landings north of the North Carolina border.

Mr. Waugh: If we're directed to do that -- I think it would be the 63.3 percent would apply for South Carolina northwards and if that's the direction we get, we can make that change here.

Mr. Cupka: I just wanted to ask Gregg, are those landings north of North Carolina, were they included in this when you looked at the split between regions or was it strictly just the landings from North and South Carolina?

Mr. Waugh: It's just looking at the landings of North Carolina through Florida for splitting up this quota under Alternative 5.

Dr. Chevront: Then the whole range should be recalculated. It shouldn't all come out of the North Carolina/South Carolina split, because now we've extended the range and therefore, it should be calculated for the entire range and not just come out of a portion of the range.

Mr. Currin: I'm not sure that we have information on what the landings are out of Virginia. I suspect that if there are any, they wouldn't go much further north than Virginia at this point, but I don't know. Red, do you have any feel for what gag landings are in Virginia?

Mr. Munden: No, I don't, Mr. Chairman, but I do know that the Commonwealth of Virginia has put landing limits on snapper grouper species, primarily to address tilefish, but it is an expanding fishery off of Virginia. I'm not aware of any landings from Maryland and Delaware at this time.

Mr. Currin: That was my impression that it was primarily to address snowy grouper and gray tilefish that they were finding as people poked further offshore. I don't know for sure, but my impression is, and it's only an impression, that the landings of gag in the northern part of North

Carolina are very, very low. I would expect that to be true up into Virginia.

Dr. Crabtree: Remember if we extend management to the north, on the commercial side at least, our snapper grouper permit requirement would kick in up there and if there are unpermitted people landing those fish up there now, they may not be able to continue to do so. I don't know if there's any commercial landings much up that way anyway.

Mr. Currin: Further discussion on the motion? Rick and Gregg, I don't know whether you guys have been able to find any analysis that you can point to for Susan.

Mr. Waugh: There really isn't. This gets down to where you would need to have some indication of all of your preferreds and then we could perhaps give you an idea of what impacts that would be by full council, but we just haven't analyzed all the possible combinations in this amendment right now.

Ms. Shipman: The only thing I see that relates to it at all is on page 230 and that's really just looking at the different regional quotas. It's not a month-by-month breakout at all. It's an aggregate for the year by the two regions.

Mr. Waugh: We do have in the appendix a gag management appendix. We do have information on catch by month and maybe even catch by month by state. Again, you give us a set of preferreds, we could give you some idea, perhaps even after a break here, in terms of what that impact would be.

Mr. Currin: Would it help to take a short break now?

Dr. Crabtree: Just one comment. This goes back to our previous meetings and in the document. Remember the reason we didn't pick this in the past is because with the seasonal closure we're putting in place, the fishery doesn't open until May and by that point, the feeling was in all of the states that the weather would be okay and people could get out and fish gag.

If you look at just a table that has the fishery open every month, that's going to indicate that yes, Florida might catch it all up, but remember with your preferred alternatives right now that nobody can go fishing until May 1 and by May 1, I think the North Carolina guys are going to be able to get out and get fish. The likelihood that any one state catches it all up before another state gets a crack at it is greatly diminished by the closed spawning season.

Dr. Chevront: That's exactly the point that I was trying to make of why we needed to make a decision. We needed to make a decision on Alternative 5 to help protect North Carolina's interest to determine how we might want to consider voting on Alternative 2. If there was a chance that they were going to change the opening of the season, to allow Florida to fish in January, I wanted to do something to try to protect the northern quota.

If we are not going to change the opening of the season from May 1, then I agree that we don't need Alternative 5 as a preferred, but I was trying to protect us from a change in the season without making sure that we could catch the fish in North Carolina.

Dr. Crabtree: Procedurally at least, Brian, at this point, the committee has already voted and there hasn't been any change to that. I guess if that changes or at full council that changes, then we could revisit the issue of the need for the regional quota, but at least where we're sitting right now, the preferred remains the January through April.

Mr. Currin: Good point. There is a motion on the floor to accept Alternative 5 as a preferred and that would divide the commercial quota into two regions.

Mr. Waugh: What I've projected here is from the appendix. It's Table 20 from the gag appendix and I think its Appendix G. We have two appendices in there. One is an earlier version, but Table 20 shows the average gag commercial landings from 1999 through 2005 and this is gutted weight by state and month.

You can see that the January through April spawning closure, if everybody starts in May, you can see that there are fairly high monthly landings. Again, some of this has to do with the spawning season closure being in place now in March and April, but you can see that everybody is catching fish starting May 1.

Mr. Currin: Thank you, Gregg. Further discussion on this motion?

Dr. Cheuvront: Just one last point and then I would like to call the question. If we do not accept Alternative 5 as a preferred, then I think that will get rid of the issue that Red brought up of how did we account for the states north of North Carolina, because we won't then have an allocation by region at that point and it's -- I can't imagine that they're going to be fishing on those fish before May and so that becomes a non-issue, I think.

Mr. Currin: Further discussion? **All in favor of the motion to accept Alternative 5 as the preferred please raise your hand. I see none in favor and that motion fails unanimously.** That may be a first. Let's take about a ten-minute break and then we'll get back in here and see if we can finish up gag.

Mr. Currin: Let's get everybody back to the table, if you would, please. We need to get rolling. The previous committee meetings have given us a few extra hours and we seem to burn those up pretty quickly and end up pressed at the end. Keep that in mind, please, and let's try to make as much progress as we can as quickly as we can.

Still on gag management measures, we've kind of beat around the bush, but I'll ask pointedly, is there any desire by the committee to change from current Preferred Alternative 2, to establish a spawning season closure from January through April?

Mr. Robson: Did we already vote on that?

Mr. Currin: We voted on it previously, to establish it as a preferred, and I'm just asking whether there's a motion to change that and if so, to what. There's some other measures that can be added on that we have not selected as preferreds, such as the trip limits that would be in addition,

perhaps, to that. Again, keep in mind that's where the reduction, the required reduction, in the harvest or mortality is occurring for the commercial fishery, or a lot of it anyway, that plus it gets us to our quota.

Mr. Robson: I guess I'm confused. You're asking if we want to change the preferred under the management actions?

Mr. Currin: Yes, we're going to go through all these management actions and most of which we've selected preferreds previously and then we have a few that were added at the last meeting, one that's in the back of the document that was added in between the meeting, which we've talked about a little bit, regarding the Monroe County fisheries.

I'm just trying to start checking off a list here as we go through these alternatives that we've previously selected and if there's desire to change them, now is the time to do that. If not, I'm going to check it off and we're going to move down through the document and try to make some progress here. By not offering a motion, I would presume then that the committee is content with its previously voted preferred alternative on that measure.

Under Alternative 3, there are a couple of options there which were recommended by the advisory committee at their last meeting. They suggested that we might want to consider and they felt it was a good idea, establishing a 1,000-pound trip limit, gutted weight trip limit. One of those options has a start date of May 1 for the fishery, which is after the four-month closure, and then Alternative 3b has a start date of January 1. In addition, during February, March, and April, no fishing for the following species would be allowed.

Mr. Waugh: Just to clarify, their intent under 3a is rather than having a set four-month closure, we would keep the current March and April closure and you would start the quota on May 1. The expectation is that quota would be filled before January and so the bottom line would be a longer closure, if indeed the quota were met. Under 3b, the same thing. There, a February, March, April closure, rather than the four months.

Mr. Currin: Thank you for correcting me. In fact, that would affect the previously selected preferred alternative. Those are the ones primarily we're considering now. I'm sorry to confuse you.

Mr. Robson: The two trip limits? I just would -- After the discussion we just had about the problem with closed seasons in Florida, in this case we've presented the alternatives to the State of Florida, recognizing that the preferred was to include both a commercial and a recreational closed season, which coincided.

There's some sense of equitability in that and particularly, we've had this issue come up where there's concern about one sector or another sitting at the dock while another sector is fishing. It's more perception than anything else, but I think that's a concern if you're going to have these trip limits. Then you're going to have the potential for commercial fishing activity at a time when recreational anglers are not able to fish.

Of course, that's occurring now on the other side, where we have a commercial closed season and the recreational anglers are allowed to fish, but nonetheless, that's the perception that I have a concern with.

Dr. Chevront: I kind of liken that to kids and their Halloween candy. Some kids eat their candy up real quickly and other kids don't eat it quite so quickly and so what's going to happen is that maybe the recreational fishermen are going to eat their candy quicker and the commercial guys are going to have some candy left over to go a little longer. We see these inequities all the time and so I guess what I'm saying is I don't see a problem with that. I know it's a perception issue, but that's reality.

Dr. Crabtree: One thing to think about with this one is if the stock is healthy, in all likelihood they would catch their quota and be closed down in January, February, March, April and May anyway. The concern would be that if we had poor recruitment and the stock declined in between assessments, they wouldn't catch the quota, possibly, because the fish aren't out there and then you would be in a situation where the stock has declined and now you've got fishing going on on the spawning aggregations. That's a little bit of a concern to me, that if we get ourselves in a not-so-good situation before we have time to react to it, we could have some undesirable things happening.

Mr. Currin: Everybody is comfortable then, again, with where we are with the spawning season closure and there's no desire to consider the alternatives, including trip limits and different starting years? All right. Let's move to Alternative 4, which is currently our preferred, page 213 that establishes a directed commercial quota. The table is there to show you those values with a spawning season closure and without the spawning season closure. Currently, we have selected the spawning season closure as our preferred. Is everyone okay with that current preferred?

We've had some discussion of Alternative 5 already and some discussion of Alternative 6 and in addition, the alternative provided for analysis in between the last two meetings. Is there further discussion of the issues regarding Monroe County?

Mr. Robson: I'm just going to -- I just feel compelled to make my point again that we're trying to address -- We're focusing a lot on gag grouper and we're going to be looking at a new assessment for black coming up in a little while, but again, this seems to be a disproportionate impact on fisheries in Florida that are very significant and I just wish there was some way we could -- In the future, we need to start taking a look at this fishery.

It's a regional fishery, but particularly in the case of gag, there's some very clear differences between the northern part of our council region and the southern part, which is basically North Carolina and Florida in this case. I think somehow, in order to address some of the other policies and directives of Magnuson-Stevens, that we be able to take individual states needs into account and I don't think we've really been able to do that here, the way we're set up.

Dr. Crabtree: Again, remember -- I'm reading to you from the purpose and need. The intent of Amendment 16 is to improve the status of all shallow-water grouper species, some of which are taken incidentally when targeting gag. There are management measures to end overfishing of

gag and vermilion snapper.

Furthermore, red grouper and black grouper are experiencing overfishing and the overfishing status of rock hind, red hind, coney, graysby, yellowmouth grouper, yellowfin grouper, and tiger grouper is unknown. We've got a grouper fishery, a shallow-water grouper fishery, and that's how we've defined the fishery here and that make a lot of sense, because generally people go grouper fishing.

We know the status of three stocks: gag, black, and red. We know the status of gag probably with more certainty than the other two, but of the stocks we know about, they're undergoing overfishing and everything else is an unknown and those happen to be the three stocks that make up the great bulk of the fishery and so all the evidence that we have is that this fishery, the grouper fishery, has a lot of problems.

Then the other thing we're faced with is we've got an SSC recommendation out of the last meeting to reduce the take of black grouper and gag, I think down to 90 percent of where we've been, and that that would be the limit. We've got to put annual catch limits in place for black grouper and gag and so even if you didn't deal with black grouper and red grouper in this amendment, you would have to turn right around and deal with them in Amendment 17, because we've got to have catch limits for those two species in place by 2010.

We do have assessments scheduled for next year for black and red grouper, but the scheduling is such that the review workshop won't be held until January of 2010 and we've got to already have our work finished on the annual catch limits by then and so we really can't wait, because of the legal mandates, for the outcomes of those new assessments.

If we get good news and can back off some at that time, we can do a framework action and do that at that point, but we're really in a tough spot right now, that we're having to address these other species and we have imperfect and incomplete information on some of them, but we're using the best information that we have and that's just kind of the spot we're in right now.

Mr. Robson: With regard to Alternative 7, which was the one that I guess was generated out of the June council meeting to try to address the Keys fishery, we also did hear a lot of conflicting public testimony on that and so I was not necessarily in favor of that.

I was a little concerned about the way that we may not have had an opportunity to really look at that option versus another option that now has been added, for at least analysis, which might be better than Alternative 6 in terms of dealing with the Keys fishery. I guess it would have been good if we could have had a little bit more opportunity to explore those options, which obviously we don't have right now.

Mr. Currin: I think the alternative you were referring to was 6, Mark, rather than 7, but I think everybody understood that.

Mr. Robson: Yes, Alternative 6.

Mr. Currin: The new one that came in concerns me for some of the reasons that were discussed around the table previously, regarding the inequities. That previous discussion was between the commercial and recreational sector. The new alternative in the back of this document now that was submitted by the folks in the Keys -- I certainly understand the case down there and I can't disagree with you, Mark, that we need to give more consideration to those differences as we move along.

We have a red grouper fishery north of the Keys. It goes all the way up the coast to North Carolina. We don't have any, I don't think, black grouper up there. There may be an occasional stray, but some of the rock hind and the other species within that shallow-water grouper complex do occur off of our state, red grouper to a fairly large extent, and that concerns me, that if we move in that direction and allowed the guys in Monroe County to fish those things all year long, while they don't encounter many gags, the guys up our way are sitting at the dock with those same species being harvested down south. There's an inequity there that I'm having a hard time wrapping my arms around to go that way. Other discussion?

Mr. Robson: Are we on Alternative 7 now or are you just kind of still working through these one at a time?

Mr. Currin: I'm trying my best to get to Alternative 7 and I think we're almost there, unless somebody else has got some other discussion regarding the Monroe County fisheries and those alternatives concerned with those.

Mr. Waugh: Just a question about the new alternative for Monroe County. Generally in the past, we've taken alternatives like this and included in the appendix of alternatives considered but eliminated from detailed analyses and I presume it would be your intent that this alternative be put in that appendix.

Mr. Currin: I would assume that too, from the discussion. If we need a motion to do that and if that would be the best way to handle that, I would -- It's kind of an oddball, because it's not really an alternative. It's almost -- I don't know what it is, exactly. It was information brought forth for consideration right now and other than being present in the document, my impression is it has not been incorporated into the document. It hasn't been fully analyzed and the like and I don't know exactly -- I'm looking for direction, I guess, from someone to tell me the best way to handle that.

Mr. Robson: That's different than Alternative 6 and so right now, we're looking at Alternative 6 and we heard an awful lot of public testimony and immediate response to this when it was floated out. There wasn't a real consensus from the Keys that this was a good alternative and so I think we need to discuss whether this particular alternative needs to be moved to an inactive file somewhere in the back of the document.

Mr. Currin: Considered but rejected, yes.

Mr. Robson: Then with the understanding that that new proposal that's floated out, we will look at it and have some discussion about that when we get to it.

Mr. Waugh: Just to clarify, Alternative 6 is in the document and it's analyzed. It's not a preferred. If you make the decision to move that to the appendix, then we're going to have to go through the document and make those changes. It's not a huge change, but it is added work and will take more time for us to complete the document. There's nothing wrong with leaving it where it is as a non-preferred alternative.

Mr. Currin: That would be my suggestion. Since we're on that particular issue then, now I think, before we get to Alternative 7, if there's further discussion of the alternative from the Keys, and that's on page 428 in the back of Attachment 6. Discussion?

Mr. Robson: Again, I don't profess to know all the details about this, because it is so new, but I think the intent here is to allow both the commercial and the recreational harvest of red and black grouper and to some extent that precludes that closed season, because that is -- Even more so in the Keys. That time of year is when they're fishing for these species.

At the same time, go ahead and not allow any harvest of gag grouper, which admittedly there isn't much of down there, but the other part of this that I would point out is that there is a recommendation to go ahead and reduce the bag limit component of that, to try to make sure that the fishing level is maintained close to where we need to be.

Mr. Currin: Other discussion?

Dr. Cheuvront: If I remember correctly, when I was sitting through the gag SEDAR, particularly in south Florida, isn't there a species identification problem between gag and black grouper, that they're very commonly confused?

Mr. Currin: George or perhaps Jack, you may be able to shed some light on that question.

Dr. McGovern: There historically has been. Erik is probably the best person to address this, but I know when they did the gag assessment, they found that the more recently you looked at the data, the less the problem was with the black/gag problem, but the assessment did address that and looked back in time and incorporated some sort of ratio to take that into consideration.

Mr. Currin: George, anything to add?

Mr. Geiger: Jack hit the South Atlantic side. On the Gulf side, there is a big problem, because apparently up towards the Panhandle they refer to gag grouper as black grouper.

Mr. Robson: Again, this is just Monroe County we're talking about.

Mr. Currin: Further discussion on this new alternative on page 428, or beginning there, and that analysis?

Mr. Robson: I would like to ask Gregg maybe if the -- Whatever analysis that was done here, if he could sort of summarize that and what information would be missing for us to really be able to consider this as a true alternative in the document.



Mr. Waugh: What I can do is I'll walk you through the expected changes in catches in that area. Table 3, and this is the same material that you have before you, but Table 3 in that document shows the expected commercial catch of shallow-water groupers and so there would be no change in black grouper.

It would be expected that on average that Monroe County would land 121,000 pounds of black grouper and 96,628 pounds of red grouper. Those are the two species that are overfishing and there would be no change in the commercial landings of those two species. Gag would be expected to go to zero. That's on the commercial side. If you look at headboat, this is Table 8, the headboat expected landings of red grouper would not change and so on average 23,400 pounds of red grouper. Gag would go to zero and black grouper, there would be no change in the landing, 11,908 pounds of black grouper.

If we look at the recreational, the reduction in the bag limit gets -- Going to two gets about a 3 percent reduction and so it would only reduce the catch of gag and black by about 3 percent. I'm sorry, but black grouper and red grouper would be expected to reduce the recreational catch by about 3 percent.

We have an analysis of the changes expected in catch. We have an analysis of the level of mortality that would be inflicted on the two species that are currently overfishing in that area. What's missing is to apply the economic analyses, that model that would look at what would happen in Monroe County. The economic and the social analyses are missing, but there's an analysis of the catches and the biological impacts.

Mr. Currin: Gregg, do you know, off the top of your head, whether the tables that you just ran us through acknowledge or keep the current March/April spawning season closure in place in Monroe County?

Mr. Waugh: Yes, they do.

Mr. Currin: They do? Okay. Thank you. For commercial.

Dr. Crabtree: Just again, remember we've got the requirement for annual catch limits and when we get to Amendment 17, I'm going to talk about this, but I think we can make a pretty good argument that what we're doing in 16 is sufficient to meet what we're required to do for annual catch limits and depending on how conservative you want to be and some decisions you make, it's at least a starting point on that.

If we took black and red out of this and Monroe County is at least a high proportion of the black grouper catches, I think, in south Florida and then we couldn't make that case, because we would have to come in and readdress black grouper and red grouper and so that's really the problem we've got.

If we decided not to deal with red and black in Monroe County, we would have to turn right around later this afternoon and start working on an amendment to deal with red and black in Monroe County and I understand the concerns down in the Keys and the reality is this is going to

hit fishermen hard everywhere and not just Monroe County, but we're just in a position right now where I think if we don't move with this now that we're just going to have to turn right around and start all over going through this same process and I don't think it's going to be any easier to do what we need to do six months from now than it is today. That's just something to bear in mind.

I think our view of this amendment is it's sufficient to address the overfishing problems we have in the shallow-water grouper fishery and our SSC, I guess, has agreed with that, since they've endorsed this amendment. The thrust of the catch limit requirement is they need to be sufficient to prevent overfishing and so it seems to me that there's a direct connection between these two and that if this is sufficient to prevent overfishing, then with some redefining of things, probably you can argue that it's sufficient to meet our catch limit requirements and that's just something we'll come back to in more discussion with Amendment 17.

Mr. Currin: Further discussion on this option that was presented in the back of the document, beginning on page 428?

Mr. Robson: I guess a question. When we start dealing with ACLs in Amendment 17 and we're looking at red and black, is there an opportunity to continue looking at this analysis somehow, at least consider it during the evaluation of what we need to do for red and black in Amendment 17?

Mr. Currin: I would certainly think so, Mark.

Mr. Waugh: The way the decision document for Amendment 17 is laid out would have us looking at the ABC and how you set your ACL and ACT recommendations and then revisiting the management measures. I think what Roy has indicated he's going to raise is an argument that what we're doing in 16 is sufficient for a number of species and if that's the case, then I think the intent would be not to revisit the management measures and so I think it depends on how you structure your approach for Amendment 17.

Dr. Crabtree: Having said that, and I agree with Gregg, you as a council can always come in and revisit management measures if you choose to. The only constraint upon you is you have to have a solid record to support what you're doing, but you could come back and revisit these things pretty much at any time, Mark, if that's what the council wants to do.

Mr. Currin: Further discussion on the alternative in the back of the document from the Monroe County folks? I'm getting a general sense then, from at least some of the committee, that this is not something we want to try to incorporate into 16 at this point. I'm also getting some indication that there's a lot of interest from some of the committee members as well and certainly recognition by everyone that the Monroe County area is quite different.

Mr. Robson: I guess I could use a little guidance as to how to proceed. If you're talking -- This becomes along the lines of additional public input the way it's -- It's not an alternative and does it stay in Amendment 16? Are we thinking of doing that or taking it out? What exactly are we --

Mr. Currin: Monica may have an answer for that, Mark.

Ms. Smit-Brunello: I think there's a number of ways you could approach it. One way -- It is an alternative. It's described up there as -- Maybe it's not a numbered alternative, but if the council is not -- I think the best thing to do, if you're not going forward with it, would be to put it into Appendix A, the considered but rejected alternatives. However, if you wanted to put it also, in addition, in 17 and look at it, depending on how you proceed with that amendment, like Gregg and Roy said, then that's a possibility, too.

Ms. Shipman: I don't know that we've ever done this before, but is there a way to park it in the appendix and just call it a considered but tabled alternative, to sort of give some indication that we may come back to it and look at it, rather than just -- I think if we have it as rejected that it implies that we've looked at all those analyses, which we haven't, in a sense. They're not ready yet. That's just a thought.

Mr. Currin: Monica, maybe you can answer that.

Ms. Smit-Brunello: I think I understand your idea and I agree, except that it would be rejected for Amendment 16 and so I think it's appropriate in that appendix, but you could have discussion, whether you want to in the document proper or in the appendix, that describes what you're also going to do with this particular alternative in Amendment 17 or that you're going to further consider it in a future amendment, i.e., 17, or however you want to do it. I wouldn't call it tabled, necessarily, because for 16 you're rejecting it.

Dr. Crabtree: If you look at -- Considering how recently this came into us, there's in fact a pretty extensive analysis of this alternative in the document. Now it doesn't have all the components, but we've certainly looked at it as far as we can, but I see no reason you couldn't in this appendix say we're not moving forward with it now, but the council is going to reconsider the issue in the development of Amendment 17, if that's what you want to do.

Mr. Robson: I would certainly like to at least do that, if we can. Again, 100 percent of the black grouper harvest is out of Florida, at least from the landings. It's a unique situation. We've kind of included it in our efforts to manage shallow-water grouper, but we've got a very unique situation with black grouper.

Mr. Iarocci: I'm not a member of this committee, but I am 100 percent in favor of keeping this and including this in Amendment 17. Being from Monroe County and listening to the discussion that Mark has put up today and the phone calls I've gotten and reading a lot of the different emails and phone calls I've got from fishermen, this is a very important issue and there will be some guys driving up from Key West tomorrow for public testimony.

I can just say because of all the issues when you are talking about the shallow-water species at this time and what's going on and the change in effort in fishing, but what I've seen down there with everybody now fishing and taking better care, especially of the grouper, with the venting tools and with the dehookers and the way they're fishing -- These fish are -- I know there's been a lot of discussion by some people about bycatch mortality. That is an issue now that I think we have to relook at with a lot of things that's being done, but please let's keep this and reconsider it.

Mr. Currin: I think I've got a good sense then of what the committee would like to do with this and that's to -- As far as Amendment 16 is concerned then, I believe we need a motion to move this into the Appendix A, considered but rejected alternatives, and some explanation, even within that appendix, that the council's intent is to continue looking at this issue in Amendment 17. Does that capture the general feeling?

Mr. Geiger: **So moved.**

Mr. Currin: Motion by Mr. Geiger to move this alternative to the considered but rejected. Second by Susan. Further discussion or discussion of the motion? The motion is to move the new alternative for Monroe County to Appendix A, with the intent to fully examine it in Amendment 17. Further discussion? **Objection to the motion? I see none and the motion is approved.**

I believe that moves us to consideration of Alternative 7 now, recreational measures. 7a is currently the preferred and that is to reduce the aggregate grouper bag limit from five to three and to reduce the existing bag limit from two gag or black combined to one gag or black combined within the grouper aggregate bag limit and exclude the captain and crew on for-hire vessels from possessing a bag limit of groupers. Discussion of that alternative? Is everyone okay with that recreational measure? That's currently our preferred. That's page 214 in your document. Discussion? I see none. Where to next, Gregg and Rick?

Mr. Waugh: Next, we're dealing with vermilion snapper. It's over in Section 4.2.2 and we'll have the page number for you in a second.

Mr. Currin: I believe it begins on page 268 and 269 has the table with the MSY/OY alternatives in it. Is everybody there?

Mr. Waugh: As before, what we're doing is approving the wording on how these values are calculated. That's shown in the column with "Equation" and so your preferred alternative is an MSY equals the yield produced by FMSY. MSY and FMSY are defined by the most recent SEDAR. Our current estimate of FMSY is 0.355. Our current estimate of MSY is 2,699,957 pounds whole weight. Your alternative for OY is 75 percent of FMSY. Right now, that is estimated to be 628,459 pounds whole weight. Those are your two preferreds for MSY and OY.

Dr. Crabtree: A similar comment that I made with gag, but it has a little more immediate relevance here, is that we're putting in place the formulaic things here and so we have a new assessment that will be completed in October and these numbers will change. That's relevant here because we do have the action in this that allows the RA to readjust the management measures less restrictive and so that means that likely the TAC that's in here would be re-estimated based on the new assessment.

The reference points could change, in terms of what the proxies are, and our intent as we go through this document is that those things would all be re-estimated to make it internally consistent with the new assessment and then whatever reduction is required, if any at that point, would be figured under the alternative and I don't remember what number it is, Gregg.

I think we need to be clear that there are a number of things that the numeric values for them would have to change subsequent to the new assessment, to allow the RA to calculate those reductions, and it's our intent that whatever comes out of SEDAR, that would then be the basis for doing that.

Mr. Currin: I think everybody is clear on that. It's the same situation we had with the gag with the reference points here. What we're doing is approving a formula to calculate those and with new data. Those actual values in the far right-hand side of the table may change and we expect them to change, especially with respect to vermilion with the new assessment, when that's approved. Is everybody okay with the methods of calculating the formulas we currently selected as our preferreds for establishing an MSY and OY in this table? Okay.

Mr. Waugh: Next is we have a formula that we previously approved for the minimum stock size threshold. The current assessment that we are working on did not provide us an estimate of biomass. There was not confidence in the biomass-based parameters. We hope that the new SEDAR assessment will get those. Should they, then we will plug in the minimum stock size threshold value that results from this formula, one minus M times the spawning stock biomass at MSY.

Mr. Currin: Everybody clear on that? Okay.

Mr. Geiger: Gregg, I guess how is this going to happen? If we approve Amendment 16 supposedly at this meeting and we get the results of the stock assessment, how are the changes in the document going to be made? Will the Regional Office make all of those changes, Jack?

Mr. Waugh: The document itself will not change. Amendment 16 won't change from what we submit. What I think we should do next is go right to that management measure that gives the Regional Administrator authority to implement different regulations. The wording and numbers in Amendment 16 will not change. Where we will update all of those values is in Amendment 17, because we will be setting ACLs and ACTs for all of our species, including vermilion snapper.

Mr. Geiger: We won't go back and update the places where we have no numbers, like where we do not specify a total allowable catch and --

Mr. Waugh: No, not in Amendment 16. Once we submit Amendment 16, we'll be done with Amendment 16.

Mr. Currin: Gregg, I like your suggestion of looking at that table where we allow the --

Mr. Waugh: This is Section 4.4.

Mr. Currin: That's page 327. Recall this table is where we laid out a series of I think 10 percent increments to allow for changes that might occur in the new age-based assessment, to permit the Regional Administrator to adjust quotas and seasons and all that.

Dr. Crabtree: Here's how I think -- I've talked to Monica a good bit about this and here's how I think we would handle this. Assuming we move forward and take action this week, I'm guessing the council would formally submit this to us, Gregg, in a couple of weeks? Sometime around October 1 or so, this would be submitted to the Secretary.

We wouldn't be able to publish -- It usually takes us a month before we get a proposed rule cleared through all the channels and to the Register and so I think we will have the SEDAR workshop completed prior to us proposing a proposed rule and so what I hope we can do is when we go out with the proposed rule, we will propose measures based on the new stock assessment and based on what's in this table and we'll just explain how the new assessment changes things from what the council submitted, but the council had an action to ask us to make those changes and the proposed rule would put those changes in it and explain it and then go out for public comment. That seems to be the clearest way to the public to handle this kind of thing and so I think that's how we would do it and it seems like the timing is such that it would work out.

Mr. Waugh: The one point that we have to take into consideration is that SEDAR assessment will be presented to our SSC on November 30 and December 1 and 2. The results won't be, quote, unquote, final until the SSC has dealt with it. There may be some determinations. That may be when we get our final percent reduction that's necessary, if any, but I think that could be addressed between the proposed and final rules.

Dr. Crabtree: That's my thought exactly. If something dramatically changed when it hit the SSC, then we would either adjust in the final rule or if necessary, we could re-propose and the council could comment on it at that point and so I think we can deal with that.

Ms. Smit-Brunello: I agree with what Roy and Gregg have said. It's a little bit different for the council, because of really the timing of the SEDAR assessment and when the SSC will look at it, but I think we'll be able to handle it through the rulemaking and you've specified in the amendment, clearly laid out in this Table 4-79, telling the RA what he's allowed to do. He really doesn't have any discretion, as far as I can see.

Mr. Currin: He doesn't have much, but it's a very important point that Roy made, I think, that the council will have an opportunity to comment on that final rule and so if there's something that comes up that the council would like to see tweaked among the measures that we so far have laid out, then we would have perhaps some opportunity to suggest that, at least, in the final rule.

Dr. Crabtree: Just to reassure the public and the council members, my main intent here is to ensure that we do not put any unnecessary regulations in place, based on the new assessment. If it got to a worst-case scenario, where this somehow wasn't working properly, then I would still have the option of disapproving measures that are unnecessary and then just come back before the council, but one way or another -- I believe this will work.

I see nothing to lead me to think this won't work, but one way or another, we are going to ensure that what we put in place is consistent with the new science and that we don't put needless regulations on folks that the science doesn't support.

Ms. Shipman: That's what I wondered, if you can have a kill switch if you disapprove the measures that in a sense are superseded by the new assessment, should something go awry with the bureaucracy in Washington or wherever that it has to go through.

Dr. Crabtree: I have a kill switch and I think it's like the self-destruct button on the rocket that's going way over here. We can terminate it. I don't want to have to have that happen, but that's always a possibility and before I would let regulations go in place that aren't necessary, we would certainly do that.

Mr. Currin: Thank you. That's comforting.

Mr. Swatzel: Perhaps a clarification from Gregg about how exactly the highlighted section works, as far as those percentage ranges. Could you go through that one more time?

Mr. Waugh: Yes and this, we need you all's guidance on. This was something that when we were working on the proposed rule we found that we need some more clarification and so that's why it's highlighted in yellow. What we had before was if the necessary reduction was 10 percent, then here's the recreational regulations that you would put in and here's the commercial quota split across two different time periods.

What we've added is how you do that rounding and so if the assessment came back and there was a 4.9 percent reduction necessary, nothing would be done. If it's 5.0 to 14.9, that would be rounded off to a 10 percent reduction. Those are the recreational regulations that would be put in place and here's your commercial directed quota January through June and the directed quota for July through December.

If you jump up and it came back that a 26 percent reduction -- That would fall within this range of 25.0 to 34.9 and there would be a 30 percent reduction necessary. The recreational size limit would stay the same and we would have a nine fish bag limit and no closure and different quotas would be implemented on the commercial side.

It really eliminates any flexibility here. You just get your final percent reduction that's necessary and you see where it falls within these ranges and that gives you your recreational regulations and your commercial regulations.

Mr. Currin: That makes a lot of sense to me and offers a little more clarity. I just want to make sure that the Regional Office is as comfortable as I am with that.

Ms. Smit-Brunello: I would hope that you would give staff the latitude to describe that even further, a little bit more, in the discussion within the document.

Dr. Crabtree: One thing when you look at the table that's a little funny -- If you look at the recreational measures, they don't change until you get to a 30 percent reduction and the reason there's no change under the 10 or the 20 percent is because the twelve-inch minimum size limit that we have now was put in place by 13C and wasn't factored into the baseline and so we're getting some benefit and some credit, if you will, for that on these lower reduction scenarios.

Ms. Shipman: I would assume even though in Table -- I'm looking at two documents, but we're saying that overfishing is going on and we don't know the status of the stock and presuming that the assessment comes back and says we're not overfished or not overfishing, do we have the latitude to be doing a percent reduction lower than what it might indicate the reduction would be needed, because of the fact that we were not overfished or not overfishing? In a sense, you're rounding off the higher reduction that you've said you need, or that the assessment tells you that you need. You're rounding. For instance, the 14.9, you're really taking less of that reduction, but you're assuming that your stock assessment is allowing you to do that.

Dr. Crabtree: Remember that this is reducing you down to the FOY level and not just to the overfishing limit and so even if we don't quite get there, it should be enough to ensure that we're not overfishing.

Mr. Currin: Is everybody comfortable then with inserting these ranges of percentages to more correctly define the fixed percentages we had earlier and ask the staff to go into a little bit more explanation, as Monica suggested, into the text, to explain how this work?

Mr. Robson: I'm comfortable with that and I just want to make sure that we understand the timeframe and it raises the issue that we have to figure out a way to make sure that the public clearly understands that we're proactively addressing what could be a change in the science. In other words, the down side of this -- It's not so much a concern when we're talking about the permanent regulations, but I know later we're going to be discussing interim actions.

The down side of this is the public is going to see us taking some significant actions to reduce harvest of vermilion snapper and then almost in a heartbeat, we're going to be telling them we don't need to do that, potentially. If we're going to go ahead and do what we need to do because we've got to have Amendment 16 done by a certain timeframe and we've to address overfishing in vermilion, we just need to think about a way to make sure that we're not casting -- We're not adding fuel to the fire of a whipsaw of our data and what's up with our assessments and our science is no good, because we've been certainly hearing a lot of that.

Mr. Currin: I think from my perspective, Mark, just the presence of this suite of alternatives or this alternative that addresses these measures to account for any changes in better information should be -- We've had a lot of that discussion as well, but that should help notify the public of that intent.

Mr. Geiger: Mark, I'm sensitive to that and I understand your comments about whipsaw and something else you said about the science, the adjective describing the science. The problem is that people are wedded to the end result of a stock assessment, as opposed to the process, and we are wedded, I would hope, to the process and the end result is what the end result is.

In this particular case, the process shows that it inherently works and that we have the ability to make in-stream or mid-stream corrections when new data becomes available and to benefit the science and the stock assessment process. The danger is that when people judge a stock assessment just because a large reduction is required to be a bad stock assessment, it doesn't take into account other stock assessments which indicate stocks are healthy, like yellowtail snapper



and mutton snapper and stocks such as those.

Also, when we went through the hogfish process, there was a glitch in that stock assessment and we went back and conducted another entire stock assessment. Again, I would hope that people would begin to focus on the process and the viability of the process, as opposed to getting wedded to the numbers that are produced as a result of the process, because I think that the perception will always be that if a reduction is required that people are going to tag that as possibly a bad stock assessment.

Mr. Currin: I think the other thing that this points out, and that we need to be cognizant of, is that we've got new information and we've run it through a new model and in this case, this particular case, indications are that the stock is in better shape than we previously thought, based on the other information that we had and was used to run the model.

I don't think we should delude ourselves that that's always going to be the case and as we get new data or better data that we can expect improvements, perhaps, over the others. It could have come out, for example, and may come out, but I doubt it, that the stock was in worse shape than the earlier model indicated. We need to just be cognizant of that fact, I believe.

Ms. Shipman: I agree with all that both of you have said. Also, I think it shows we are responsive, where we have the data and we have latitude to rerun a stock assessment and improve it. We're not always going to have that latitude to have the additional data and that's another thing I think the public needs to understand.

In the cases where they may see a disconnect with what the science is saying, we may not have the additional data to crank in and run one. In this case, we have and we're all hopeful that the outcome will be more positive and I think it will, but it shows that we are responsive when we have the data and we can do something about it.

Mr. Currin: In fact, this council pushed hard and got concessions from the Regional Office to put in a lot of extra work to get that done, because the materials were available. I think everybody appreciates that.

Mr. Boyles: I'm not on your committee, but I just wanted to echo what Susan said. Let's don't forget that the Science Center and the Regional Office did put a concerted effort into getting that additional data. I think the bottom line that concerns me is this is not an intuitive process. George is absolutely right that people want to know the bottom line, the end result, and I think we need to be sensitive to and cognizant of the fact that we've got a lot of work to do to make this process as transparent and as understandable as we can.

Let's just remember that this did take a concerted effort on the part of the Science Center to get this additional data there. We've seen stories of research cruises canceled because of budgetary constraints and that is only going to get worse as budgets and discretionary power at the federal level and at the state level gets worse. I think we just need to be aware of that.

Mr. Robson: I agree with everything that's been said. I just hope that as a council we think hard

about how we roll this out, because the end product that the public sees is we're implementing Amendment 16 and we're going to implement a vermilion snapper closed season from October to May. That's what they're going to see, unless we figure out a way to really carefully explain what we're trying to do here to accommodate new and better science for that species. That was my only point.

Mr. Waugh: I know at public hearings -- Certainly before I started talking about a 62 percent reduction, I explained this measure first and I think if we do that in any publicity and in the proposed rule that goes forward -- Make it absolutely clear that we're required to propose these measures, based on the assessment that we have in hand, but there is a measure in here that implements the new measures that come out of the new stock assessment.

In doing that at public hearings, people understood that process. They still wanted to know, obviously, what the outcome was going to be, but that certainly helped to explain and I think address some of the concerns of that long closure, that the only way that long closure stays in is if the new stock assessment still shows that need for a sixty-odd percent reduction.

Dr. Crabtree: I assume, Gregg, that if we take final action on this this week that Kim will put out a press release of some sort and I think we ought to highlight in that that the council has recognized this. To me, this is a good example of public -- I hope they see this as the checks and balances in the system is working. We knew we had uncertain science and we took steps to address that and as best I can tell, no one has been overly regulated by anything that we have done so far on vermilion. I think it's a case of the system working and we just need to highlight that.

We can do that when we put out our Fishery Bulletin and do the best we can in terms of reaching out. I would ask that all of us that talk to the news media -- This is, particularly in Florida, going to get a lot of attention, Mark, and if we make sure that our press people and our media people highlight this part of it, so that it doesn't get lost.

Mr. Currin: We've got direction on that alternative and I assume everybody has bought into establishing those ranges and make sure that we have some explanation in the text to clearly explain what's going to happen. All right, Gregg, where do we go from here, back up?

Mr. Waugh: If we go back up to Section 4.2.3, where we specify the vermilion TAC.

Mr. DeVactor: That's page 279 in your PDF.

Mr. Waugh: Your current preferred alternative is Alternative 2, to set the TAC at 628,459 pounds whole weight. Again, this is based on the yield at FOY and this number will be -- What will be implemented will be the estimate of yield at FOY from the new results from the new stock assessment.

Dr. Crabtree: Gregg, the same comment as with gag. I think the document should indicate that implicitly additional TACs were evaluated in the OY section and they're linked here and that sort of argument.

Mr. Currin: Any other comments?

Ms. Merritt: I think we're looking at the same table here and the poundage in the TAC is 628,459 whole weight. Now, when we look at the tables that we got earlier about allocations, we're showing 1,000 pounds more. That ABC is 629,459 and so it's a 1,000-pound difference. Is that an error or do we know what it is?

Mr. Currin: You've got everybody digging and we'll try to answer that question.

Ms. Shipman: It's from the tables handed out Monday and it's a minor thing, but I didn't know whether it was post-quota bycatch backed out or -- It's just 1,000 pounds, but it is different. Every pound counts. I don't know that we have to absolutely reconcile it. We just need to point it out and it's one or the other and we need to get that corrected.

Mr. Currin: I'm sure that, given the time, our more than capable staff will be able to sort that out and make sure that that's reconciled. I'm hearing then that once we can reconcile those numbers that everybody is okay with that current preferred alternative, setting the TAC at 566,179, plus or minus a thousand pounds, gutted weight?

Ms. Merritt: Just a comment. When I look at the table as broken down by the different sectors and you add that up, it comes to the higher number, the 629,459, versus the TAC in the Table 453, which is lower.

Mr. Currin: Yes, its 1,000 pounds lower.

Mr. Waugh: Mac, we'll look into that and have an answer for you after lunch.

Mr. Currin: Thanks, Gregg. Let's move on then.

Mr. Waugh: Next is the interim vermilion snapper allocation alternatives, Section 4.2.4.

Mr. Currin: Page 283.

Mr. Waugh: Your current preferred alternative is to define the interim allocations for vermilion snapper based upon landings from the NMFS landings, the ALS, NMFS MRFSS and headboat databases. The allocation will be based on landings from the years 1986 through 2005. The allocation would be 68 percent commercial and 32 percent recreational. This alternative would establish a commercial quota of 385,002 pounds gutted weight and a recreational allocation of 181,177 pounds gutted weight. Again, those numbers would be modified once we get the TAC from the new stock assessment.

Mr. Currin: Any questions here? Is everybody okay with the current preferred? All right. Let's move on then.

Mr. Waugh: Next is the management measures beginning on Section 4.2.5.

Mr. Currin: its page 290, I believe.

Mr. Waugh: What we've got is Alternative 2 is your preferred directed commercial quota. This is based on the interim allocations of 68 percent commercial and 32 percent recreational. After the commercial quota is met, all purchase and sale is prohibited and harvest and/or possession is limited to the bag limit.

We've adjusted the directed commercial quota based on an estimate of post-quota bycatch mortality of 57,000 pounds and so the directed quota would be 328,002 pounds. We also have a preferred alternative, Alternative 3a, to divide that directed commercial quota into two seasons. It would allocate the directed commercial quota 50 percent to the period January 1 through June 30 and 50 percent to the period July 1 through December 31. Any remaining quota from period one would transfer to period two and any remaining quota from period two would not be carried forward.

Mr. Currin: Remember that was an attempt to address regional differences in timing as the fisheries occur up and down the coast. Is everybody okay with those? All right. I'm seeing heads nod.

Mr. Waugh: Then Alternative 5 has a list of alternatives considered. 5d is our preferred for the recreational side. That would reduce the bag limit from ten to four vermilion snapper, which gives you a 45 percent reduction, and a season closure, no fishing for and/or possession from October 1 through May 15 and that gives you a 38 percent reduction, for a total reduction of 66 percent, keeping the size limit at the twelve-inch size limit. Again, the regulations that would ultimately be implemented would be those resulting from the new stock assessment and not these.

Mr. Currin: Discussion?

Mr. Robson: There's no preferred, right?

Mr. Currin: Yes, 5d is currently the preferred. That's page 292, a bag limit reduction from ten to four. Any comments? Is everybody okay?

Mr. Robson: I'll just make the comment, consistent with my bad behavior all day, I guess, but I'll just point out that if we were to go to that kind of an extensive closed season that, again, with the overlap in Florida, that would be a significant problem, particularly from January through April. Let's all hope that we do get some good news in the stock assessment.

Mr. Currin: Thank you and you haven't been behaving badly today, not from my perspective anyway. You speak for everyone, Mark, I'm sure and there apparently are some indications -- It hasn't been reviewed yet, but the stock assessment has been completed and there's indications that things are more rosy than we previously thought and once that's reviewed and approved, then I certainly have high expectations that the approach to vermilion will change to everyone's favor.

Mr. Waugh: Then the final measure deals with reducing bycatch, Section 4.3.

Mr. Currin: That's page 318. The current preferred is Alternative 3.

Mr. Waugh: The preferred is to reduce the recreational and commercial bycatch mortality by requiring the following for a person onboard a vessel to fish for snapper grouper species in the South Atlantic EEZ and that is to require the use of venting and dehooking tools.

Dr. Crabtree: Just to be clear, this is not just vermilion. This is a whole action and this is independent of whatever should come out of the new stock assessment. This would be something we would move forward with regardless of what the status of vermilion snapper is.

Mr. Waugh: That's correct.

Mr. Currin: Good point and thank you, Roy. Is everyone okay with this? All right.

Dr. Crabtree: Maybe this has been worked out, but there have been some comments I've seen about what's an acceptable dehooking device and needle-nose pliers and things like that and I just would ask that when we're done that staff take a look at the proposed rule language, Jack and Gregg, before we get to full council and do the deeming and let's make sure that we're comfortable with the language in the proposed rule for how we define what a dehooking device is.

Mr. Robson: Roy brings up a good point. The other part of this that can get a little bit confusing is the way we're writing this, because of the federal approach, would be that you're required to use a venting tool when you're fishing for any snapper grouper species. The problem comes in if we try to adopt that in state waters. You've got people that are fishing in very shallow water and things like dehooking devices and venting tools become less of an issue, venting tools certainly. I think the rule is if you're fishing from a vessel. That's one thing that we've wrestled with on this in the Gulf and we need to look at that carefully too, if we can, Roy.

Dr. Crabtree: That's a good point and maybe we need to tweak the rule language, I don't know. I've told folks in the Gulf this as well and I might get in trouble for it, but no one is telling anybody to vent a fish that doesn't need venting. If you catch a fish in fifteen or twenty feet of water and it doesn't have any gas and it doesn't need to be vented, don't vent it. We just want you to have this equipment onboard.

Everyone understands that. The fishermen have got to -- One, they've got to know how to do this properly and, two, they've got to exercise some judgment here and that's tough to write into regulations, but the reality of it is we're depending on people essentially to comply with this, because there's not going to be anybody sitting on their boats and watching them do these things and I think we all understand that.

Our reasoning in the Gulf for doing this was as much to educate, but we thought by requiring it that we went a little further than just suggesting it, but I think everybody needs to understand there's some exercising of discretion here and I guess we could tweak the rule language a little

bit, but I don't want people out there stabbing fish that don't need to be stabbed. That's my view on it.

Mr. Currin: Nor themselves.

Mr. Waugh: The way the preferred alternative reads is that this does apply for a person onboard a vessel and so we've got that part covered and I understand Roy's point about having some discretion, but the way this measure is written here, and I think the way it's reflected in the proposed rule, is that if you are onboard a vessel and don't vent that fish, then you are in violation.

Ms. Smit-Brunello: We'll look at the language of the rule and see if we can come up with something that will fix that, such as "if necessary" or some kind of language like that.

Dr. Crabtree: I'm sure you'll all laugh at me and tell me I'm parsing language, but it says "must be used to deflate the swim bladders" and that's in the Gulf regulation language right here. My reading implicit in that is that the swim bladder needs to be deflated and if it doesn't, then you don't deflate it. That's probably my unique interpretation, but let's look at the rule language, Gregg, and if we need to add a word or two in there to indicate there's some discretion, we can do that.

Mr. Currin: Does that seem to take care of your concerns, Gregg?

Mr. Waugh: Yes.

Mr. Currin: Any more discussion on venting tools or dehooking devices? All right. That's all the management measures, Gregg?

Mr. Waugh: Yes, it is. What we would need is, if your intent is to move it forward, a motion to move this forward and then we also then look at the proposed rule.

Mr. Cupka: **I would make a motion that we move this forward to the full council, with the recommendation that it be submitted to the Secretary.**

Mr. Currin: Motion by Mr. Cupka and seconded by Susan. Discussion?

Mr. Robson: I'm going to vote against the motion and it's unfortunate that I would do that, because by and large, most everything in this amendment we would support doing, but in light of the potential impact of the seasonal closure in Florida, I'm going to be required to vote against it.

Mr. Currin: Other discussion? **Is there objection to the motion? Two opposed and motion is approved.** We have, as Gregg indicated, associated proposed rules. We've talked a little bit about how those might need to be tweaked from where they currently are to implement this amendment and we need a motion to approve those proposed rules.

Mr. Waugh: Yes, the codified text is the part -- This is in the document right after the new

alternative from Monroe County. What the council is doing is approving the codified text, which is actually the regulatory wording.

Mr. Currin: Page 438 they begin.

Mr. Geiger: Again, the Regional Office would make changes to the rules based on the results of the stock assessment in vermilion and what has to be done under the alternative table that we had. You all would make those changes?

Ms. Smit-Brunello: That's correct and I think what we'll do when we get to full council is we'll discuss that again and that approach that the Regional Administrator is going to take and you'll note that in the proposed rule that Rod Dalton from the Southeast Office had a difficult time, not being at the meeting, trying to write all the permutations that could go into the proposed rule, but I think the way we've described it today -- It's on the record and will be before the council on the record and we'll be able to, if the council gives us the latitude, to make necessary and appropriate the regulations to carry out the amendment. I think we'll be okay.

You'll note that Rod did put in here that there's a measure allowing the Regional Administrator -  
- At least for discussion he put this in here, not in the codified text, to make adjustments within ranges specified by the council to quotas, size limits, bag limits, and seasonal closures for the vermilion snapper fishery, based on results of the upcoming vermilion snapper SEDAR assessment.

There will need to be some latitude given to the Region to make those changes, but we can, again, discuss that on the record at the council too, because that's really where the deeming necessary and appropriate comes in. Please look at the codified text though and make sure you're primarily okay with it and if you see any major changes that need to be made, I would love to have them before the full council.

Mr. Currin: So noted.

Mr. Robson: If I could just ask too, when you look at the dehooking and venting tool language, to see -- This may be for Roy to hear. Roy, just a request that when we look at the rule language for venting tools and dehooking devices that we do everything we can to make sure they're consistent between the Gulf language and the Atlantic language, to the extent that we can do that. It certainly complicates enforcement in Florida, where you have both council issues, and our efforts to have consistent regulations in state waters.

Dr. Crabtree: I agree, Mark. The one change I would suggest that we could make to this would -  
- In the discussion of venting and I guess even in the dehooker, to put the words "as necessary" in there, so that you're required to use a dehooker as necessary or a venting tool as necessary. That would be somewhat different than the Gulf, but I don't think it would have any real practical differences. I think we could ask staff to take a look at the rule and see where we could insert those with respect to venting and dehookers and then we could relook at it at full council, when we come back to it.

Mr. Currin: That would certainly satisfy me. Is everybody okay with that approach?

Mr. Swatzel: Just a question. All the language that's in the red, I assume it's the proposed rule and is that correct?

Mr. Waugh: Yes, that's some changed language, but again, what the council needs to look at is the codified text, which is farther in, because there will be a lot added and modified to that preamble. I've got the wording projected that pertains to the venting tool itself.

Dr. Crabtree: Gregg, look at the top of page 18 of the rule. It says Number 1, at the top of the page, non-stainless steel circle hooks. Non-stainless steel circle hooks are required when fishing with natural baits and we've changed that. That needs to be removed. There may be some language in the preamble that would need to be adjusted, too. We'll need to take a look at that.

Mr. Waugh: I guess then you all are giving us direction to look at the latest proposed rule that was distributed via email and make these changes and then we'll bring it to you at full council for approval?

Dr. Crabtree: Yes and you can either email with Rod and get them fixed or just print it and strike it out by hand or something, however is easiest for you to handle that.

Mr. Currin: Everybody okay with that approach? It makes sense to me, as long as you guys are comfortable, Gregg.

Mr. Geiger: Just as a question, why do we list the Gulf and South Atlantic, Gulf reef fish and South Atlantic snapper grouper? In the back of that codified language, from 18 on. In dehooking devices, for example, page 18, under the non-stainless steel circle hooks. In the last sentence, it talks about hook sizes and style used in the Gulf reef fish and South Atlantic snapper grouper fisheries. It does the same thing in a number of other areas. Required gear in Gulf reef fish fishery and South Atlantic snapper grouper.

Ms. Smit-Brunello: My best guess is Rod, in trying not to make more regulations than are necessary, he probably tried to combine it with what's already in place, at least for the dehooking tools and venting devices in the Gulf, and just add in the South Atlantic, but I'll double check that. I can give you a better answer before the full council.

Mr. Currin: Part of that may be because we actually dragged that language from the Gulf over for our consideration and it was in several versions of our amendment, I believe.

Mr. Waugh: Remember there used to be separate regulations for the Gulf and for the Atlantic, but now there's one set of regulations and so what this proposed rule does is it goes in and changes the text of the regulations and where that verbiage applies to both councils, or multiple areas, it would show the language for both.

This codified text is the actual wording that would go into the published regulations, the official regulations. There are times when the regulation applies to both areas and it will say Gulf and



South Atlantic.

Mr. Cupka: I think that's probably why the circle hook stuff is in there. We may need to go back and distinguish that, because they were trying to combine it into one set of regulations.

Dr. Crabtree: I think what that means, Gregg, is you're going to have to email or contact Rod, because I suspect instead of striking that language that it will need to say Gulf reef fish only or something handled somewhat differently.

Mr. Currin: Other comments on the proposed rules? We don't need a motion to approve the proposed rules. Gregg tells me we'll do that at full council. Does that take us through 16? We're done with that one. Let's take about ten minutes and then come back.

Mr. Currin: Recall the last meeting we asked the Regional Office to develop an interim rule to address measures for red snapper, gag, red grouper, and black grouper, kind of jumpstart what many saw as impending regulations. They have provided a draft to us and Gregg is going to walk us through it.

Mr. Waugh: Thank you, Mr. Chairman. What we're going to do is I will just give an overview of the red snapper stock status. This is similar to the presentation we made at scoping and that is Attachment 17 and then Andi will go through the revisions and corrections to the red snapper landings data and the assessment results, so that you have a clear understanding of what the stock status is and then the Regional Office will go over what's in the interim rule.

If we start with Attachment 17, just in terms of looking at historically what we've done in terms of assessments, what the latest assessment says, what the council decision was in June, and then the Amendment 17 schedule, just to orient everybody. If you look back, when we first dealt with red snapper in 1990, the plan development team recommended establishment of reserves equal to 20 percent of the area.

The assessment also indicated a twenty-one-inch size limit to achieve then our goal of a 40 percent SPR. In Snapper Grouper Amendment 4, the assessment results for red snapper indicated what the current status was and what the results of our twenty-inch size limit would be and in every case, they were projected to get us above our overfishing status. Those results are presented by different areas in the fishery.

As a result of Amendment 4, which regulations became effective January 1, 1992, the council concluded that including red snapper within the twenty-inch size limit would be appropriate. The resulting SSRs of 33 and 40 percent for the recreational and commercial fisheries, respectively, exceeded their overfishing level of 30 percent. In addition, we specified a bag limit of no more than two can be red snapper. At that time, the regulations the council proposed, the assessment showed, would have been enough to end overfishing.

The next stock assessment was done in 1997, using landings from 1986 through 1996, and just so people understand, this is to help orient you to understand what we've done over the years, both in terms of our understanding of the stock status, as well as the council's response.

Based on that stock assessment, the maximum age was twenty-five years. Few fish were aged greater than twelve. The number of samples -- We got a lot of questions and so we've added in some of this information. The number of otoliths that were looked at were 537 otoliths from the years 1990 through 1996. That broke out 220 from headboat, 206 from fishery independent MARMAP sampling, and 111 from commercial.

Our understanding of the natural mortality was somewhere between 0.15 and 0.3 and the SPR at that time, 1986 through 1991, was 3 to 15 percent and over the period of 1992 to 1995, we had increased it to between 11 and 32 percent.

The assessment concluded that the red snapper stock status is in a transitional condition. That is, the status of the stock is less than desirable, but does appear to be responding for the better to something, possibly management, in the most recent years. What we had put in place, the 1997 stock assessment showed it was working and indeed, it looked like we were at or ready to go above our overfishing level.

There were a lot of questions about the age sampling and how many samples were looked at and this lays out that in the 1997 stock assessment we had the 537 samples that I just talked about and it indicated a maximum age of twenty-five and few fish older than age twelve. South Carolina DNR analyzed some additional samples in 2004. They looked at otoliths from Cape Lookout, North Carolina through Key West and covered the years 1979 through 2000. They looked at 1,303 otoliths, 472 from fishery independent MARMAP and 831 from commercial.

The age range of the fishery independent ranged from one to twenty-two years, with a mean of 3.1. The fishery dependent ranged from one to forty-five years, with a mean of 4.2. Based on the results of this information in 2004, this indicated a huge change in our understanding of stock status, in that the fish live not twenty-five years, but forty-five years.

When the SEDAR-15 was done, they used, in addition to the South Carolina DNR work, some work done by Stephanie McNerny. She looked at headboat TIP, which is Trip Interview Program, and the Florida Fish and Wildlife samples. She used both the dataset from Manooch and Potts that went into the 1997 stock assessment, but she also worked up additional samples that covered the years 1977 through 2006.

We've had 6,031 otoliths analyzed. She found twenty-seven fish older than twenty-five years and a maximum age of fifty-four. Again, higher than the forty-five. Between the 1997 stock assessment and the recent SEDAR assessment, we've gone from a fish living twenty-five years to a fish living fifty-four years and so our basic understanding of the stock and the productivity of that stock has changed dramatically. That has to be factored into how we respond. It's not that the management hasn't been working, but that our understanding of the productivity of that stock has changed dramatically.

The new stock assessment uses the years 1945 through 2006. Again, a maximum age of fifty-three is used in the stock assessment. The natural mortality is scaled from 0.07 to 1.7 to account for shifting mortality with age. We've now included estimates of discard mortality and what this new stock assessment shows is that our SPR in 2006 is on the order of 3 percent and if we use

this now to compare back in time, in 1995, the new stock assessment is saying we were at 2.4 percent, where the 1997 stock assessment was showing that we were up around 25 percent and 32 percent and our F, fishing mortality, in 2006 is 0.84. In 1995, it was 1.16 and 0.75 in 1991.

The bottom line is our understanding of the productivity of the stock has changed dramatically, where now the stock is overfished and overfishing and, again, this table just shows the data that went in, the time period for the estimates of discards, and the indices.

Some of these figures will change slightly and this is part of what Andy will cover. The material in the addendum to the stock assessment updates some of this material and so this is looking at recruitment and you can see that after about 1965 that recruitment started down. It's been variable, but we had some years of relatively higher recruitment in 1998, 1999, and 2000. You'll see that this is reflected in what people are seeing on the water, where they're seeing more fish than they have recently.

I'm not going to go through this, what we did present was to show that the assessment, the catch per unit effort indexes that are used in the assessment, are picking up some relatively higher values for the years after those year classes would be expected to show up in the fishery and that happens in the commercial data as well as the recreational data and you have that information there and I'm not going to go through that. We did present the age at size information and in the Gulf, red snapper live to fifty-seven and fifty-four in the Atlantic. We've got this aging information.

Comparing discard mortality, the estimates that are used in the Gulf are on the order of 15 percent for fish in twenty to forty meters and increasing to 40 percent at depths greater than 40 meters on the recreational side. On the commercial side, there's a 71 percent discard mortality rate at fifty-five meters and increasing to 88 percent at eighty-three meters.

For the Atlantic assessment, a discard mortality of 40 percent was used for the recreational, with sensitivity runs going from 30 to 50 percent, and commercial discard mortality rate of 90 percent, with the sensitivity runs between 80 and 100 percent. We also have information about when they do spawn.

This shows the landings over time from 1984 through 2006 and you can see that the majority of the catch is recreational. That's the darker line area on the bottom and we do have information to show when various regulations were implemented, to see a change in landings. This graph presents the results of the stock assessment, looking at biomass is the top line and spawning stock biomass is the bottom line and you can see this dramatic reduction by about 1970.

This is showing the fully recruited fishing mortality rates and again, some of these actual values change with the updated information, but you can see landings on the top over time and discard mortality over time. Our regulations that we have put in have generated a discard mortality that is now incorporated into the stock assessment and here's our ratio of fishing mortality rates.

Our current estimate of fishing mortality rate to the proxy value for the fishing mortality rate of FMSY of F40 percent and the current value, comparing our estimate of fishing mortality rate in

2006 to the F40 percent, is 7.5. You're overfishing once it gets above one, where it's 7.5.

This graph shows the increasing component in these open bars that are on the top of the discard mortality and so you can see that over time the discard mortality has become an increasingly important part of the total mortality and the Figure 5 shows the changes in the age structure and as you inflict fishing mortality on a stock, you expect to see the older ages decline. This shows what the projected age distribution was in 1945. In 1964, you've already removed a lot of the larger, older fish and the 2006 data, which is the triangles on the bottom, shows that they are virtually very few, if any fish, that are older than about age ten or eleven.

This shows a dramatic change in the population age structure due to fishing mortality and, again, this is the recruitment that we showed before and in terms of the actual values, some of these values have changed. I gave you the new figure for the fishing mortality ratio of 7.5 and the spawning stock biomass ratio -- If that drops below one, we're overfished and that is currently at 0.041.

I'm not going to get into the projections, because these results have changed, based on the new information. That's something that Andi will cover. Again, what we have done thus far is moved consideration of red snapper into Amendment 17. At the June meeting, you requested that we prepare a letter to the Regional Administrator, requesting the Regional Office develop an interim rule closing harvest of red snapper and implementing the reductions in fishing mortality as specified in the preferred alternatives in Amendment 16 and we'll go through that interim rule in a moment and we'll cover this when we get into 17, but our intent with Amendment 17 is to have that in place by January 1, 2010. Thank you.

Mr. Currin: Thank you, Gregg. Are there questions for Gregg?

Mr. Harris: Can you point me to the size at age table for red snapper? Can you show us where that is?

Mr. Waugh: It would be Table 21 and that would be on page 15 of the document that you have, that attachment.

Ms. Shipman: Rick, will you go to the next slide, I think it was 16, where you're showing the various discard mortality rates? Can you refresh our memory on how those rates for the Atlantic were derived?

Mr. Waugh: There have been several studies done looking at tag and recapture. Some of them have been tagging and holding in tanks onboard vessels. I think one of the studies was done in South Carolina DNR and so the net result -- All of those studies were reviewed at the data workshop and the data workshop -- The life history group was the one who brought this recommendation forward. Certainly if anybody is interested, we can get them copies of those papers that look at that release mortality.

Mr. Currin: Other questions for Gregg? All right.

Mr. Iarocci: I'm sorry and I hate to keep beating a dead horse on this discard mortality and from talking to fishermen on both sides, I question that high of a discard mortality in the South Atlantic and also, as I said earlier on the record, it's changed with the release of these fish, with things that are being used now, but also, Gregg, how old is that data right there, those numbers?

Mr. Waugh: The conclusion that we should use 90 percent was made by the data workshop included in the SEDAR-15 assessment results and reviewed by our SSC and signed off by our SSC. I can dig out the individual results, papers, but that recommendation is very current.

Mr. Currin: Other questions for Gregg?

Mr. Robson: I don't know if this is the right place to ask this question or not. The recommendation to use an F40 percent SPR as a proxy, I believe the previous assessment had used a 30 percent SPR and I just was -- I need to better understand why that was recommended and then doesn't the council have -- Isn't that something the council would look at, in terms of determining what our benchmark would be?

Mr. Waugh: That's a recommendation that came out of the review workshop and their -- I'll have to see if John or Andy know the specifics of why they recommended that, but what they are recommending is the best estimate of the fishing mortality rate that would produce MSY. What the council specifies is what our maximum fishing mortality threshold is going to be.

In most cases, we've set our maximum fishing mortality threshold at the fishing mortality rate that will produce MSY, but the council sets the maximum fishing mortality threshold, but the assessment produces the best estimate of FMSY and that's what the reviewers recommended, that we use F40 percent for red snapper.

Mr. Geiger: John Carmichael, there were sensitivity runs done at F30 percent SPR, weren't there, which did not have a profound or much of an effect on the outcome?

Mr. Carmichael: They looked a variety of reference points, of course. They looked at FMSY and they looked at F40, F30, Fmax, and a whole bunch of them. Each one of them, of course, has some impact. Saying they don't have a large impact then comes down to people's judgment of what entails large, but, of course, choosing a more conservative, lower exploitation reference, such as F40, over one such as F30, has consequences.

It means you're trying to get to a higher stock size and you're going to have a lower exploitation, but they were evaluated and the review panel recommended the 40 percent because they didn't believe that FMSY was reliably estimated and they pointed out the various uncertainties in the assessment and they simply recommended F40 percent as what they believed was an appropriate alternative to the FMSY, which they considered unreliable, and the SSC supported that. That's where it stands now, I suppose. Whether or not the council can now change that or if they choose something else that may well be within their prerogative.

Ms. Merritt: I have a question for John. When you do the discard mortality rate for commercial, does that include the headboat/charter or are they under the recreational?

Mr. Carmichael: It only includes commercial, truly commercial, and not headboat and charter. Those are under recreational, of course. The reason it's higher was related to things such as depth where fished, the type of gear that they used, pulling up fish faster more often, and time spent on deck, all of which translated into reasons for that being higher, even though both are largely using a hook-related gear.

From a council standpoint, one of the things you might want to consider is if there's factors in that fishery that led to the higher mortality rate, how do you change some of those factors to bring that mortality rate down? If one of the things cited is the time the fish spent on deck, based on talking to the fishermen and how they operate and what various observers have said, then how do you get a way to get the fishermen to not have those fish lay on the deck for a while before they sort them and get fish that aren't going to be kept thrown back into the water a lot faster?

There were a lot of reasons and the scientists who looked at it did think they were justified in treating that fishery as having a higher mortality. It's usually procedural type things that are going on in the fishery, which are the kind of things that you can resolve.

Mr. Robson: I just want to make sure that we as a council are real clear about -- I want to go back to the 40 percent proxy for FMSY. Gregg, you kind of indicated that the council doesn't necessarily look at that value, but I think we do or I think we could and I think what I heard John say was that we could, because we're -- You don't know? Okay. I don't mean to put words in your mouth.

I guess I just need to be a little bit -- I need to have a clearer understanding of why the SSC, through the review process, determined that a 40 percent SPR proxy was appropriate and whether or not we can consider whether that's appropriate as a council and change it or not, because I'm just confused about that in regards to the maximum fishing mortality threshold and the fact that the previous assessment did have a 30 percent proxy.

Dr. Crabtree: These things are generally set in the fishery management plan and so certainly the council plays a role and you'll have to vote on establishing that, but bear in mind that what you put in place has to be based on the best available science and SEDAR and the SSC will have a considerable amount to say about that.

Also bear in mind, Mark, that under the new annual catch limit requirements that you really can't set things over the fishing level recommendation that comes out of the SEDAR or the science. I would say at this point it's something that will collaboratively have to be agreed upon, but both the SEDAR, SSC, and the council have roles to play and all of them have some now binding authorities over what level catches can be put in place.

If it's a concern to the council, then I think we could ask that someone from the Science Center or John or someone make a presentation to us that explicitly addresses that issue and I guess we will meet jointly with the SSC at the next meeting, Gregg, in December and is that correct?

Mr. Waugh: They will be meeting concurrently with us.

Dr. Crabtree: That's something you could ask the SSC to provide you some more information on, I guess.

Mr. Currin: Other questions for Gregg on the overview on red snapper? If there aren't any more, then Andy has got an update. Apparently there were some corrections made to the assessment and maybe you'll go into explaining why this was done and then the new results that came from that.

Dr. Stephens: Thank you, Mr. Chair. The red snapper assessment review found large uncertainty in the stock recruit relationship and recommended using F40 percent as a proxy for FMSY, which also often is the value chosen for MFMT. This was supported by the SSC at the June meeting and required recalculating benchmark values and so the assessment was revisited after the fact and there's an attachment without a number that is the second revision of that addendum in the briefing book.

When they revisited the assessment, what they found was that there had been a transposition of historical recreational catches for 1965 and 1970 in the model input used in the original stock assessment. They transposed those back and reran the assessment and found that although there are changes in certain values, that there's no change in stock status as a result. The stock is still overfishing and still overfished.

The initial report additionally had a few incorrect outputs, more or less due to editing errors. The new version in the second briefing book has correct values for those. I'm going to show the graphics first for biomass and for fishing and then I'll show values. Just to give you an idea of the biomass ratios, the differences between the original, which is in white here, and the new values for the ratio of spawning stock biomass to MSST is largely due to a change in MSST as a result of the new calculations.

The absolute numbers for those initial and final SSB values are pretty similar. What we can see here is that the patterns are essentially the same and in the most meaningful period, which is the current time, the values are really quite similar. When the biomass ratio is over one, it means that the stock size is larger than that MSST value. Under one, it's in an overfished status and so it's been overfished since about 1969. In the earlier assessment, it was a few years earlier that the overfished status was reached.

Here are the fishing mortality ratios. F over FMSY for the original assessment and F over F40 percent are the new values. It's white for the original and yellow for the new values, as in the previous slide, and again, a ratio of one is where overfishing begins and you can't see that exactly here, but overfishing started in about 1967, according to the new values. It was a few years earlier in the original assessment.

Here are the benchmark estimates. There's been -- The original FMSY was 0.112. The F40 percent value is 0.104, a percentage change of about 7 percent. The ratio of F in 2006 to FMSY was 7.5. F 2006 to F40 percent is 7.6 and so that's about a 2 percent change. The SSB in the original and in the new assessment, new calculations, change by about 32 percent and the MSST values also change by about 32 percent. The upshot of that is that the stock is in slightly more

depleted condition and the percentage change is 24.

Because there are new parameter estimates, the projections had to be redone and these are based on a 50 percent probability of the stock recovering to that value of SSB at 40 percent. In recalculating these, the allowable recovery time increased from thirty-four to forty-nine years. This is the time to rebuild when fishing is zero plus one generation time. The increase occurred because of the increase in  $F$  equals zero. The goal is recovery to 6,847 metric tons by the year 2055.

They calculated the projections two ways. These are a little difficult and so I'm going to go slowly here. These are projections with fishing and fishing in this case includes discards in a ratio similar to what occurred in the inputs to the model. The  $F$  equals zero line, which is the top one, and the earliest recovery is what would happen to the stock if we disappeared and stopped doing anything at all to them. It's, as Erik pointed out, a highly unlikely scenario.

The following analyses, the pink line through the green line at the bottom, show with increasing fishing pressure how long it takes for the stock to recover. Those last two analyses, the  $F$  equals 85 percent of  $F_{40}$  percent and  $F$  equal 40 percent, show no recovery by the end of the period at 2055.

They also looked at discard only projections and this is if people stopped fishing, but the fish were still caught at the rate that they are now and then the discard mortalities were applied to those rates. The bottom line -- Literally, the bottom line in this figure is what happens if fishing were to remain at the current exploitation level and that's that yellow line across the bottom that shows that the stock status doesn't change from current and may decline towards zero. On the other hand, the other three analyses do show possible recovery by as early as 2038.

The bottom line for the status is that the stock is overfished and that overfishing is occurring. The maximum rebuilding time allowed now with the new analysis is forty-nine years and the SSC will be reviewing the addendum to the assessment and these new values in December. Can I answer any questions?

Dr. Chevront: An  $F$  of 40 percent, what is the year of recovery, approximately? Is it about 2042 or so?

Dr. Stephens: 2045, maybe.

Dr. Crabtree: Even under these discard only scenarios, those are significant reductions in discards relative to what's currently occurring, correct?

Dr. Stephens: These are discards if -- These reflect the fishing rates. Its significant reductions in mortality.

Dr. Crabtree: Currently, the fishing mortality rate is seven times higher than  $F_{40}$  percent.

Dr. Stephens: Right.



Dr. Crabtree: Even if you just stopped landing red snapper --

Dr. Stephens: Which is what these projections are.

Dr. Crabtree: Yes, but don't you still have to -- As I understand it, you still have to have a substantial decrease in the number of discards as well, to get the total mortality down to F40 percent. At least that's my understanding of it.

Dr. Stephens: In these projections, it's the discards at the level of these fishing mortalities and not including any additional discard mortality and so, yes.

Mr. Currin: Other questions for Andi? Again, everybody has got a copy of this revised and corrected assessment or addenda to the assessment and it's entitled "Revision, Correction, and Projection Red Snapper Version 2" and everybody should have a copy of that ninety-eight-page document.

Dr. Stephens: Roy, I think this is the picture you wanted to see, that F40 percent never gets to stock recovery. That's what you were asking.

Mr. Currin: Other questions for Andi on the corrections to the assessment and the new projections? There's not much good news there. Andi, thank you very much. I'll turn it over to Roy, who is going to -- Is Jack going to do that for the Regional Office?

Dr. McGovern: I'll just review what's in the interim rule that was provided to the council that was drafted by the Regional Office and I had some handouts yesterday that just kind of summarized this. On the commercial side with an interim rule, it would prevent the harvest or possession of red snapper, gag, black grouper, and red grouper during January through April of 2009.

It would implement the gag quota that's in Amendment 16 during January through June, but it's not expected that that quota would be met and it would also implement one of the two quotas for vermilion snapper during January through June.

On the recreational side, it would have the four-month closure for red snapper and the four-month closure for the shallow-water groupers that are in Amendment 16 and then it also has a January through May 15 recreational closure for vermilion snapper and what's currently in Amendment 16 is an October through May 15 closure and so this kind of just starts up that closure in January.

Then it reduces the bag limit for gag and black to one fish, but it doesn't change the aggregate, which 16 does. It retains the five fish aggregate for the groupers and then reduces red grouper to a maximum of three within the current existing five grouper aggregate. It would reduce the bag limit for vermilion from ten to four fish, which is currently the preferred alternative in Amendment 16, and reduce the bag limit for red snapper from two to one fish.

Mr. Currin: Thank you, Jack.

Mr. Geiger: Jack, for purposes or, Roy, for purposes of this discussion, just so we might be able to get it off the table quickly, based on what we've done in vermilion snapper and the uncertainty with what we're going to get as a result of the outcome of the stock assessment, is there any way we can eliminate or would you recommend that we eliminate the three issues that pertain to the three actions that pertain to vermilion snapper in this interim rule?

Dr. Crabtree: I would think if you move with the interim rule that we would apply that same provision that is Amendment 16 that we just went through that adjusts the management measures as appropriate for the new assessment and we could apply that to the interim rule as well.

If the assessment should come out saying that we're not overfishing vermilion or even, in my view, if we're right on the borderline of it, then vermilion would be completely removed from the interim rule, because interim rules are -- The only authority for them is to reduce overfishing and so if we're not overfishing, it would just come out of the interim rule.

Mr. Robson: Hearing all of that, I guess I would still argue that based on what we discussed with vermilion, I'm not sure why we would really need to take the urgent action to implement an interim rule at all that would include vermilion in it. We'll have a clearer understanding of what the permanent regulations will be and we'll put those into effect at the appropriate time.

Mr. Currin: Other comments on the interim rule?

Mr. Robson: We're talking about the entire interim rule and so I would like to also raise the issue of concern about moving so quickly to go ahead -- Regardless of what we've just been presented on the status of red snapper -- We all know what the status of red snapper is, but we got our stock assessment report and an SSC review at the June meeting.

We have a letter from the Department of Commerce that we need to implement regulations for red snapper and that letter was dated sometime in early July. We've got a year, under the Magnuson-Stevens Act, to carefully look at what options we have and what alternatives we have to deal with red snapper.

Given all of the previous concerns about the cumulative effects of these different closed periods for all these species in Florida, I would ask that we not implement interim regulations for red snapper, but move forward diligently to establish whatever regulations we need permanently and that we not include vermilion snapper in interim regulations, because it's very clear that we're not sure what we're going to end up with there and there's probably -- There's some sense that there's not as much urgency to do something immediately. Again, you're talking about an interim rule where there's going to be large-scale, multispecies shutdowns, starting as early as January of this year, which doesn't provide an awful lot of time to react and adjust to that.

Mr. Swatzel: I agree with Mark's comments. In addition, I mentioned this yesterday and I'm convinced that there's significant reductions in effort already this year and I think that will continue on into 2009, based on the economy, particularly from the for-hire sector and recreational sector.

I think we've certainly got that buffer concerning that reduction in effort and again, going back to what I said at the last council meeting, I think you certainly end up with a situation where you erode fishermen's confidence in the amendment process when you start heading down this path toward interim rules. For those reasons, I cannot support an interim rule.

Ms. Shipman: I think with red snapper it's -- We've seen the data. To me, there is some urgency, particularly since red snapper -- We don't have that incorporated into 16 and it's going to take us some time to get 17 done and roll red snapper into it. To me, we're in a similar situation that we found ourselves in before with red porgy and some others. We did respond and we did react and we did start getting some response to what some would consider a draconian measure.

I'm not as troubled by vermilion, were we to back that out. That doesn't me neither as much, but red snapper, I just feel we've got to continue moving forward with red snapper, because I don't think we have the fallback in 16 for a timely implementation of measures for red snapper.

Mr. Geiger: I certainly agree with Susan. With an SPR of 4, if we're not going to do anything, what's it going to take for us to move? One concern, however, that we do have is the time factor and with an interim rule being put in place effective in January of 2009, with the ability to extend it to a full year and having it expire at the end of December of 2009, and if we don't have Amendment 17 in place, there's a problem with the lack of continuity in terms of carrying forward the effects that we're achieving and the regulations that were in place as a result of the interim rule. I had asked a question previously if you could have a subsequent interim rule that may more closely follow what we come to terms with and decision in Amendment 17, if Amendment 17 is not finalized and in place by January of 2010.

Ms. Smit-Brunello: To answer that, you know the Magnuson Act allows you basically to have an interim rule in place for about a year. It's a six-month period and then if you're working on permanent measures to address the overfishing for that species, you can have it in place for an extension, one extension, for another six months.

I think you're getting into a little riskier territory when you -- Given the scenario that you just outlined, where we would have this place, let's say this interim rule for red snapper, starting January 1 and you would get an extension in mid-summer and then have it in place through December and it would expire or perhaps you got Amendment 17 in place.

We would certainly look at the record though if you wanted to propose another interim rule and see what the basis of that was, but you know I just think it's getting into legally a riskier, more vulnerable area. I'm not saying that no, you can't do it, because it really depends on the record at that time, as well as the alternatives and regulations that you want to propose in what would be then a new interim rule. Without seeing it and without being there, it's really hard to give you an absolutely yes or an absolutely no, but it is riskier.

Mr. Geiger: To that point, I guess I really should have addressed the question to staff, to give us an estimate, from their perspective, as to how they see Amendment 17 timewise. I believe we're scheduled, if we stay on track -- That the potential is to have 17 in place by January of 2010.

Mr. Waugh: Yes, thus far you all have indicated your desire to meet the congressionally-mandated timeline and I think we can do it on the analytical side, but it's going to require you all giving us a lot of guidance at this meeting, such that we prepare in Amendment 17 for you to approve for public hearings at the December meeting.

I think it's possible, but really, it's going to come down to you all making some very tough decisions and giving us lots of guidance at this meeting. If we don't get it at this meeting, then it's going to be hard to stay on track.

Mr. Geiger: I apologize, but to that point -- I guess the problem then again, once we approve it and we stay on our end of the timeline at this end, there's no telling what can happen at OMB and NOAA General Counsel and delays that may be incurred as a result of that end of the process as well.

Dr. Crabtree: There are any number of things that are beyond our control that could delay things and that's just the way it is, especially with an election. We don't know who is going to be in charge of these things. I guess if we put an interim rule in place January 1 and it expired, then the one fish bag limit would go back up to two. You would still be, presumably, ahead of where you were, but there would be some level of confusion.

The other alternative you have is -- This isn't a decision you have to make at this meeting whether to do an interim rule or not, because you have a decision to make about when you would do an interim rule. You could come back in December and take up the interim rule for red snapper again and if you then put it in place later in 2009, the odds that you have a lapse between it and the permanent regulations would come down considerably.

Gregg is right that it's going to take a very high level of discipline by this council to get Amendment 17 done on time. You're going to be asked to make some very difficult and very controversial decisions and let's just be honest. There's going to be folks on the council who are going to want to slow down some and look at different things and that's fine and that's just likely to happen.

I think that's kind of what you're faced with here. You could go down the route of an interim rule January 1 for red snapper and then if we get to a point where it's going to lapse, we could try to request another one and see if our record supports that or not. As I think Monica has indicated, there are a lot of things in Magnuson, legal questions, that simply are not clear cut things and no one is going to be able to tell you with certainty how a judge would rule on some of these things.

You could also come back in at December and look at some additional information and put an interim rule of some sort in place for red snapper, but later in the year, to reduce the odds that these things lapse. I think you're just going to have to make some decisions. My view on this is probably the higher priority is to deal with gag and get something in place there. We know we've got those spawning season aggregations and things. We're a little late on that.

We've pretty much gone through the whole process. I tend to agree with Susan. Vermilion, I

think you have a lot of discretion what you want to do there. It appears that the status of that stock is improved from what we thought.

Remember that red snapper has been overfished since the 1960s. It's not like this is a new emergency that's thrust upon us. I agree with Susan that there is some urgency to get there on it, but this is something that's been longstanding. If anything, the more recent trend has been some potential improvement in the stock.

I don't know in the greater scheme of things whether you put something in place January 1 or June 1 in the end makes a whole lot of difference in terms of ultimately rebuilding the stock. I think those are just some things -- You've got some discretion here and you're going to have to make some decisions about it.

Mr. Robson: I appreciate all of Roy's comments, because I agree with just about everything he said and I think that -- Again, with red snapper, there are some signs of at least a very low level, but stable, condition for years and years. We've got indications of at least some recruitment pulses and we've got indications that fishing mortality has dropped off a little bit in the last few years and I don't think, at least from our science perspective at the Institute, that's there an imminent danger in terms of what's going to happen to this fishery.

I would much prefer that, given everything else that's going on and particularly with all of these things that we're having to address in such a short amount of time, that we do the right amount of review of our options and alternatives for red snapper and take the time to do it in the timeframe that we have allowed to us. Actually, I guess we'll miss that if we're talking about Amendment 17, but that we look at all of those options under a permanent basis and stay away from a sudden interim action that's going to have a cumulative impact on fishing for snapper grouper in Florida.

Mr. Geiger: I appreciate what Roy said as well. However, we get into a conundrum here that if we go forward with the gag closure and red snapper remains open, you still have the potential of bycatch and release mortality in the gag fishery while red snapper remains open.

If we do wait and implement a red snapper season closure later in the year, certainly the benefits from that could be even greater than if we have this early season closure, because the highest recreational landings, I believe, occur in July and August, in that wave. However, then you run into the issue that you still have the potential for high effort rates or effort rates being up during that period of time because of weather and now having bycatch of red snapper associated with the gag fishery being open.

It just seems no matter which way you turn here, you're hooked on the horns of a dilemma, in that you're not going to get all the savings that you realize by having a complete closure of red snapper and grouper all at the same time, as we intended in this original interim rule.

Dr. Crabtree: It appears to me, George, that you're not going to stop overfishing of red snapper through an interim rule. Based on the projections Andi showed us and what I've seen so far, it's going to be more difficult than that. At best, you can, with an interim rule, make some progress in the right direction, but we're going to have to come up with some way, beyond closing the

fishery, of bringing the discards down. I don't know if that's going to be through close some areas down year-round to snapper grouper fishing or whether it's going to be a seasonal closure that closes a lot of different things down in order to bring discards down.

Those are tough issues, but I don't think you're going to get to those solutions through an interim rule. At best, what you can do is make some progress. You're right that the period with the most fishing for red snapper is during the summer and so it may be that a summertime closure of red snapper gets you more progress and reduces the Fs more than a wintertime closure.

On the other hand, there are probably more people who want to go fishing for red snapper in the summer and you'll probably get more pushback on that kind of thing, but that certainly is something you could look at and -- You're right though that there's no clear, obvious solution that fixes this. It's a more difficult problem than that.

Ms. Shipman: The question I have deals with the letter and the one-year notification and type of thing. You all have all made real good points. You're right that we probably have a stable collapsed red snapper fishery. That said, in trying to meet the mandates of the Act -- The letter says to prepare a plan amendment or propose regulations to end overfishing within one year of notification that a stock is overfished and the letter is dated in July. What do we have to have in the works and in the process toward implementation in order to meet our mandates under the Act?

Dr. Crabtree: You need to prepare a plan amendment, which under our current work plan is Amendment 17, and I guess you would need to vote to submit that to the Secretary prior to the July date on that letter. I don't think you're under a legal obligation to take an interim action ahead of that, although I think it probably would be a good idea to do it at some point, but it may not be at this meeting.

Bear in mind though that this isn't a new problem. Red snapper has been listed as undergoing overfishing at least I think since the very first report to Congress. Hasn't it, Gregg? I'm not positive about that.

Mr. Waugh: Yes, but that's because we haven't been able to get an assessment to change the status and the assessment that was done in 1997 showed that we were either at or about to go above our overfishing level.

Dr. Crabtree: At any rate, Susan, in terms of right now and the interim rule, I believe you have discretion and, Monica, if I'm out of step, correct me, but I don't think you're under a legal obligation certainly to take an interim action on red snapper at this meeting.

My advice to you is make sure you have enough information to make a decision that you're comfortable with and you feel like you can defend and if you don't have that level of comfort at this meeting, then you probably ought not ask for an interim rule yet. I think you'll have a lot more information before you at your next meeting than you do now.

Mr. Currin: Lots to chew on and think about maybe over lunch. Let's chew on lunch and come

back at 1:30. Let's recess until then.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened at the Charleston Marriott Hotel, Charleston, South Carolina, Wednesday afternoon, September 17, 2008, and was called to order at 1:30 o'clock p.m. by Chairman Mac Currin.

Mr. Currin: Let's get going, if we can, back on the interim rule. We still haven't made any decisions about how we're going to approach this.

Mr. Robson: **In light of the discussion we had before lunch, I would like to make a motion that we remove the interim rule actions relating to vermilion snapper and red snapper.**

Mr. Geiger: Second.

Mr. Currin: Discussion?

Mr. Geiger: Thanks for the motion, Mark. I can support this, as much as it does leave a tough taste in my mouth, because of the condition of red snapper, but understanding that we really wouldn't be doing anything to end overfishing by putting the interim rule in place. The other thing that really bothers me is the potential time delay between the finish of the interim rule after one year and a potential delay in implementing Amendment 17 and the confusion that may incur as a result of that.

In addition, I don't anticipate that this amendment, and I don't read it as such, precludes us from reviewing in December the interim rule potential again. Certainly we would like to possibly have some additional analysis, in terms of commercial trip limits and maybe some other ideas that might come up during this discussion process, but I would speak in support of Mark's motion.

Mr. Robson: I made the motion also because I was thinking about not rushing into an action as an interim for red snapper that might not actually have the result we would anticipate, for example the closed season period. There might be a different timeframe during the year and those are all part of the analyses that I think we needed to have some time to look at.

Mr. Currin: Good points, Mark. Other comments or discussion of this motion?

Ms. Shipman: I'll reluctantly support the motion, but I would like to see the analysis back in December and reserve our options. It would certainly be my intent to reserve our options to go down the path of an interim rule if we need to. We've been working on snapper and grouper since 1983. The data we have shows this stock has been overfished, potentially collapsed, virtually, since the late 1960s. I just feel like we need to be prudent and resolved in ending overfishing on this stock, but for the reasons that you all have stated, I will support the motion.

Mr. Geiger: I would also hasten to add that I don't want to send a message or I don't think we should be sending a message to the public that we do not think that this red snapper stock is in significant difficulty. Certainly right on the heels of taking this action, however it turns out,

we're going to be discussing red snapper in Amendment 17 and the measures that we take about there may far exceed what was even anticipated in this interim rule. That message needs to be clear to the public that we are not backing away from our position that this stock is in the severe state that Susan described.

Mr. Currin: Other comments? During this discussion, perhaps if there are other data analyses or other items that we would like to ask staff to bring back in December -- There's been a couple of things mentioned, some sort of options regarding commercial trip limits and then look at seasonal controls that might benefit us more than the January through April closures for gag or for groupers. Are there other data items?

If you don't anything now, let's think about them, so that we can make sure that staff has got the appropriate direction to bring us what we want back in December to look at. Other comments or discussion on the motion? **Is there objection to the motion? I see none and that motion is approved.**

Dr. Crabtree: The implication here then is you're recommending to the full council that they request an interim rule to aspect the grouper aspects, the grouper measures?

Mr. Currin: That's the implication that I gathered from that. The grouper measures in the interim rule that we've been reviewing today would be passed forward.

Dr. Crabtree: We'll come back to that at full council?

Mr. Currin: Yes. Mark and everybody else, make sure that I understood that correctly.

Ms. Shipman: That's a real good point. Are we going to come back to the measures that Jack reviewed for us on this one sheet and then as a committee make a recommendation to the council to adopt the ones -- Recommend the council approve the ones for submission for an interim rule minus everything having to do with red snapper and vermilion.

Mr. Currin: That was my assumption, Susan, be it correct or not, but if you took the management measures that Jack provided, take every reference out to red snapper and vermilion snapper in there, which would leave just the ones for the grouper, those would go forward as a recommendation to the council for implementation of an interim rule. Somebody correct me if that's not the intent of the motioner and the seconder and the rest of the committee who did not oppose that. Is everybody comfortable with that? Is that everybody else's understanding? Okay. Is that enough clarity for you guys and for the staff? All right. Anything else on the interim rule? All right.

Our final agenda item, well next-to-last, is Amendment 17. We've got a new copy of that new amended 17 decision document that I believe was distributed sometime here recently. I lose track of time, but that's the way it's titled in your briefing book or either in the email. I think it was a download the Mike sent out this week. Rick DeVictor is going to walk us through this.

Mr. DeVictor: Mac is correct that this was emailed to council members on Friday, this latest



version. It is dated September 12 and this is the document that I'll be walking through when we go through Amendment 17.

Mr. Currin: Has everybody found that? Has everybody got a copy? Its 105 pages long.

Mr. DeVactor: If it's going to take you long to find it, you can work from the one in the briefing book and I can highlight the changes for you. There's not significant changes. There's maybe seven or eight changes to numbers in the tables and such.

Mr. Currin: Let's go ahead and do it that way if we can, Rick, if you're comfortable highlighting the changes from the original Amendment 17 decision document from the briefing book, if that won't throw you. In your second briefing book, that was Attachment 22 was the original non-updated. Everyone should have a copy of that on the briefing book CD at least. Are you ready to go?

Mr. DeVactor: Roman numeral III -- What I want to do first is go through the approach, as staff has recommended, on page 3. I know we're tossing around some new terms here, with OFLs and ABCs and ACLs and ACTs. Staff has worked hard on this approach that we suggest be used for Amendment 17 and it's what we're calling a step-wise approach, where you take the OFL and the ABC that comes from the council's scientific group, and that's in the dark boxes up top.

The OFL, again, is the level that overfishing is occurring and so if you're above that, you're undergoing overfishing on your species. That is stepped down to come up with ABC, acceptable biological catch, and that's stepped down to account for scientific uncertainty. Again, Amendment 17 will be dealing with ten species undergoing overfishing and the intent is to have this in place by January 1, 2010 for these ten species. That is the deadline that the Magnuson Act specifies.

When the SSC met in June, we received definitions of OFL and ABC for these ten species. Decision making for the council comes into place at the ACL, the catch limit. That's the first decision that the council has to make, is what is the catch limit. We have alternatives that I'll go through in a second in the document that specifies this.

Next, this is split up and here we have three sectors, and this is something that we have to talk about, do we use two sectors or three sectors? This is split up using the allocation choices and so that's your second decision that the council has to make and we have a series of alternatives for that. Then you have your sector catch limits. From that, you step that down, to specify the ACT, the target. Again, we're talking in limits and targets and so it's been simplified, in some respects.

I know it can get confusing when you start, but if you think in terms of limits and targets, it starts to make sense. The separation between the limit and the target is to account for management uncertainty and so if you are uncertain in your estimates of data, you may want to step down your ACT a bit more, to ensure that you do not exceed your ACL. Again, the whole purpose of this is to prevent overfishing from occurring. The ACLs trigger accountability measures.

Mr. Robson: Rick, could you just clarify the difference between when you step down from an allowable biological catch to the annual catch limit? How do you step it down between those two?

Mr. DeVactor: This is something that we'll go over when we go through the alternatives. We have one alternative where ABC equals ACL and then there's some that step down 90 percent or 80 percent. This is a question that we had. The separation between OFL and ABC is to account for scientific uncertainty. The separation between ACL and ACT is to account for implementation, or management, uncertainty. The question becomes what's the justification for separating the ABC and ACL and we have heard that perhaps you start considering ecosystem components, for example. That's where you can put a buffer there, but there may be a push to have ACL equal ABC. There may be justification for that.

Mr. Boyles: Just real quickly. We spent a lot of time yesterday talking about scientific uncertainty with respect to the stock assessments. Rick, do we distinguish between scientific uncertainty and management uncertainty or are they one in the same?

Mr. DeVactor: I think in this process you do distinguish between the two and in my mind, the SSC really determines the scientific uncertainty. It's in your lap to determine what implementation uncertainty you're comfortable with and that's, again, the separation between ACL and ACT, but two separate items.

Then there are sector ACTs. The next decision by the council is to put in management regulations to keep total mortality less than or equal to sector ACTs and I know we talked about this some more and got some clarification and I think that we're going to have to talk about does the ABC include mortality through discards or not?

The whole question of where do you put in the management regulations and what's your target and what's your target and what are you trying to achieve? Do you not want to exceed the ACL? Is it okay to exceed the ACL or not? Do you want to keep your catch around the targets, your ACT? That's something that we have to work through here when you start talking about management alternatives.

Mr. Robson: An example would be an uncertainty in setting an ACT. If we had a management uncertainty, it would be in the speed or the timeliness of getting harvest data, as opposed to -- That's where you would step down, based on that kind of an uncertainty?

Mr. DeVactor: Sure. I think you have to look at in-season monitoring, for an example, and for some fisheries, you may be able to prohibit harvest and retention when you reach your ACT or your quota. Certainly you may be able to have the ACL and the ACT pretty close. If you can't monitor discards in-season, for example, you may want to have a greater separation.

Decision 6 -- Again, I already talked about AMs and you should talk about should that be based upon the sectors? Should it be different between the sectors? That's something that the council has to decide.

Then the final step is to look at your data collection systems and see if the current data collection systems will work how you want it to work in this system or should you modify it, start considering electronic logbooks, for example? We have a series of alternatives looking at changing and modifying the data collection system for the snapper grouper fishery. In a nutshell, this is what staff proposes, the stepwise process that we should work through on Amendment 17. Again, we go through all of these in this document.

Mr. Currin: Any questions on the process as Rick has outlined it? It seems to be fairly clear cut and we've had a few and I hope everybody is pretty clear, because that's what we're going to be following to establish these parameters.

Dr. Crabtree: I don't have any issues with the process, but I've got some thoughts about how we approach this document that I think potentially simplify it a fair amount and I think we ought to probably have this discussion right off the bat. To me, the first thing we ought to do in this document is identify all the things we currently have in place and I believe that Mike sent an email out to you that had a table in it entitled "Currently in Place" and am I right, Mike? You have one that's entitled "Document for Distribution to Council Members" and its dated 9/15.

Mr. Currin: The file is called "Currently in Place to Meet ACL Requirements" and it was an email that came out this week.

Dr. Crabtree: It's an email that went out on the 15<sup>th</sup> and the subject on the email was "Document for Distribution to Council Members".

Mr. Currin: The file is a Word file.

Dr. Crabtree: In that, there's a table that goes through the things we've done and it's mostly things from 13C, 15A, and then what we're doing in 16. Where I would come at this is we put things in place in 13C, 15A, and 16 that we determined and the SSC concurred were sufficient to end overfishing in those stocks.

As we put those in place, we set up some quotas and management objectives that set targets at the FOY level. I believe those arguably could be called ACTs and in other cases, we have identified the overfishing level, which would be a starting point for the ACL. You may reduce it some, depending on what the SSC does and those things, but at least when you look at the guidelines, it is permissible to have ABC equals OFL and ACL equals ABC.

It seems to me that the starting point for the discussion and how we define status quo in the document ought to be laid out in terms of here's what we've done to address overfishing in these stocks and here's how they relate to ACLs and ACTs and things.

Then the question becomes what do we feel like we need to change? There are probably some of these that when we look at them, we'll decide are not sufficiently conservative and there may be that the SSC is going to come in and look at this and say we think that we have enough analysis or enough basis to recommend some reduction here in terms of the ABC, but I think it would give a whole lot more structure to the SSCs way of looking at this and ours.

We just went through committee action on Amendment 16, which we believe is going to end overfishing of gag and as best we can tell now, red and black. The SSC endorsed that amendment and so I think they agreed with it and so I would argue probably what we have in place in 16 ought to be sufficient to meet our needs.

Now, you as a council may well decide you want to be more conservative and you may decide you want to have a probability of success and that's fine and that's within your prerogatives, but I'm suggesting this as kind of a starting point and that we then come at it from that perspective, what of these things do we think we have a basis for changing? That would be my suggestion.

Mr. Currin: Thank you, Roy, for that. Has everybody found a copy? We have some hard copies available and if you don't have one and you need it, shoot your hand up and we'll get you a hard copy. It's a very appealing, to me, approach or suggestion, Roy.

Dr. Crabtree: If I could, if everybody has the table, we have things that probably technically meet the requirements for most stocks. Now, we do have a few that we don't, speckled hind and warsaw grouper most notably, but unless something changes, we have ABC recommendations of zero for those and so I would argue that there's relatively little that we have discretion here.

It would seem to me in that instance the ACL is going to be equal to zero. I don't believe we need an ACT and I don't believe that we need accountability. I don't know that you need much else other than the ACL at zero. It doesn't seem to me like there's an allocation decision that needs to be made. There's nothing really to allocate.

Red snapper, obviously we've got a lot of work to do. What we did in 16 brings the catches of black grouper and red grouper below what the SSC has recommended so far and so probably we're pretty good there. You can see for most of these things we actually already have a good starting place to work from on this, when you look at the table.

Mr. Currin: Comments or reaction or questions?

Mr. Waugh: What we have tried to do is build in the new requirements under the reauthorized Act, where you look at stepping down for your ACL, perhaps to account for ecosystem services, and then where you step down your ACT to deal with implementation uncertainty. The values here for current TAC for the most part track what the SSC has given us for ABC.

The approach we have laid out would then allow you to look at these other step-downs that are outlined in Magnuson. There's some similarities to the two approaches. I would offer that the one outline in the decision document is a more comprehensive way of looking at it and does give you the opportunity to deal with, in a systematic fashion, these decisions of these other step-downs.

Mr. Currin: Other thoughts from committee members?

Mr. DeVactor: Just to clarify in my mind, if we were to go ahead with that approach, essentially the ABCs would equal the ACTs.

Dr. Crabtree: It seems to me we haven't really been consistent in the past with how we defined ABCs. In some cases, it seems like we got ABCs that corresponded to the limit and in other cases, we got ABCs that corresponded to the target. In the case of snowy grouper, just as an example, we started out with a rebuilding plan where we were fishing at the limit and so everything was set at the FMSY/MFMT level, but when we implemented 15A, we made the decision to hold the catch levels constant and so the Fs have actually been coming down, based on the projections, and we're probably below the limit now. There are some complexities like that in it, Rick.

I think with golden tilefish, for example, the TAC is set at the limit level and probably it ought to be set somewhat lower than that and construct a target. Gregg is right that the approach that is laid out allows for step-downs at every one of these, but I would point out that those step-downs are not mandatory, according to the guidelines, and so you have some discretion there as to when you want to step down and where you don't and the SSC certainly has a role to play in that.

Having reviewed the SSC minutes, and I would urge all of you to, they clearly struggled with this and they were not of all one mind and I think coming at it from a perspective more of this is what we've already done and how it fits into this scheme now, do you have a scientific basis to come in and change some of this? It puts a lot more structured discussion in place and I think it would help us out on that.

Mr. Geiger: This is an appealing approach, but I happen to have asked a question and I recall back during our discussions and I can't recall exactly what it was about, but it was one of the those times when you looked over the top of your glasses and you scolded us over what we had done in 15A and 13C and mentioned the fact that they were the minimum -- They were just at the -- I'm at a loss for words here.

Dr. Crabtree: That we had set things as high as we could get away with?

Mr. Geiger: Yes and to be very cautious in regard to taking credit for what we did in those amendments, because we haven't seen the results of what we've done yet. That's the one caution, the one thing, that sticks in my mind.

Dr. Crabtree: That's true and that's something that I think bears some looking into this and some discussion with the SSC and there may be cases here where some additional reductions are justified and ought to occur, but that's not what we just did in Amendment 16. I think we set things pretty appropriately and that might be a case where we might feel, and the SSC might agree, when it's presented in that light, that what we've done there may be sufficient, but that may not be the case in all of these.

I just offer that what we've done is the starting point and now, do we have a basis and do we feel there's a need to do more than that? I think that kind of approach simplifies all this quite a bit and it makes it, as I've said, a lot more structured in terms of what we need to look at.

I certainly think, Rick, that ought to be the status quo, that whatever we do is compared against, because I think to just say don't establish ACLs isn't really a fair status quo, because the fact is

that we have a lot of catch limits of some sort in place. Even that we may not have called them that, a hard quota or something like that is clearly a catch limit, it seems to me.

Mr. Currin: Other comments or reaction to Roy's suggestion? Two kind of fundamentally different approaches to this document and we all need to be onboard or otherwise, if we say let's look at both of them, then that doubles the workload for staff and probably puts us into 2012 getting Amendment 17 done.

Dr. Crabtree: Rick, do you regard these as really -- I don't know that I'm changing the approach you laid out. I think I'm redefining the starting point that we're moving off from and we may decide in a number of cases that we're done and we don't need to do much more than define things, but I don't know that your approach couldn't come from this. Does that seem right to you?

Mr. DeVictor: I think we'll have to walk through this and see how it works. I'm having a hard time kind of picturing what's the starting point. Again, this approach is the top-down approach that starts from the ABC and what the SSC has said is the ABC equals the yield at FOY, or yield at 75 percent of FMSY, and basically I think what you're saying is that should be the starting point and that's where you sort of set your ACT equal to. I'm not really sure how it's going to work that way.

Dr. Crabtree: If I could, one of the issues I have with some of the things the SSC did is I don't believe there's much record to support why they did it and the SSC really is no different than the council. There has to be a sound record behind those recommendations and what they've done and so I think a lot of what they recommended and what came out of the June meeting is going to have to have some additional discussion at the next SSC meeting, to make sure we've got sufficient rationale that we feel like we're making defensible decisions.

Mr. Geiger: John Carmichael, have you had a chance to look at this process that Roy is recommending?

Mr. Carmichael: What do you mean the process that -- You mean basically the results of this table?

Mr. Geiger: Yes, the new table.

Mr. Carmichael: No, I haven't seen this new table. Apparently I didn't receive the email and so I haven't looked at it. That's what I was just back there looking for, was the email with the table, but I can't seem to find it. I think the discussions are good. There's probably a case to be made that in some cases you may have done enough to meet the requirements, but I think your comment about in some cases you perhaps have done just the bare minimum with regards to conservation and have just ended overfishing and may not have gotten all the way toward targeting the real targets that you're supposed to go after is worth considering.

It's going to come down, I guess in some cases, to the SSC recommendations and having to respect what they've provided with regards to the tasks they were clearly given, about giving you

recommendations that end overfishing, which is what they really went after, ending overfishing and accounting for the assessment uncertainty.

I think it's probably good for the SSC to consider this and decide what more may need to be done and what their reasons are for more being done and if the council should come to the realization that more is necessary to be done because a desire to be more conservative, if you're upfront about that, it seems like a legitimate discussion.

It's relatively new information and I think the bottom line is that we're going to have to look at it carefully through the SSC and the objectives of the plans and the various targets that we're dealing with and decide what's adequate and what's not. Does that help what you're getting at? The first part that I haven't looked at in depth is probably all you were really looking for.

Mr. Waugh: I think Roy's point that there is and there isn't a lot of difference in these two approaches -- If we look at the table that's been provided, the ACT, what is called ACT here, are the values from the yield at FOY. We pushed the SSC very hard over the last three meetings to come up with ABC recommendations and they struggled over several meetings, but what they produced at the last meeting, and this is another table you have -- Don't worry about trying to find it. I'll just talk from it, but the values they picked for the ABC for our assessed species, the proxy ABC control rule that they discussed and used, was to set ABC at 75 percent of FMSY.

Now, that happens to be where we have our OY set now and so a big difference in the position that is being suggested by the Regional Office is our starting point for our ACT is the same values that the SSC has recommended as ABC.

The approach we're outlining is that we are taking the values that the SSC has provided us and in our read of the reauthorized Act that the SSC sets the ABC and the next step for the council is to talk about how you set your ACL, whether you set your ACL equal to the ABC or whether you step it down some.

If you set ACL equal to the ABC and then also set your ACT equal to the ACL equal to the ABC, then we're at the same place that Roy is suggesting we start from. Now, what that does is it moves you away from, in our view, away from some of the additional conservation requirements that are specified in the reauthorized Act. Certainly the SSC will look more at their ABC recommendations.

I think for our timing for Amendment 17, it's going to be hard for them to give us any significantly different values for us to use in Amendment 17. We may get some -- These zeros for speckled hind and warsaw may increase some to account for the bycatch mortality. I think in reading -- I would urge all of you to look at the SSC minutes. It may come down to whether you view the glass as half full or half empty.

I think a good case can be made that they came up with an interim control rule of 75 percent of FMSY for their ABC recommendations. For black grouper and red grouper, it's different, because we don't have an assessment and they used their judgment to come up with ways of generating the ABC values that we will use. We can go through and you can make decisions

about these step-downs and end up in the same place that is being advocated by the Regional Office.

Dr. Crabtree: One of the problems with what the SSC did is there's really no rationale that I can find in the minutes for why you would use 75 percent of FMSY as the limit for the assessed stocks, but then for two stocks, black and red, that are not assessed, I believe, Gregg, they went with 90 percent of recent catch. They actually stepped down less for where there was greater uncertainty.

When you read the minutes, there was a whole lot of disagreement about all of that, but it doesn't appear to me that there's a whole lot of support in the record for those decisions, which is why I believe they've got to go back before the SSC, because I think we've got to have more record in order to support those.

If you think about it, the SSC on the one hand, at the same meeting, approved the measures in Amendment 16, which set ABCs for gag and these other things, and then they were asked to turn right around after that and provide us with another ABC for gag and that's problematic to me and I think it caused a lot of confusion and a lot of issues that I believe would have to be cleared up in order for us to have a defensible record for what we're doing.

Mr. Currin: Erik, I don't want to put you on the spot, but if you would like to make a comment, being a member of the SSC, you're welcome to come up.

Dr. Williams: I'm not speaking for the whole SSC, but what I would clarify is -- It may not show up in our minutes, but the justification for the 75 percent FMSY was based on the ACL analysis, probabilistic analysis, that we had on gag, which suggested that a 75 percent FMSY corresponded roughly to about a 30 percent probability of overfishing. That was in that 25 to 30 percent range that we were dancing around during that meeting and we felt if that worked for gag then apply it to the rest. That's the only thing I'll add to the conversation on that.

Mr. Currin: Thank you, Erik, very much. Other comments or reaction? We need to kind of decide how we're going to move on with this. There's been some good points on both sides here. There's certainly appeal to a stepwise and very orderly process to get where we're going. However, having information before us and having just dealt with some of that earlier in the day and to either not use it or turn around two hours later and say we need to change this further is a little concerning as well.

Mr. Geiger: Why can't we walk through the document in the order that staff has produced it and then take each of these species in turn and just work -- We've got to work through them anyway, right? We can't just adopt the entire list. We have a starting point and we can debate each species as we move forward.

Mr. Currin: Does that make sense to everybody?

Mr. Cupka: It does to me. It seems like some of what Roy said earlier, if I'm following this right, would almost argue that we go through the document and we may get some additional



justification as we work through those things that we don't have if we just take these numbers. I think we need to look at each species as we work through that and see what values we have been given by the SSC, but it seems to me if we work through that document in an orderly fashion, we may come up with some additional rationale for why we've done it, which he seems to be concerned about, that a lot of that may be missing from the SSC minutes.

Mr. Robson: I'm going to ask a more fundamental question. Can we as a council look at the step-down and make some general determination about whether we can eliminate some steps? Do we need to go through for each species and look at an ABC and then look at an ACL and then look at an ACT? Is it possible to -- These are guidelines and is it possible to simplify it somewhat or do we need to leave ourselves the option to have different numbers for each individual step?

Mr. Currin: That's our call on it. The guidelines and the Act, I guess, says that the ABC may be equal to ACL, which may be equal to ACT, depending on your comfort level in that, or you may want to step those down in the face of management and/or assessment uncertainty, scientific uncertainty. That's a call.

It's appealing to think that we could come up with a kind of formulaic approach for the one-size-fits-all. It's not likely to happen, in my mind, but yes, there's nothing that prevents us from making all those values equal or from making some of them different, for various reasons. A suggestion has been made by several people to let's go ahead and continue through the document and then we can pull from the table that Roy and the Regional Office put together and at the appropriate time, perhaps compare those to the values that were indicated by the stepwise approach from staff and discuss those as we get to it. Does that suit everybody? All right.

Mr. DeVictor: This is on page 9 of the PDF document and even before we get into ACLs and such, there's a couple sort of housekeeping decisions that we need at this point and again, this is a decision document, where we clearly outline what staff is looking for for the council to talk about.

The first one is the ABC control rule, which we had a detailed discussion of yesterday. The options are do we include options for ABC control rule in Amendment 17 or do we put this in the ACL Comprehensive Amendment? I would just remind people of the schedule for Amendment 17. It's to approve for public hearings in December and then approve to submit to the Secretary of Commerce in June and then have regulations in place on January 1, 2010.

I think what the committee decided was to come back in December with a little more detail on the ABC control rule and how that would work and so I'm not sure if that would work into this current schedule of Amendment 17 ABC control rule options.

Mr. Currin: Your suggestion, or the team's suggestion, would then be to establish that ABC control rule in the Comprehensive ACL document, rather than 17, is that correct?

Mr. DeVictor: Yes, that would be staff's recommendation.

Mr. Geiger: Correct me if I'm wrong here, but hasn't that been placed on hold, the Comprehensive Amendment?

Mr. DeVactor: No, this is the Comprehensive ACL Amendment, which will deal with the rest of the species that are not undergoing overfishing. That's 2011 is the deadline.

Mr. Currin: Other comments?

Dr. Crabtree: I believe we need to deal with the ABC control rules in this document, because I remain very concerned about where we're going to wind up otherwise. Erik brought up some rationale for the 75 percent, but we're still left with judgment calls of 90 percent for black and red, which I'm not sure what we have for that.

I'm very concerned that we put people in decisions to make calls about things without a lot of rationale for making those calls and it's not clear to me how we get that resolved without dealing with ABC control rules in some fashion. I think for at least now to the SSC meeting we ought to think about that we may need those in here and partly it comes out of how some of this stuff is resolved at the next SSC meeting.

Mr. Currin: Other comments or reaction?

Mr. Waugh: Our concern is we're not going to have resolution and agreement on an ABC control rule from the SSC at the December meeting. We've got ABCs from them. They've told us this is their interim approach to giving us ABCs. They're going to be looking at an ABC control rule and quite probably will come up with one, but just for Amendment 17, we have very strong concerns that if we try to fold the requirement for an ABC control rule into Amendment 17 that that's going to slow Amendment 17 down.

We talked earlier about comments on the ACL proposed rule. I think the agency is going to get lots of comments about the council developing the ABC control rule and then that being how the SSC then calculates the ABC.

It puts the council -- That can be perceived as putting the council in control of calculating the ABC, when the reauthorized Act says that's something the SSC should do. Part of our suggestion to dealing with this in the Comprehensive ACL Amendment is hopefully that will be resolved at that time. We'll have the final rule out and we'll know where we stand on that.

It will give the SSC a chance to work through ABC control rules and then we put it in the Comprehensive ACL Amendment that has to be in place in January of 2011. We just see it slowing us down and perhaps causing us not to make our January 1, 2010 deadline.

Dr. Crabtree: Let's be clear about what the Act really says. It says each Scientific and Statistical Committee shall provide its council ongoing scientific advice for fishery management decisions, including recommendations for ABC. That's what the Act says about ABCs and SSCs. Gregg is probably right that we'll get a lot of comments on it, but to me, it seems very clear that ABC control rules will have to be established in the fishery management plan and that means the

council is going to have to vote on it. I just don't see how it works any other way.

Mr. Currin: Reaction from other committee members? We've got to decide one way or another how we're going to do this.

Dr. Chevront: I'm torn, because I see both sides of it. I would like to get this done, but we also need the stuff that Roy is talking about. I feel like I'm between a rock and a hard place. I'm not sure what to do and I think maybe the rest of the folks are feeling somewhat of the same as I am. We're hearing the other sides of this and it's hard to know what is the right thing to do at this point.

I really hate to see Amendment 17 get slowed down. I would like to see it happen on time and I guess what I'm hearing is that there's no way that we can make both things happen, because of the possibility that the SSC may not be able to give us what we would need at their December meeting. If it doesn't happen then, we would definitely be behind and so I'm not sure what to do.

Mr. Currin: Other thoughts or comments?

Mr. Robson: Just in general, I would agree with Brian. Whatever we do, we need to think about it in terms of how we can best streamline our process for this amendment, so that we can meet our deadlines and do it in a way that we all understand and can thoroughly understand. I also listened carefully to what Roy said about what exactly Magnuson-Stevens says or doesn't say and I think we always need to keep that in mind, too. I think sometimes sort of an urban legend starts to develop about what we are required or not required to do out of Magnuson-Stevens.

Mr. Currin: A lot of that comes from the uncertainty about the finalization of the guidelines from the proposed rule and all that, but the Act seems to be fairly clear regarding the SSC's roles as an advisory body and providing recommendations to the council.

Dr. Crabtree: I don't think you get stuck if the SSC can't come to a conclusion. As I've said, you already have things on the book and if the SSC can't come to any decision about how you should change those, then you already have them and you ought to think about not changing them.

If the SSC stands with reduced by 25 percent for the ABC, then that's effectively a control rule and if that's what they want to stand by and you agree with it for this amendment, then that would be where we are. I just think we need to go back to the SSC with a more complete picture of where we are and a better understanding of what's really required and go through some of these things again with them, but I don't see us getting stuck on that and I don't really see it delaying this.

Look, where the delays are going to come in -- We need to be just upfront of where we're going with this. If we end up with significant reductions for uncertainty in these things, you're going to be back in with gag again and you're going to be looking at six or seven-month closures of shallow-water grouper and you're going to be looking at major, major reductions on a whole lot

of things and potential big area closures for red snapper.

If you're going to get stuck on this document, it's more likely because of the controversy and the issues that you're going to have to grapple with on this. I don't think it's going to be so much because somebody can't reach a decision on ABC control rules, because if you follow down the paths of some of these, the reductions become extremely large very quickly and that's going to be really where you're going to get into, I think, issues and problems and things are going to get delayed.

Mr. Mahood: I don't know if this is going to hurt or help the situation, but we don't seem to be anywhere anyway right at this point. I just got an email yesterday telling us that the proposed rule dealing with National Standard 2, which is the best scientific information and use of it, will be out Thursday and that also talks about the role of the SSC and addresses the language in the reauthorized Act that spoke to the SSC.

We will have some guidance fairly soon relative to what the role of the SSC is in this process. Again, whether that will help our situation today or not, I don't know. Maybe Roy has seen an advance copy of this and he may have more information than I do about it, but all I know is it will be out and I don't know what's in it.

Mr. Currin: Thank you, Bob. Rick Methot mentioned that yesterday, that I think he was expecting it out soon anyway. He may have some insight as well as to what that might contain. I don't know how helpful it would be either, but we need to get off the dime here one way or the other.

Dr. Crabtree: I believe what is getting ready to come out is an advance notice of proposed rulemaking, which is very different than a proposed rule and is just going to lay out that we have issues with this and that and do you have any suggestions we should take into account before we draft a proposed rule. I have the email here and that's what it is and I saw Rick. Rick, that's correct? It's not going to help you in terms of getting any guidance.

Mr. Waugh: Just a little bit of a heads-up, because I don't want people to feel like we're trying to lead you down a trail and then at the end the door slams shut on you. What Roy laid out, the concern and the potential delay is not going to be from gag. There are two outcomes here. We have two species, speckled hind and warsaw grouper, that are going to dictate how you manage the deepwater fishery. Right now, the ABCs are zero. The SSC has indicated their intent was to have zero directed harvest and so they'll probably bump those numbers up some to account for bycatch mortality.

It still leaves you with deciding how you're going to manage the deepwater fishery and allow virtually zero mortality on speckled hind and warsaw and so you're looking at significant closure of the deepwater fishery.

What's going to dictate how you manage the shallow-water, the mid-shelf, is red snapper. We've got an estimate of an ABC of 42,000 pounds. That is well above the discard mortality and so what's going to dictate the shallow-water is how big and how long the closures, the

time/area closures, have to be to keep red snapper mortality below that level.

Then what's left over is do we need additional regulations on the other species or will the catch that results in the time/area that's open keep us below those limits? There are very real consequences to this, but they come from the ABC recommendation that we get and then the requirement that we keep mortality below those levels.

Mr. Currin: Those are good points, Gregg, and they certainly will be tough decisions that the committee and the council will have to face, but I don't think we should look at those and say that consideration of another two-month closure or two-month-plus closure of gag will pale in comparison to those decisions, not when we've just gone through the painful process in 16 to deal with a four-month closure. There are lots of tough decisions.

Let's get back to the where and when we deal with the ABC control rule. That's the first decision we have to make in 17 and we haven't made it yet. Staff's recommendation is to deal with it in the Comprehensive ACL Amendment and Roy's suggestion is that it should be done in 17.

Dr. Cheuvront: Roy, I lost some of that train of thought on that. Can you explain to us again why you wanted to do it in Amendment 17 and not wait until the ACL Amendment?

Dr. Crabtree: If you're going to come in and you're going to reduce ABCs in Amendment 17 because of the scientific uncertainty, what's your basis for deciding how to do that without an ABC control rule? That's a real concern to me and I don't know how you get to that without laying out something along those lines. I don't know how the SSC can really decide how to do that until the council makes some decisions, as we talked yesterday, about the risk of overfishing and some of these other things.

Dr. Cheuvront: To follow up on that, if we decided to put it into the ABC control rule into Amendment 17, would staff be able to have this ready in time for the December meeting, so that it could assist the SSC, or is that an unrealistic request? I don't really have a feel for how large a request that would be or a burden that would be for you all.

Mr. Waugh: We can move forward with the ABC values that we have now from the ABC. If your direction to us is wait until you get an ABC control rule from the SSC that would then give us an ABC, then we can't do the analysis until after the December meeting.

Mr. Geiger: On the other hand though, Gregg, if we include the control rules in Amendment 17 and we use portions of this document, isn't that going to help us eventually get through this or alleviate the fear that staff has that it's going to slow up Amendment 17?

Mr. Waugh: What we need are the ACTs in order to do the analysis and they come from the ABC. If we don't get the ABC until December, when the SSC develops the ABC control rule, then we don't start until December.

Mr. Currin: That's pretty clear. We've got preliminary guidance from the SSC, at least as their

first cut on how they would approach this. It's not much different than the discussion we had yesterday with Carmichael at the table. We kind of deferred that decision. We established a range of percentages, of risk or amounts of risk, that we would be willing to take and come back in December and look at those.

We've got some more clear first cut from the SSC that they think that 25 to 30 percent, somewhere in there, is about appropriate at this point. That may change. That's kind of what we're basing the documents on now, Amendment 17, on anyway, because that's where the ABCs came from. Right now, it's a de facto ABC control rule, at least for Amendment 17.

Gregg's point is that if we start monkeying with that and we want to change it, until we get those final numbers, we're not going to get to the ACTs, which is what we need to move 17 along. Is that a correct interpretation?

Mr. Waugh: That's correct.

Ms. Smit-Brunello: I don't know if this will help or not, but when I look back at the meeting date of the SSC, the ACL proposed rule came out the second day they met and it laid out a number of things. One of the things it says is that the council establishes the ABC control rule based on scientific advice from the SSC. Unfortunately right now, we don't have the final rule for the ACLs.

Gregg is I'm sure right that the Fisheries Service will get a lot of comment on that and so I don't know whether that will change or whether it won't change, but the Magnuson Act states, as Roy said before, what the SSC is supposed to provide to the council and it also states -- He said recommendations for ABC, preventing overfishing, MSY, all those sorts of things.

Then in the same subsection, the Act says decisions and recommendations made by committees and panels established under this section are advisory in nature to the council and so the council makes the final decision. Then the Act goes on to say but when the council develops the ACLs, it can't exceed the fishing level recommendations of its SSC and so there, you're not stuck, but there you're bound by what the SSC gives you.

That's just my legal two-cents worth here on what the Act actually says and what the rule says that you have before you. Yes, it's proposed and I don't know if it will say the same thing final or not. You're in a little bit of a waiting period on that, but that's at least what the law says.

Dr. Chevront: I'm also a little concerned that if we're taking up the issue of a potential interim rule for red snapper in December and we're delaying Amendment 17 that we still could run into that issue of we could run out of our extension on our red snapper interim rule before we have Amendment 17 in place, I'm guessing, because we're going to put us yet another three months behind. I'm concerned about that issue as well.

Mr. Currin: We're just getting started and already talking about delays and so that's a little scary. It's not very comfortable to me. What's your pleasure, folks? Where are we going to do this?

Dr. Cheuvront: As I said before, I see lots of pluses and minuses on this and I haven't been doing very well with my motions lately, but I think I'm going to make a motion right now. **I make the motion that we include the ABC control rule in Amendment 17.**

Mr. Currin: Motion by Brian to include the ABC control rule in Amendment 17. Is there a second? Second by Roy. Further discussion? No discussion? **Is there objection to the motion? I see no objection. The ABC control rule will be addressed in Amendment 17.**

With that motion having passed, I guess a question to staff, Gregg or Rick. How can the committee help you out with this so that we're not just sitting here waiting until perhaps December or perhaps sometime later than that before we can make much progress on this document? Is there any way -- I guess the bottom line is, is there any way we can get today to a point where we can provide you guys with ACTs?

Mr. Waugh: Do you want to use the ABC values that the SSC has given us? It could be that when they meet in December they reaffirm that their control rule is 75 percent of FMSY and give us these numbers right back, with a more concise justification. It could be that they come back with something else.

We could go forward using these values or we could just go through and try to make decisions about how you want to allocate whatever ABC gets specified and whether you want to step down and whether you want to set your ACL equal to the ABC or step down. I guess we've got two alternatives. We could go through the rest of the document using these preliminary ABCs from the SSC and make your other decisions or we could go through and just kind of ignore the number and talk about the decisions that need to be made or we could just end early and pick up in December when we get the ABC values.

Mr. Currin: That's not a good option, from my perspective. I fear trying to develop a document without some numbers in that, because I think we're going to have a hard time going from one step to the other without seeing some actual examples or some numbers in it. I know you guys did a good job of in this document providing some examples to give us some ideas of how things would be stepped down, but I'm not sure how that's going to get us very far along.

Ms. Shipman: I believe we ought to use the ABCs that the SSC gave us as a proxy, a starting point. That will give us numbers to work with. I think I understood, Roy, and correct me if I'm wrong, the one you've got some heartburn with might be speckled hind and warsaw, which was 90 percent of MSY.

Dr. Crabtree: No, I'm pretty comfortable with speckled hind and warsaw, because they set it at zero. They didn't even get into that specific issue. I have heartburn -- What doesn't seem to work for me is that for the stocks with the most uncertainty, the ones we had no assessment of, they reduced less based on the uncertainty than for the ones that we do have assessments.

If you read through the SSC minutes, they talked about how that doesn't seem right, but they couldn't figure out what else to do with it. I'm wanting to come to a better resolution of that at this next meeting, but I'm fine with starting as an alternative starting place the actions from the

SSC and as a status quo no action what are in that table that we already have that are already in place, but I don't think you can come to actual numbers on the ACTs, really, because we still have allocations in this document and the ACT is going to change depending on what allocation you choose.

I think, Mac, there's a lot to be done today to decide do all these actions need to stay in here, number one, and then do we have the right range and the right types of alternatives? We certainly can do that, but how far we can get towards actually choosing exact numbers, I'm not sure we'll get to that at this point.

Mr. Currin: Other thoughts on at least getting us off the block here? Susan has expressed some agreement with using the ABCs from the SSC and Roy has got some reservations at least about some of those and we could deal, perhaps, with those on an individual basis as we go through.

Dr. Crabtree: They're what we have so far. I think we need to revisit them at the next SSC meeting. Gregg is right that they may say -- They may come up with really insightful and sound analyses and rationale to support them. If they do, then we move on, but they are what we have for now and I don't see how we get around starting with those, I suppose.

Mr. Currin: Is that general consensus of the committee then? Regarding the last motion to include the ABC control rule in Amendment 17, I think there's some ABC control rule options that John Carmichael provided us earlier. That's Attachment 4. Would it be appropriate then to suggest moving those options for ABC control rules into Amendment 17 at this point?

Mr. Carmichael: That was going to be my request. If you want ABC control rules in Amendment 17 and you don't want Amendment 17 to be held up for an unforeseen amount of time, any guidance you can give on ABC control rules would be very helpful and I would reiterate, as we discussed yesterday, the SSC did develop what you could consider a control rule for use in their deliberations on giving us advice for Amendment 17, which was that the ABC should be set at 75 percent of the FMSY and now for some fish, that's, of course, going to be a varying level of reduction.

On the golden tilefish, it's only 10,000 pounds out of 300,000 pounds, looking at that table, and so it's only about a 3 percent reduction difference between MSY and OY, essentially at that time, yields. You can't exactly compare apples and oranges if you say they used a 10 percent reduction on this fish, but a 25 percent reduction in exploitation. The poundage may not be the same. It's hard to say what's necessarily more conservative than the other when you're comparing exploitations with the actual poundages, but I think they have an ad hoc control rule.

Now if you don't think that's appropriate, I think the council should probably come right out and give some reasons to the SSC of why that is so, because my expectation would be the SSC will try to reinforce their justification for that interim control rule that they've developed at this point. If you think that that's excessively conservative, just come out and tell the SSC that now, so we know where we're working from.

Mr. Currin: Based on my perception, from our discussions yesterday and the option that -- The



range of risk that we are willing at this point at least to take certainly brackets the recommendation from the SSC and in fact, we had a motion that we discussed that was right on there.

I'm not soothsayer, but if I had to guess, I would pretty much say that we're probably going to end up somewhere around 25 to 30 percent. We're not far off right now, unless they go off somewhere different. That's just my assessment of it and my personal opinion.

Mr. Carmichael: Okay then. We'll take that back to them.

Mr. Currin: Make sure you tell them it's my personal opinion. Nobody else has said anything.

Mr. Carmichael: I'm going to tell them you're a soothsayer, too.

Ms. Shipman: I agree with you, Mac. I think the 75 percent -- its right in line with what we were talking about yesterday. It is an interim control rule and I think it's a good place to be and when we get to the others, where they used whatever, 90 percent FMSY, we can take a look at that and see if we think that needs to be changed.

Mr. Currin: Any other comments or any other questions on this? All right. We've dealt with the ABC control rule and now we're on to Roman numeral IV, I guess, page 2. Rick, go ahead.

Mr. DeVactor: Actually, page 11 in the PDF, extending the FMU, is the first action in the amendment. Again, this has been in the document for quite some time right now. Here, we're looking for do we have the adequate range of alternatives currently in the amendment. Alternative 2 is to extend the management boundaries for all species in the snapper grouper FMU northward to include the Mid-Atlantic Council's jurisdiction. Again, this is except for black sea bass, golden tilefish, and scup.

Alternative 3 is to go further and actually include the New England Council's jurisdiction in that. These are the three alternatives that we currently have in the document. The decision to make is do we have all the reasonable FMU alternatives included?

Mr. Currin: I think, from my perspective, we've got all possible, as far as extending it. Is everybody comfortable with the three alternatives that we have for extending the management unit?

Dr. Chevront: Is the rationale for including the New England Council in Alternative 3 just sort of precluding global warming and we're going to start seeing gag off of Maine or something?

Mr. Waugh: It has absolutely nothing to do with their grab of our red crab.

Mr. Currin: Also nothing to do with NEPA, perhaps. Is everybody comfortable with the three alternatives? I'm looking at you too, Monica, and so weigh in. We're okay there? All right.

Mr. DeVactor: Again, we're still not to ACLs yet, but we have a section in here of thresholds

and benchmarks. We're going to get the results of the red snapper assessment and we will include an alternative in here to specify MSY in this document. Staff talked about this and what we have in recent amendments is just two alternatives for maximum sustainable yield, one being the no action alternative.

We typically say the MSY and FMSY are defined by the most recent SEDAR assessment and we sort of talked about this, Monica, and we questioned whether this needs to be an action in the future in the amendment. Actually, we have an alternative, Alternative 2, that following a stock assessment that maximum sustainable yield is the yield recommended by the council's SSC, as defined by the assessments. Perhaps we just treat it on a case-to-case basis. I think for dolphin we actually received three different alternatives from the council's SSC for dolphin. The question is do we need to have this as an action, when we only have two alternatives, typically?

Ms. Smit-Brunello: Rick, this would be for all species in the snapper grouper management unit, right? It would be for all the species in the FMP, if they were assessed by SEDAR, right?

Mr. DeVactor: Right and that's something that we have to decide here, since this amendment only deals with the ten species undergoing overfishing. Would this just apply to those ten species or do we want this to cover all the snapper grouper species?

Ms. Smit-Brunello: I think it depends on what you want to do. It could go either way and so what I'll do is look at this and perhaps this could be just a discussion or a statement of policy from here on out that this is what the council intends to have happen for every assessment that happens. I don't know that it needs to be an action.

Dr. Crabtree: I don't believe it does. I believe it could just be a discussion of these are the estimates of MSY that we have that came out of the assessments. In the case of dolphin, if you had three different estimates and the scientists couldn't decide which one, then I would say that MSY is a range, but I don't know how we would have any basis as the council to come in and pick an MSY. It's really not something you choose, normally. It's something that just comes out of the science.

Mr. Currin: Everybody comfortable? Are you guys comfortable?

Mr. DeVactor: I'll take this action out of the amendment and we won't have these two alternatives and we'll see when we get the red snapper MSY value, at that time.

Ms. Smit-Brunello: You will keep it in the document as a discussion and how the council intends to approach that, correct?

Mr. DeVactor: Yes. Next is dealing with OY and again, from the assessment, we're going to have to put in an OY for red snapper. What we have is a question of do you want to change the OY for these ten species? We have various levels of OY alternatives in here. There are six alternatives. Typically, we have 65 percent of FMSY, 75 percent of FMSY, and 85 percent as the alternatives and so we have those alternatives and we also added an alternative for 55 percent, in case the council wants to step down their definition of OY.

Then we have a sixth alternative where the three ACTs could be your OY. A lot of people talk in terms of your ACT is actually your OY and so this could be a case where you first figure out your ACT and that could equal your OY. Again, we're looking for is this the range of alternatives for Amendment 17?

Dr. Crabtree: It seems to me, Rick, that ultimately the ACT should sum to OY and so it seems to me that we could get rid of the ACT action and simply put in here that the ACTs are the OY as allocated, based on however we decide allocations. It seems to me -- The Act requires that we achieve OY in the long term and so it seems to do that that your targets would have to somehow sum up to be OY or it's hard for me to see how you're achieving --

It also occurs to me that if we go with the ABC control rule of stepping down to 75 percent of FMSY that we almost then have to reduce OY and I don't know if it then becomes some percentage of the ABC or how we want to work that, but it looks to me like OY starts becoming 55 percent or probably it can't be anything much higher.

I certainly don't see how in the world OY could be 85 percent of FMSY if the ABC is set at 75 percent of FMSY. I think all that has to -- All those things are connected, but it looks to me like you could -- It's kind of like the way TAC was in Amendment 16 that we talked about earlier, that once you decide this is OY and here's your allocations, then the ACTs are just OY allocated and that simplifies it some, I think.

Mr. Waugh: The one issue that sort of bypasses is whether you want to have different ACTs for different sectors, recognizing the different levels of management implementation uncertainty. The fact is we can track the commercial sector more closely and so you can set their ACT closer to their sector ACL, whereas on the recreational side we can't track as closely and you may want to step your target down more. That approach argues for setting your ACTs sector specific and then having them sum to your OY. I don't think you can set your OY as some percentage of FMSY. If you do that, you bypass that ability to step down for the different sectors to address implementation uncertainty.

Mr. Currin: Good point.

Dr. Chevront: I like this discussion about Alternative 6. My only little issue with it is that it's very, very specific. In the third column, it says FOY equals commercial ACT plus for-hire ACT plus private recreational ACT. The assumption is that we are going to allocate to those three sectors and I would probably prefer that just of FOY equals the sum of the ACTs and then let's leave naming those sectors out of it, because some people have said what about a conservation sector and are we going to allocate separately to for-hire and private recreational and so I would just as soon we leave the list of sectors out of that.

Mr. Currin: It could simply read a sum of the sector ACTs, without specifying what those might be or are at this point.

Dr. Crabtree: Gregg makes a good point, but I'm not sure that if you went down that path that you wouldn't then need to redefine OY to some lower value, because you've in effect lowered

your ACTs, which I guess kind of gets at what Brian is talking about, but somehow it seems like they've got to be linked in here, in some way or fashion.

Mr. Currin: The question is are we comfortable with the alternatives that are contained in the document at this point?

Ms. Shipman: I agree with what Roy was saying about setting your percentages -- If you're going to go with OY equaling a percentage of FMSY, I think you can get rid of 4 and 5. You can certainly get rid of 5. 4 you may want to keep if you want to get to a point where you've got ABC equals ACT equals ACL equals OY.

Mr. Currin: Reaction or comments on that?

Dr. Crabtree: I agree that Alternative 5 doesn't seem to fit into this and we could just as well take it out.

Mr. Currin: Okay. Is 4 in fact essentially equal to 1? I think that's Susan's point.

Dr. Crabtree: I think of 4 as basically being status quo, yes. How well we've defined it in past plans, I'm not sure of.

Mr. Currin: Are you guys comfortable with that, with 4 and 5 being -- Are we covered? That's my question. Isn't 4 essentially equal to 1? The values are the same. If we eliminate 4 and 5, is everybody okay with that? All right.

Mr. DeVactor: The final threshold alternative we have is dealing with MSST and we just put this in here for discussion purposes, because the council has modified their definition of MSST for golden tilefish and snowy grouper. For those species, it actually equals 0.75 times the SSB MSY and that's to deal with recruitment fluctuations. If you recall, you could be going back and forth between a not overfished state and an overfished state. You may decide we don't have to deal with these species and it's not a problem, but it was, because the M value for those species was so low.

Dr. Crabtree: I have no interest in adjusting MSST for any of these stocks. I think we've recently specified it for most of them and for the ones we haven't, I would haven't any basis to depart from the generic one we put in place and so I think this action could come out.

Mr. Currin: Other comments?

Mr. Waugh: Roy, what about when we get a stock assessment for speckled hind and warsaw? We may want to change those and I guess we could just deal with it at that time.

Dr. Crabtree: I would say we've got enough for right now. Let's worry about that when we get there.

Mr. Currin: Everybody okay there? All right.

Mr. DeVictor: We've come to the ACL alternatives in the document. A good place to start is Table 3 and its page 16 on the PDF. We have here's the ten species undergoing overfishing and we have 2007 landings in the second column and then we have the OFL numerical values and then the next column is the ABC.

We have four alternatives, including the no action alternative. Alternative 2 is to set ACL equal to ABC. Alternative 3 is to set the ACL equal to 90 percent of the ABC and Alternative 4 is to set the ACL at 80 percent of the ABC. It shows the values of ACL. You can pick multiple preferred options for this, if you think some species should be Alternative 2 and some species should be Alternative 4, for an example. Just let me point out -- We talked about this earlier, but vermilion snapper should be 628,459 for the ABC. That's a typo, the 629,459.

Mr. Currin: Comments? The only one I would make so far at least is I know we've got the no action alternative in there, which would be Alternative 1. We don't have in the table any values. Roy's suggestion was that we use our current values and perhaps pick from the table, at least for the species that we have, so that they can be compared, those values can be compared, to the other alternatives. Would that make sense or not or are they somewhere else in a table?

Mr. DeVictor: Just clarify what are the ACL values and for what species?

Dr. Crabtree: I think what you're getting at is the no action alternative and I would argue that instead of no action being don't have any ACLs, I would argue that no action is what we already have on the books and those numbers would equate to ACLs and then here's the values of those.

Ms. Shipman: I agree with Roy. That's where I thought we would try to marry this table with this other one. We've got 13C and we would look at what measures we had for 13C and would that suffice for the ACL.

Dr. Crabtree: Rick, I think where it would come is that under no action -- We'll have to work through that table, but I think in most cases the ACL would be equal to the OFL, essentially. The ABC may be defined differently, depending on how the SSC did it. Then we work towards whatever new ABCs we may have and whatever reductions we have.

Mr. Currin: That was my suggestion, that we include the status quo in that table as Alternative 1, along with those other values, if that makes sense. Are we comfortable with the range of alternatives for ACL, running from equal to ABC, 90 percent of ABC, and 80 percent of ABC? I'm seeing heads nod in the affirmative.

Dr. Crabtree: We're going to come to another action, Rick, where we then decide whether the ACLs in this action are going to be subdivided into sector ACLs? Okay.

Ms. Shipman: On tilefish, for instance, Amendment 13C, that quota we have set right now and I believe its 295,000 pounds, commercial quota, because it's basically a commercial fishery. That would be what would, in essence, sub in there. Where it says "Amendment 13C", we would put those numbers in? Is that how we're going to do that, so people can see? We would say that that would be a sufficient ACL from 13C?

Mr. Waugh: I think we had a TAC in 13C for golden tilefish or did we? That may be part of the problem. We may have only specified a commercial quota. We specified a TAC for black sea bass, but for golden tilefish, we only specified a commercial quota and so there is no TAC. There is no ABC for that.

Dr. Crabtree: The way we were looking at it in this table is that the OFL, which is 336,425 pounds, would be that and then the ACT would be the sum of the commercial quota and the recreational share of it, which is not much different from that.

Mr. Waugh: This is where you get into, in my mind, a fuzzy area. We talked about using an interim allocation to come up with a commercial quota. We never talked about setting up a recreational allocation equal to that amount and that's where, in my mind, it's -- We're on shaky ground when you then say that's your current no action alternative, because, in essence, we didn't do that in 13C. We did the commercial side of that, but not the recreational side as well.

Dr. Crabtree: That may be the case with golden tile and that's why you would have to go through and look at all these, to specifically what we have.

Mr. Currin: Certainly if there's not one available and we haven't done it, as you pointed out, then it would be blank in that table under status quo or an asterisk or something to further explain why some value is not there. Is that doable?

Mr. Waugh: Yes, we'll fold this table in, to the maximum extent that we can. Where there are gaps, we'll point those out.

Mr. Currin: Okay.

Mr. DeVictor: Next is allocations. Again, the process is you first determine your ACL and then you split that up into sector ACLs. This is Action 4 and it's on page 17 of the PDF document and we carried these alternatives from the Allocation Committee. I know that full council met on Monday and so the alternatives -- The recommendation from full council modified these a bit and there is some discussion of having an alternative of two sectors and three sectors and I have this up on the screen, what came out of full council. We need to decide on the range of alternatives for allocations.

Dr. Crabtree: I think a bigger discussion right off the bat ought to be do you want to readdress allocations in this amendment? It comes back to where we were. We just are in the process of approving allocations for gag, for example, and do you really want to come in at this point and readdress it?

My preference, and I think what would help us get this done quicker, is that to the extent we already have allocations in place, let's not revisit them at this point and for some of these that we don't have allocations in place, like speckled hind and warsaw, I don't know that there's any need to deal with that at this time. It's up to you, but --

Mr. Currin: Rick, do you want to point out the ones we have? I think they're listed somewhere there.

Mr. DeVictor: Current allocations we have for snowy grouper and black sea bass. They're currently on the books. Again, as Roy mentioned, gag and vermilion snapper are in Amendment 16 and so if you didn't deal with speckled hind and warsaw grouper, because ABC equals zero, that means you would have to establish allocations for golden tilefish, black grouper, red grouper, and red snapper in this amendment.

Dr. Crabtree: I'm looking at the tables that were given out in the Allocation Committee and it shows that we do have an allocation for golden tile. It's got 98 percent commercial and 2 percent recreational. Is that right or wrong or --

Mr. DeVictor: We never had it as an action with alternatives. I think what we did in 13C was specify the commercial quota and that was based upon the percentage of 98 percent and 2 percent. It was never an action item with alternatives for golden tilefish.

Mr. Currin: Other thoughts about this? We've got, as Roy said, allocations for a number of these species already established. A handful, we do not and we would have to do something with those that would remain open. The other alternative, I presume, is to start splitting these allocations by sector, if that's what we want to do.

Ms. Shipman: I think if we want to keep this amendment moving that we ought to stick with the ones we do have the allocations for and spend our time wrestling with the ones that we don't have them for and work on that, but I don't think we ought to go down this road right now. I think that's really going to bog us down.

Mr. Currin: Other thoughts?

Mr. Geiger: I agree with Roy, but when you say that's going to bog us down, you mean splitting it into three sectors?

Ms. Shipman: I think splitting it into two sectors is going to be arduous enough for this amendment, to at least keep 17 moving.

Mr. Currin: Other thoughts? Everybody okay with that then?

Dr. Crabtree: Exactly where does that leave us? We're going to stand pat on the allocations that we already have?

Mr. Currin: That's where it would leave us right now, yes, and we've got a handful we need to establish some allocations for in this amendment.

Dr. Crabtree: Why don't we identify the ones that we think we do need to set allocations for at this point?

Mr. Currin: I think Rick noted those, Roy, and assuming there will be no allocations for warsaw and speckled hind, that would leave black grouper, red grouper, golden tile, and red snapper. Is that correct?

Mr. DeVictor: Yes, that's correct.

Dr. Crabtree: I guess we can come back to red snapper, but if it gets to where we're shutting the fishery down, I don't know that we need to do that and let me ask you this. With golden tile, and to some extent with snowy, the recreational portion of the catch is so small that I really question the need for sector-specific ACLs, because I don't think the recreational share of the ACL is large enough to be able to really monitor.

I think you could make a case there that a single ACL and then some management measure on the recreational side that ought to keep the catches *de minimis*, where people aren't targeting it, might be sufficient. That's just something to think about, because I think you're going to have a heck of a time trying to track a sector-specific ACL for snowy grouper or golden tile that's only 500 fish or something and I'm not sure it's worth trying to. At any rate, we would have golden tile, red snapper, black grouper, and red grouper that we would have to take a look at? All right.

Mr. Waugh: This might be a good place for a motion, because we have a recommendation coming from the council to look at three sectors and two sectors and now, if what the Snapper Grouper Committee is saying is for Amendment 17 we only want to look at two sectors, it's a good place for a motion, to get this resolved.

Mr. Currin: Thank you, Gregg. That's a good point and I would entertain a motion.

Ms. Shipman: **I would move that for Amendment 17 for the species for which we do not have allocations we develop those for two sectors.**

Mr. Currin: Second by Mr. Geiger.

Ms. Shipman: My intention there was commercial and recreational, with the caveat -- I think Roy pointed out a good point. Like on golden tile, for instance, we may want to just maintain the status quo on that. I'm not sure we do need a recreational allocation on that. I think there's a one fish bag limit on tilefish or something like that. In a sense, we have a de facto allocation, because we've backed some poundage out of that commercial -- I think we did, out of the commercial quota, to account for that. That's my caveat. I think it's for species that we don't have an allocation for and that we believe we do need an allocation for, however you want to word that.

Mr. Currin: The motion is that in Snapper Grouper Amendment 17 for species that we do not have an allocation for and that we need to allocate, we allocate to two sectors, recreational and commercial. Discussion?

Mr. Robson: First of all, Snapper Grouper Amendment 18 is the heading on there. I was going to go into overdrive on that. Now a serious question. Where does this leave us then with the discussion about sector allocation that we had yesterday, as far as considering other sectors?

Ms. Shipman: We're going to have the Comprehensive ACL Amendment, where we've got to look at all the species. I think it's going to surface there and we may have to go back and do



some adjustment for these that we're working on for 17, but clearly we've got to get something in place here. That was my thought, is it doesn't by any means indicate we're shelving that discussion. It's just that's going to be a longer discussion, I think. That was my intent.

Mr. Currin: Other discussion of the motion? **Is there objection to the motion? I see none and that motion is approved.**

Mr. DeVactor: Just to clarify, the alternatives for allocations that would be carried forward would be the three alternatives or do you include the fourth one, where you split it evenly between the two sectors? That was the recommendation at full council, not to continue that alternative.

Dr. Crabtree: I think we were all in agreement not to continue with that alternative.

Mr. Currin: Yes, that was my feeling exactly. Are we okay on these allocation alternatives then?

Mr. DeVactor: Next is page 22 of the PDF document and again, we have set ACLs and we have set allocations, or have a range of those, and next is the annual catch target. In the document, we have it separated into three sectors and so we will modify that to have two sectors, commercial and recreational.

We'll first go through the commercial sector ACT alternatives. Alternative 1 is do not specify the commercial sector ACT for the ten species undergoing overfishing. Alternative 2 is the commercial sector ACT equals the commercial sector ACL. Alternative 3 is the commercial sector ACT equals 90 percent of the commercial sector ACL and Alternative 4 is the same, but it would equal 80 percent of the commercial sector ACL and we do have tables underneath.

Again, we've carried through in the document for red snapper an example value and, of course, this value will change according to the changes in the assessment. The intent is to fill in this table once you choose your preferred alternatives, but again, we were just looking for is this the range of the commercial sector ACT alternatives?

Mr. Currin: Comments or thoughts? Does it seem like a reasonable range? Monica, I like your head nodding up and down, but I didn't like those eyebrows being raised before you started that.

Dr. Crabtree: What we've been doing of late has been setting the limit catch level, which would be at the yield at MFMT level, and then the target catch level has been at 75 percent of that, at least in terms of fishing mortality rates. Here we seem to be not even considering what's been our historic practice, but setting the target closer. Is there a reason for that?

Mr. Waugh: This already builds in -- The reduction you were talking about is taken into account when you set your ACL. What this is dealing with here is implementation uncertainty, how well can we track the commercial quota and ensure that they don't go over their ACT. We're setting their ACT some below their sector ACL. You could certainly argue that it could be equal to it, if you felt you were 100 percent sure that you won't go over.

Remember now there can be more of a penalty if you go over, in terms of accountability. We have a data collection measure later on that deals with electronic dealer reporting. There's a program online now from North Carolina north where there's electronic dealer reporting. There's the opportunity to extend that same program to include the three southern states, South Carolina, Georgia, and Florida, that would allow better tracking of the commercial quota.

Mr. Currin: Is everybody okay then with this range? Okay.

Mr. DeVactor: We're going to skip over the for-hire sector ACT, since now we have our commercial and recreational two sectors. The for-hire sector ACT alternatives track the commercial ACT alternatives. If you go to page 26 in the PDF, it's Action 5C, which is the private recreational sector ACT.

Again, we have our Alternative 1 in there. Alternative 2 is where the private recreational sector ACT equals 75 percent of the private recreational sector ACL and Alternative 3 is staff talked about this and perhaps we could factor in what level the PSE is and this tracks the MSST equation, where it's ACL times one minus the PSE, or 0.5, whichever is greater. We have a table in this document and it's Table 10A on page 27 of the PDF that shows the PSE levels for the ten species in Amendment 17 and we show 2003 to 2007 and a three-year average and a five-year average.

Like I said before, we have an example in here, if you look under Table 10, of how this computation would work under that alternative. Again, we're looking to see if we have the range of alternatives for private recreational sector ACT.

Ms. Smit-Brunello: Rick, just for the record, these alternatives are quite different than tracking the commercial sector ACT and maybe you could discuss why that's true. Is that because of the difficulty in tracking these in the first place?

Mr. DeVactor: Yes, that's correct, due to the uncertainty in the recreational estimates of catch. We thought perhaps the council would want to consider an ACT that would be lower the ACL for the recreational sector, for that fact.

Mr. Geiger: Rick, I would presume then we would add the for-hire ACT to the private ACT, correct?

Mr. Waugh: What you've decided is that we're only going to have two sectors, recreational and commercial. There is no headboat ACT. There's just a recreational.

Mr. Geiger: If we were, the headboat or the for-hire sector ACT would be closer together, because of their reporting processes. I think it's beneficial to break out that sector, in terms of the accuracy with which they can report their landings, and then add them to that private recreational sector and get a total.

Mr. Waugh: The mechanism to do that was to allocate to that sector.

Mr. Geiger: I understand.

Mr. Waugh: That's how you come up with the headboat ACT and so we decided not to allocate to three sectors. Now there's just the recreational and there's no mechanism now -- The way that the for-hire catches are tracked now is through MRFSS. There is a headboat program, but that covers part of the area and the way this was structured before is if you went to three sectors, then as a data collection methodology if you wanted to set the headboat, the for-hire ACT, closer to their sector ACL, you would put them on the same type of reporting mechanism that you had for the commercial, but now they fall into the recreational data collection program and so they would be a part of that recreational ACT and we'll change that heading. It's no longer just private recreational. It's the recreational.

Mr. Currin: I think I heard you correctly, Gregg, in that estimates that we will have to account for the for-hire sector will come from the MRFSS survey, as the private recreational estimates will come from as well. They're trapped in the same survey then.

Mr. Waugh: Right and we'll have to look at that, because as Kate has been doing her paper, we've been getting a better understanding of how they monitor their catch and it may be that in the Southeast the headboat program gives the headboat catches and it's going to be north of North Carolina where if there are any headboat catches that they'll come from MRFSS. We'll sort all that out before you see this again in December.

Mr. Currin: I guess what I'm getting at is where I thought George was going and that is that one alternative we've got a 75 percent step-down and then we've got one based on the PSEs. I think that's an intriguing approach, but I'm wondering if we do have, through the for-hire, the MRFSS for-hire survey, that also covers, I presume, headboats, perhaps more accurate information from that sector than we do from the MRFSS that we may want to consider some step-down maybe not quite as severe as 75 percent. Does that make sense? Do you see where I'm going?

Mr. Geiger: Mac, that's exactly what I was trying to get at before I became brain dead and couldn't speak.

Mr. Currin: Can we give direction to staff then, if everyone is comfortable with that, to look into the availability of those data and if they are more accurate or precise for the for-hire sector then that we add an alternative that say -- I'm picking something out of a hat, but 85 percent.

Mr. Waugh: It would seem to me what you would have to do is split up the recreational ACT into two components. We can look at it, but what you're doing is you're saying that we don't want to step it down as much because we can track an unknown portion of that catch more accurately than we can the total.

Ms. Shipman: I think your PSEs may be tighter on the charter and the headboat component and so what I understand you saying -- That would be weighting your overall recreational PSE more toward accuracy or whatever. The problem is you're still going to have the lag, I believe, because your wave data, and correct me if I'm wrong, but I think even for the charter sector -- There's still that lag and so tracking it on a real-time basis is not going to be solved, I don't

think, by the charter and the headboat data.

Mr. Currin: No and that's not what I'm after at all there. It's just to refine the accuracy of the data and account for that. Some of the earlier versions we saw had stepping down all the way to 55 percent, because we don't have a real good handle on what the actual number is. I'm just trying to make sure that we have the appropriate range of alternatives here and that we're not making that first step down more than perhaps we should because we've incorporated for-hire sector data, which I presume to be a little more accurate, but I don't know.

Mr. Harris: I think Susan was on the right track and that's to weight those two PSEs from the MRFSS data and the logbook data from the for-hire sector. You could still come up with a similar formula, but it would be weighted, based on those two sectors, and you could still come up with a combined PSE, if you will, for those two sectors that would theoretically result in a smaller PSE for those two sectors combined, as long as you looked at it that way.

Mr. Currin: Just a proportional weighting based upon the relative landings. That could be done, but it's going to be a complicated table if we try to do all of that, but maybe we can explain it.

Dr. Crabtree: To me, the bigger issue isn't so much the PSEs. I've looked at a few species of fish and yes, the charterboat PSE is maybe 5 or 6 percent lower than the for-hire PSE, but the problem you've got is the timeliness. You've got a three-month lag between when fish are caught and when you get the numbers, which means you don't know what they've caught and you can't do any in-season monitoring and you're not going to know whether they went over or under until you're several months into the next year.

A lot of the problem that makes it hard to control the recreational catch is the timeliness part of it and the other part of it is when you put in place management measures and look at how they're going to affect the recreational sector, you're making judgments about what their behavior is going to be and things like that and that's difficult to do.

Mr. Currin: I'm just trying to think if we wanted to increase that range of alternatives a little bit is where I was going with it, because of some nuances associated with the for-hire and headboat. What I'm hearing you say is there's probably not that much difference than the PSEs and so the accuracies are pretty close.

Dr. Crabtree: I'm certainly not telling you that you don't want to change the range or something like that. I'm not telling you that you want to reduce them anymore because of it. Just having experienced trying to deal with this with red snapper in the Gulf, the PSEs weren't really our problem. The problem we have is by the time you know how many fish they've caught, it's too late.

You start getting into the kind of short seasons like we're heading towards and you won't even get a catch estimate, period, until the fishery is already closed for the year and that's really what makes it hard to control it some. Having said that, I'm not telling you where you need to go with it.

Mr. Currin: We'll have that discussion more when we start talking about accountability measures. That's really where, to me, those points are most important, but they're measured against -- The ACTs are what trigger those AMs and so we want to make sure we get those as close as we can. Everybody is okay then with this range we've got here? All right. Management measures, I think, Rick, are next. Let's take about twelve minutes or so and be back here at quarter to four.

Mr. Currin: Before we get into the management measures, Gregg has got a suggested approach here that I think will facilitate some of the analysis in the document and hopefully make things more clear to us as well.

Mr. Waugh: What we would like to do is get some guidance for using what we're calling bundled alternatives. One of the issues we face is for NEPA we have to analyze each alternative and we will certainly do that, but you've got several alternatives under your ACL decision and you've got several alternatives under your allocation decision and each level we have a decision to make with those alternatives, the possible combinations increase exponentially.

What Jim Waters needs for his model is a suite of ACTs for the species to plug into the model. We need that same sort of suite of ACTs to look at the recreational impacts and this is described in the decision document. I don't know what the PDF page is, but the page number on the bottom of the hard copy is page 2, where we talk about bundling.

What we would like to do is create some bookends that bracket the full range of the impacts and for lack of a better term, calling one a liberal alternative, where you might use your allocation formula and use a relatively low step-down for your ACT of 90 percent, whereas for a more conservative, you would step down both your ACL and your ACT.

The intent here would be is -- Of course, this would be just done now for the two sectors, like we show over here for the conservative. The idea would be this would show the full range of impacts and give us the ability to quantitatively analyze this for the December meeting and bring this back to you to assist you in picking preferred alternatives.

We'll still analyze each alternative under each decision, but for the quantitative analysis, we've got to have this suite of ACTs and so our suggestion would be to come up with bookends that bracket the full range, from the very conservative set of decisions to the most liberal set of conditions. That would give you a range of impacts across the full suite of ACTs.

Mr. Currin: That's on page 10 of the PDF document, the description of that. Comments or reaction? It's very appealing to me. It gives you a good feel for the most conservative and then the most liberal approach, understanding that the other alternatives will be somewhere in between. It certainly helps the staff out in what they'll be able to present to us at the next meeting. Comments?

Dr. Chevront: I think the bookends approach is a really good idea. I think it would be nice that -- It's not always clear to me whether the distance between those two bookends is going to be proportional or on some other kind of scale and so if we could get some kind of a magnitude

included in there of what the differences really mean, that might also help us to make some decisions later on. I sometimes find myself wondering about stuff like that when I'm looking at bookend kinds of analyses.

Mr. Currin: I think the goal here, Brian, is to end up with two values for ACT on each end of the range. You'll see the magnitude of the difference between the most conservative and most liberal approach.

Dr. Chevront: My concern is if we're considering a number in between those, how much would that affect be -- That is determined by what the ratio -- Like whether it's logarithmic or straight proportion or what.

Mr. Currin: I suspect we may have a feel for that, but that's a good point. Other reactions or thoughts to this? Is everybody okay with this approach? I'm seeing a lot of heads nodding in the affirmative and none raising objections. All right. That sounds good then, Gregg, and thank you.

Mr. DeVactor: Page 28 and now we're moving on to management measure alternatives and so through the process, you have ACTs for the two sectors and next, you would determine your management measures to achieve your ACT and limit catch to your ACL. How we structure this in the document is we split up management measures into two separate sides of things.

One is the deepwater species and there, we feel that speckled hind and warsaw grouper will drive the management regulations in deepwater, primarily because of the ABC equals zero recommendation from the SSC. Again, there has to be some talk about what that C stands for, the catch. Is it landings, just landings, or is it landings plus discard mortality? That's what we have and, again, it's on page 28 of the PDF document, where we have regulations that end the overfishing of speckled hind and warsaw grouper.

Alternative 1 is the no action alternative, to retain the existing regulations. If you go to the next page, you'll see a table of what the regulations actually are. Alternative 2 is to prohibit all retention of speckled hind and warsaw grouper and Alternative 3 is to prohibit all fishing for, possession, and retention of all deepwater species. Here, we thought you could actually specify a depth zone, perhaps, of deepwater species. Something to consider, of course, is that there's some landings of speckled hind and warsaw grouper higher up on the shelf and a lot from the headboat sector, too.

Alternative 4 is any other alternatives. There's been some discussion of possibly allowing some places to fish where you could catch golden tilefish, where there is no bycatch of speckled hind or warsaw grouper. That's just something to consider. Again, staff has just thrown these alternatives out, these four alternatives for discussion.

Mr. Currin: Discussion on these alternatives and the appropriateness of the range of those suggested here? Of course, there are question marks by Alternative 4.

Dr. Crabtree: Rick, it says goal is total mortality, landings plus discards, divided by release

mortality less than ACT, which I guess really means equal, because the ACT is zero. Why are we saying that the total mortality goal is zero? Where does that come from?

Mr. DeVactor: At first, that's how we interpreted the language in the proposed rule, but from the discussions on Monday, it sounds like if you factor in discard mortality into your ABC, then perhaps your ABC could just be landings.

Dr. Crabtree: Aside from the proposed rule, what's the justification for saying that we need to get total mortality to zero for these two stocks? Is there some analysis somewhere that indicates that? I know we had an ABC of zero from the SSC, which as I have understood it was landed catch. I guess we need to clarify that, but it's not clear to me what -- I don't know if Erik knows, but I'm not -- Is there any sort of analysis anywhere that indicates that we need to get F to zero?

Mr. Waugh: That is based on the ABC determination of zero. Should the SSC come in in December and say our intent was that that was landings, such that they give us an ABC that is a positive number, to account for the discard mortality, then your ACT is still going to be -- If you describe your ACT in terms of landings, it's still going to be zero. I don't think -- Them adding some poundage to account for bycatch is not really going to change the desire here that your target is to keep -- Let me put it this way.

If they modify their ABC and give us a number that includes discard mortality, then the goal would be to keep total mortality, landings plus discards, and it's not divided by. It's discard or release mortality. The goal would then be to keep landings plus the discard mortality less than the ACT.

Dr. Crabtree: I guess the difficulty -- Right now, speckled hind and warsaw grouper are undergoing overfishing and I think they're unknown in terms of overfished status and so it's hard for me to understand how if what we're trying to do is end overfishing, how that gets to be an F equals zero kind of thing, but I guess that's something we need to clarify with the SSC.

Mr. Geiger: Hasn't the impediment to getting the status of the stock changed been the fact that we have bycatch in this species, or potential for bycatch in this species?

Dr. Crabtree: Yes, but going from saying we need to reduce bycatch to saying our goal is to have zero bycatch are real different things. It seems like we're going from not dealing with it to all the way to the other and going to zero and I think there's some middle ground in some of these.

Mr. Geiger: The impediment to getting the status of the stock changed is the fact that there's potential for bycatch. What I've understood when we've been told -- Gregg, correct me if I'm wrong, but they didn't quantify it. They didn't say one or a hundred or a hundred-and-fifty. It said there's a potential for bycatch and we can't change the status of the stock. Is that not accurate, Jack? That leads you to go to zero or it leads me to understand that we need to go to zero.

Dr. Crabtree: Okay.

Dr. Cheuvront: Do we know in fact that overfishing is occurring in this species, if there's no stock assessment or anything has been accomplished? My concern was -- I thought, if I remember correctly, the SSC made their determination of setting that ABC equal to zero because they were told that they needed to make sure that overfishing was not occurring and they said in the absence of any data that they could use to help make a decision that they had to set fishing -- F equals zero, because that's the only point that they had that they knew that overfishing was not going to occur, in the absence of any data.

The question in my mind right now is even setting the ABC equal to zero and a truly -- What's it based on? It's based on the fact that we don't have any data. It has nothing to do with the status of the stock and so that makes me wonder whether we're doing the right thing with this or not.

Mr. Currin: Other comments?

Mr. Waugh: The SPR analysis shows that they are undergoing overfishing and were overfished. The latest determination in the report to Congress is that there's still overfishing, but the overfished status is unknown. Until we get another stock assessment, that won't change, but it's currently listed, based on an SPR analysis, as undergoing overfishing. The landings, Table 3, show that in speckled hind we had 3,315 pounds landed, recreational and commercial, in 2007 and 20,662 pounds of warsaw grouper.

Mr. Currin: Back to the alternatives that we have here. Rick went through those. There are basically three now, with some question marks about Alternative 4, which is to address any bycatch, or a lot of bycatch, of speckled hind and warsaw, by establishing, as an example, establishing an allowable area for golden tile fishing, in an attempt to keep those guys off the rocks and experiencing bycatch of other snapper grouper species. That's one approach. Is that something that the committee would like to include for analysis?

Mr. Robson: Yes, I would like to throw that in there as something for us to look at, sure.

Mr. Currin: Are there other approaches, perhaps 4B or something like that, other than establishing or defining allowable golden tilefish zones, fishing zones, that comes to anyone at this point?

Mr. Robson: That's the most obvious one to me, to try to see if you can maintain the golden tilefish fishery, but -- I don't know enough about the biology of these species to know if there's any kind of seasonality, or different seasonality, in their movements or aggregation where you could also separate out harvest of speckled hind and warsaw from say golden tilefish or other species.

Mr. Waugh: On the west coast, at least in the commercial sector, what they've done before in fisheries where they have these relatively minor species that are sort of driving the catch is for the commercial fishery is assign some level of bycatch and require full retention and then the hooks are out of the water once that level of bycatch has been reached. That's one other approach that I know of that might work on the commercial side.



Mr. Currin: Gregg, just out of curiosity, is that accompanied by an observer program that ensures that that occurs?

Mr. Waugh: Yes, it is and perhaps -- We've talked some about camera coverage that surfaced in our LAPP discussions. That may be an approach that could be used, along those lines.

Mr. Currin: There's one other possibility for a way to try to manage the golden tile fishery and keep them away from some of these other species which have very, very low allowable catches. Is that something the committee would like to include as an alternative or are you content with just the allowable fishing zones?

Ms. Smit-Brunello: Just so I understand, when you say "something", does that mean having a bycatch allowance for those species?

Mr. Currin: Yes, that was the suggestion that Gregg made, with appropriate monitoring to ensure that. As he suggested, the way that fishery and others are managed, in fact, is that when some designated level of bycatch is reached, then the hooks are out of the water and the fishery closes. That's determined by monitoring.

Dr. Crabtree: If we went that route, the only way I would know to monitor it would be when we get the dealer reports, to have them report what's being brought in. I think we ought to be realistic that you're really putting yourself in a position for some compliance issues, because the temptation to not bring them in is going to be pretty high.

Mr. Currin: I understand that fully.

Dr. Crabtree: If you have 100 percent observer coverage, that kind of thing probably is pretty effective, but -- The trouble with cameras is you're going to end up with all these hours and hours and hours of videotape and somebody is going to have to sit and look at it and identify everything and if you're trying to do it as real-time monitoring, I'm not sure who we have to do that.

Mr. Currin: What I'm hearing you say then is it's very unlikely that the Region would have the budget to try to implement a system like that, either through observer coverage or film analysis.

Dr. Crabtree: We would have to talk to the Center about it, because that would be something the Center would have to do on it, but I don't think there's anything in the budget right now to pay for either 100 percent observer coverage or video cameras. You could require full retention. I just think you need to do it with your eyes open.

Mr. Currin: That would concern me greatly, for the reasons you just specified.

Ms. Smit-Brunello: I don't know but that the observers up there are paid for by industry. They're not paid for by the Fisheries Service. You could get industry saying that I would rather pay for an observer and be able to fish than not fish.

Mr. Currin: I don't know the value of that fishery that Gregg is talking about there either, but we're looking at about 300,000 pounds of golden tilefish, roughly, and I don't know what they get a pound, but if they get \$3.00 a pound -- It's difficult for me to imagine that industry would be able to afford to fish and pay for observers. Are we okay then with the four alternatives that we have, without including --

Mr. Geiger: Just a plug for the Data Collection Committee. Jack, when you went to your seminar up in Washington, did they talk about video monitoring? Can the cameras be activated when they haul back and -- It's not the camera is on from the time they leave the dock until the time they get back. Isn't there some way to mechanize the camera and --

Dr. McGovern: Most of these cameras are turned on -- They have trawl fisheries and they're turned on by the hydraulics, the winch turning and that sort of thing. There are other ways to turn the system on and off, such as speed of travel and things like that. The cameras are not on all the time. The system is on all the time, but the cameras aren't.

Dr. Crabtree: Jack, still a person has to sit and review the video and tally it up and is that right?

Dr. McGovern: Right and they can randomly select portions that they analyze and that sort of thing and then compare it to logbooks and --

Dr. Crabtree: I don't want to be too negative about it. You can look at it and we could try to figure up what the time requirements to do it would be and then see if we have people available to do it. I just suspect it's going to not be very real time is all, but we could look at it and see if it could be.

Mr. Currin: I'm trying to get a sense of how important people think that approach might be, weighed against the other alternatives that we have to manage this fishery, and do we want to ask staff to devote time to look into that? Of course, we could look into it, but what's your pleasure here, folks?

Mr. Geiger: I would say look into it.

Mr. Currin: George is suggesting that we ask the staff to look into that approach. Others in favor of that?

Dr. Crabtree: I think that's fine, but I think the first step is to look at the logbooks in the golden tile longline fishery and see if they're really bringing in very many warsaw and speckled hind and enough of it that it's much of a concern to us, because I don't know that they are.

Mr. Currin: I don't know that either.

Mr. Iarocci: I did go outside for a little side with Joe Clausterman and he does catch a lot of tilefish and I talked to him about what was going on in here and he is sitting in the room now and by talking to them -- When they do fish and they do fish in the mud, he told me he's never caught a warsaw or a speckled hind fishing in the mud while fishing for tilefish.

Mr. Currin: I think that's what I understood as well, Tony. My concern is as some of our discussions about bycatch of snowies in that golden tile fishery is that sometimes, either unintentionally or because of where they're sitting to target tilefish that are living in the mud, of course, the gear will cross some rocks and that's where the bycatch occurs. There's some potential there and the guys probably could avoid that if they wanted to, but just on that --

Dr. McGovern: I looked at logbooks last week just to see what the catch of snowy was in 2007 in longline and they caught only 4,000 pounds in 2007, because I think they're avoiding the rocks. They don't want to catch snowy, because the quota is so small and they're just targeting tilefish in the mud. I think speckled hind and warsaw are probably most abundant at the shelf edge right now, because that's where the juveniles are and it's the zone of greatest abundance. The large ones are probably in deeper water.

Mr. Currin: It doesn't seem like at least now that it's a huge problem that we've got to be concerned with. George is suggesting we add that other alternative and is there agreement among others to include that one?

Dr. Crabtree: Jack, based on what you've looked at in the logbook, what do you think what fishery is likely to have the highest bycatch of speckled hind and warsaw grouper?

Dr. McGovern: I think it's the shelf edge. I think mostly at the shelf edge is where they're -- I can look at the logbook tonight and see if they're catching them.

Dr. Crabtree: Which would be what fisheries specifically?

Dr. McGovern: Vermilion snapper and things like that. I'll look at logbooks tonight and see where they're being caught the most.

Mr. Robson: That's an important question and I think as we look at these alternatives that we want to make sure we have a clear understanding of where the bycatch of warsaw and speckled hind is in the other deepwater grouper species before we go too far along with shutting the whole thing down.

Mr. Currin: It's sounding like that's becoming more and more of a -- There's a likelihood of becoming a much smaller issue with the golden tile fishery at least, then we were concerned. Are you okay with sticking with the alternatives we have here, rather than adding another one?

Mr. Geiger: Yes, I am. Again, the impediment to reclassifying those two stocks is the potential of bycatch. Correct me if I'm wrong. It's not how many are caught, but it's the potential that they can be caught in our fisheries that is prohibiting us from reclassifying those two stocks.

Mr. Waugh: And the fact that we don't have a stock assessment. The status won't change until we get a stock assessment.

Mr. Geiger: That's true, but ostensibly we're told that it cannot change because of the potential of bycatch in our fisheries.

Dr. Crabtree: I'm not sure anyone has ever told you it can't be changed unless you eliminate all bycatch. The problem has been that -- The view has been that they aren't targeted. They're incidentally caught pursuing other fisheries and we hadn't really done anything at that point to restrict those other fisheries and so we probably hadn't done anything to limit mortality from where we started from.

I'm not sure you go from that to that you've got to go all the way to zero to make any progress on it. I don't know. I can go back and relook at the rationale behind where we were on that, but I'm not sure it was ever that you've got to get to no bycatch. Maybe I'm wrong and we'll revisit that.

Mr. Waugh: The regulations that are in place now are a bag limit on one per vessel and no sale.

Dr. Crabtree: The problem has been if no one is targeting them anyway, then it doesn't really matter what the bag limit is and it doesn't matter if people are selling them and it doesn't matter if you tell them they can't land them or they can land them. If they're not targeting them and if they're coming up dead, then you've got the same problem.

What you've got to do is get gear out of the water, but it doesn't necessarily turn to that you've got to get all gear out of the water, I don't think. There's got to be some shades here and some middle ground on it. I just don't know where it is on this, but that's really been the issue, is that going to one per vessel -- If you buy the argument that no one was targeting them to begin with, it wouldn't really matter how many per vessel you went to. Unless you did something to reduce effort in the target fisheries that were having bycatch from them, you probably didn't reduce mortality any.

Mr. Currin: We've got a pretty good range of alternatives here, I think. Is everybody comfortable with the range of alternatives that we have for this action, the original four?

Mr. DeVactor: With Alternative 3 we would specify -- Staff would go back and specify a certain depth or gridline on where if you were to close the fishery, prohibit harvest of the species -- You're leaving that up to staff to figure out where that would be?

Mr. Currin: Thoughts on that issue by the committee?

Mr. Geiger: I think yes, generally. You know the boundaries that we're talking about, the type of habitat that the tilefish occupy. I think you're probably best equipped to do that and come with a presentation as to where you believe those areas are.

Mr. Currin: It's unlikely to be a lat/long line of any sort, unless it's a very squiggly one. Perhaps some depth contours based on overlap and what we know about where those things are caught would seem to be most appropriate. Is everybody in agreement with that?

Mr. DeVactor: Action 6B, which is on page 22, we have regulations for the other deepwater species and in this case, it would be snowy grouper and golden tilefish. Again, actions were taken in Amendment 13C and 15A to end overfishing of these species. Of course, things could

change again if the ABC changes and the ACT changes. Possibly other restrictions would be required, depending on what your ACT is.

What we thought is that this depends up what actions are taken, of course, with speckled hind and warsaw grouper. Obviously, for example, if you chose Alternative 3, to prohibit all fishing in the deep water that this would affect, you probably wouldn't have to do anything under Action 6B, because that would affect snowy grouper and golden tilefish, too. It's hard at this point to know what alternatives or what range of alternatives should be in Action 6B.

However, we did include alternatives that have been passed forward through Amendment 15 and forward that you all have been talking about for a while and so I think staff needs clear direction of is this something that you all want in Amendment 17? Alternative 2 is to restrict the number of hooks in the deepwater recreational fishery to one per line. Again, that was in Amendment 15.

Implement a recreational limit of snowy grouper per vessel per day and then we have alternatives under Alternative 4. We have sub-alternatives that would divide the commercial quota for snowy grouper by region and state. I'll quickly run through those. Again, this has been in the document for a while and snowy grouper landings are in Appendix D, if you want to see the details of what's landed off each state commercially and including the Mid-Atlantic region also.

Alternative 4A would specify three regions. One region for commercial quota would be the Mid-Atlantic's jurisdiction and the second one would be North Carolina/South Carolina and the third one would be Georgia/Florida. Those percentages are based upon 2001 to 2006 landings. Again, that's shown in Appendix D.

Alternative 4B would split it by state, North Carolina, South Carolina, Georgia, and Florida. Then it would also have the Mid-Atlantic region. Again, North Carolina is in both councils' jurisdiction and so that needs to be decided. When you specify the quota, does North Carolina go toward the South Atlantic region or the Mid-Atlantic?

Then Alternative 4C, again, is two regions. The Mid-Atlantic is one and South Carolina, Georgia, and Florida are the rest. Alternative 5 is to change the golden tilefish fishing year. Should this be included in this amendment, I know that there's been some interest, especially in golden tilefish fishermen down in Florida, to change that fishing year so that they have the opportunity to land golden tilefish when they go fishing. I believe they were talking September. Again, staff needs direction on do we want to include these alternatives in this amendment at this time or further delay it?

Mr. Currin: Thoughts?

Mr. Robson: Just a thought. If we adopted one of the Alternative 4, that we subdivide, would that fishing year issue be less critical? I'm thinking it would and I'm trying to understand that one.

Mr. Currin: Mark, I think all those regional divisions are pertaining strictly to snowy grouper.

Thoughts on these actions?

Dr. Crabtree: One thought I have is when you're talking about allocating 0.03 percent of the commercial quota -- That doesn't mean 3 percent and that means 0.03? That's like about five or ten pounds, isn't it? Twenty-three pounds? I don't see how that's -- That doesn't make any sense and I think that ought to come out.

Mr. Currin: Sometimes that's not so realistic, after the sharks eat them on the way up. Other thoughts on this? Personally, I'm in favor of keeping the consideration of changing the golden tilefish start date in here, only because of the problems that we've experienced over the last two years with that fishery closing so early. We've either got to change the year or we've got to prohibit the longlines after 75 percent of the quota is approached, in order to give these hook and line fishermen a chance to fish.

Dr. Crabtree: I would agree with leaving that in, but to me, there's not enough fish in this quota to subdivide it like this. We can't monitor a -- We have a hard enough time monitoring an eighty-pound quota, but when you start talking about 2,000 pounds allocated to Georgia, that's going to be a tough thing to do.

I understand what people want and realistically, when you go down this path with the uncertainty and things, the quota is likely going to be reduced a fair amount in the process of this with the ACLs. I just don't think there's enough fish to divvy up this many ways. At best, you might could split it into a northern and a southern region thing. The other thing is with the trip limits we have -- I'll just leave it at that. I don't see how you can divide it that many ways.

Dr. Chevront: I was afraid that we were going to just throw the whole split baby out with the bathwater here. This is one of those situations where basically there isn't a fishery in North Carolina anymore with snowies, because of the trip costs involved in being able to go out and fish for that.

Mark has been talking all along about disproportionate impacts on Florida in some of the other species and that's exactly what has happened to North Carolina in the commercial snowy fishery. We can't afford to go out and catch the fish, based on the way that it's set up and so in essence, we have next to no landings in North Carolina now for snowy grouper, commercially.

I would like for there to be some kind of allocation that would include North Carolina separate from Florida. If we can't have them, then Florida shouldn't have them. Let's be fair about it. Basically what we're doing is we're giving all the fish that should go to North Carolina to Florida and that's not fair either.

Dr. Crabtree: Brian, we can look at that, to see if that's in fact happening, but when we did Amendment 13C, the goal there was to not have a targeted fishery for snowy grouper and so if that's what has happened, that was by design. The trip limit was set where it was to keep people from throwing dead fish back over the side, pure and simple. I don't know if anybody is targeting snowy grouper anywhere anymore. I'm not aware of it.

We have a hundred-pound trip limit now and so I don't think even in Florida that anyone goes out and targets snowy grouper for that little bit, but that was what the intent of the whole thing was. At some point -- You realize that unless you're going to shut down virtually everything and with snowy and a lot of these fisheries, it's not just shutting down deepwater.

There's a lot of bycatch of these things in the vermilion snapper and the shallow-water grouper fisheries and all. We weren't willing to go that far with snowy, to just shut everything down, of course, and so what we tried to do is allow for some bycatch to be landed, rather than throwing them back dead.

Mr. Currin: What's your pleasure on these alternatives? We've had some suggestion that at least some of the percentages outlined in specific sub-alternatives don't make a whole lot of sense. We pointed to 4A and 4B.

Dr. Crabtree: Jack is showing me our latest landings estimates. These are from January 1 through August 31 for snowy grouper. Dealer reported landings for Florida are 17,877 pounds and for North Carolina are 15,310 pounds. There's not much difference in the commercial landings between Florida and North Carolina, at least so far for this year. They're very similar.

Mr. Currin: What's your desire here as far as these regional quotas? Brian has expressed some interest to maintain some alternative to consider a regional or state split. Some of these obviously don't make sense, because of the percentages allocated to the Mid-Atlantic Council. I'm hearing that everybody wants to at least eliminate those right off the bat and are there others that you want to include or eliminate? What about the first several here, restricting the number of hooks and the boat limit, one snowy per boat? Is that something we want to include?

Dr. Crabtree: I think so, because I think the alternative we're going to have is to close the fishery or allow one per vessel. My concern becomes that whichever you do has no impact on the mortality, because they're being incidentally caught. I think we ought to keep that one in. I think everyone understands that some of these, like the number of hooks, there's probably no way we can do any real analysis of that and there would be obviously enforcement issues with that.

Mr. Currin: That was one that was a holdover that was suggested I think by the AP at some point, to try to implement some constraint on the recreational fishery. Is there a desire to keep that one in or eliminate it? I'm hearing eliminate it. Does anybody want to keep it? There are other measures that we have in here to constrain the recreational fishery. That's just one approach. Eliminate that one, the hook restriction, and keep the one per vessel? All right. That leaves the -- The regional quotas, do you want to keep any of these alternatives or a different alternative that would establish regional quotas? Any desire?

Mr. Geiger: We've heard from the Regional Office that they can't monitor quotas this low. It's crazy to keep them in there.

Mr. Currin: Everybody okay with that, more or less? No?

Mr. Robson: I think it would -- I understand the problem of getting down to too fine of a split in quotas, but I think maybe at least one of these should be left in to consider, that gives you the biggest amount, maybe the North Carolina/South Carolina and then Georgia/Florida split.

Mr. Currin: Brian, are you okay with that as an approach?

Dr. Chevront: Yes, I would be okay with that. I didn't want to leave them out altogether.

Mr. Currin: That one in particular makes sense to me. Most of the landings are in Florida and in North Carolina. There's not a whole lot in either South Carolina or Georgia and so that split seems reasonable. Is everybody okay with that? Any others? I heard consideration of changing the tilefish fishing year and that should be included.

Mr. Munden: Mr. Chairman, clarify for me which one of the alternatives we're going to keep in, because the Mid-Atlantic Council is very concerned about being included in the snapper grouper plan and we do have particularly snowies being landed off Virginia at this point in time and so which alternatives are we not going to carry forward?

Mr. Currin: The one I heard interest, Red, in carrying forward of the ones that are currently before you would be, I believe, 4C. That would include the Mid-Atlantic jurisdiction in with North Carolina and they would be part of that quota assigned to that region.

Mr. Munden: I think that would be acceptable to the Mid-Atlantic at this point in time as an option.

Mr. Currin: That does include the option within that for a state-by-state as well as a region. Do you want to be more specific, for the benefit of staff, to change that one to reflect two regions? I'm seeing heads nod to that and so if we can modify 4C, Rick, to just establish the two regions, combining North and South Carolina. The way I read that, it didn't include that. That was like a pure state-by-state and is that correct? No?

Ms. Shipman: I think 4A was the one that split it into regions. It's just that 4A excluded the Mid-Atlantic. It was North Carolina/South Carolina and Georgia/Florida and I think that's the one we wanted, was it not?

Mr. Currin: You guys tell me.

Ms. Shipman: I thought we were looking at 4A.

Mr. Currin: 4A? Is that correct then and not 4C, as I stated.

Dr. Chevront: I agree that it is 4A, with including just the states from South Carolina north, but let's make sure that we also include the landings that are occurring north of North Carolina in those calculations as well and so whatever landings records that we have for Virginia or anywhere north should be included in that.



Mr. Currin: There's been some analysis of that. I don't know what kind of problems that presents to the Southeast Region for monitoring quotas in states that are -- Is Virginia within the Southeast Region? It is not, is it?

Dr. Crabtree: No and I suspect none of the dealers up there have snapper grouper dealer permits, although I don't know. They may. If they're purchasing snowy grouper after we extend our management, then they'll have to get snapper grouper dealer permits and then if they're selected, they would have to report. I suspect that the landings up there are small enough that they probably won't be selected, because we don't select all dealers. We try to select the major dealers and then adjust it for the others.

Mr. Currin: If I were running the program, I would have at least one up there being monitored, so I would have some feel for what was going on up there.

Mr. Waugh: Remember we have a data collection item that we will talk about that would change how we monitor our quotas.

Mr. Currin: Thank you, Gregg. That's a good point.

Ms. Merritt: Roy, a question. Doesn't a dealer have to have a snapper grouper permit in order to get a wreckfish dealer permit or not? The reason I'm asking is I do know that there are some dealers in Virginia and if I'm not mistaken, as far north as New York or Massachusetts who have wreckfish dealer permits and that's part of the snapper grouper complex.

Dr. Crabtree: Monica will have to check on what the regulations require.

Dr. Chevront: I have a feeling that once we include Virginia and the Mid-Atlantic States in our snapper grouper plan that we might actually see some of their landings go down and I'll leave it at that.

Dr. Crabtree: Red, do you know -- Do any of these guys up there have snapper grouper permits in the Mid-Atlantic region who are bringing these fish in?

Mr. Munden: I'm not sure, because the Mid-Atlantic Council just became aware of the landing of snapper grouper species in Virginia within the past year. That was actually triggered by Virginia putting in state regulations that limited the amount that could be landed, to keep this fishery from continuing to expand.

Mr. Currin: Most of that hoopla was, initially at least, associated with recreational landings. I've not seen any information on the commercial landings. I would suspect that there probably are some, but I don't know. Are we okay with this action? Have you guys got what you need? What else do you need from us on this, Rick?

Mr. DeVactor: Can you just go over which alternatives -- Again, Alternative 1 will remain, Alternative 3 will remain, Alternative 4A will remain and Alternative 4C, will that remain?

Mr. Currin: No.

Mr. DeVactor: Alternative 5 will remain?

Mr. Currin: That's correct. That was my understanding.

Mr. Munden: I have a question for staff relative to Alternative 4A. What is the rationale for allocating 0.03 percent of the quota to the states? Is it based on landings or just -- What was that based on?

Mr. DeVactor: That's based on landings, such a low level, in the Mid-Atlantic's jurisdiction commercially for snowy grouper. Essentially, with this alternative, you would not be giving any snowy grouper to the Mid-Atlantic's jurisdiction, since North Carolina is counted in the South Atlantic region.

Mr. Currin: Would it make more sense to either eliminate that 0.03 percent or to add it into the North Carolina/South Carolina region and just include the Mid-Atlantic in that or should we keep that separate?

Dr. Crabtree: Yes, it makes more sense to me to have a South Carolina/North Carolina and above and then Georgia and Florida and that's it.

Mr. Currin: Does that make sense to everybody else? All right. Let's do that then, eliminate that 0.03 percent or eliminate it or add it in, whatever. I don't think it will change anything.

Mr. DeVactor: Next is regulations to end overfishing of red snapper. This is on page 33 of the PDF document and so we have the current regulations under Alternative 1. That's the twenty-inch size limit, commercial and recreational, and a recreational limit of two fish.

We have alternatives in there to modify the size limit of the twenty inches and there we have the discard mortality rates used in the SEDAR assessment, which was 90 percent commercial and 40 percent recreational. I'll see if there's any interest in changing those. There could be beneficial effects, of course, if you reduce that size limit, obviously. It could reduce discard mortality rates and so we'll have to talk about that, changing the size limit.

Alternative 3 is modifications to the bag limit and Alternative 4 is having time/area closures in, either seasonal or permanent, and Alternative 5 is any other actions or alternatives. I would like to point out that we do have quite a bit of data and it may take some time to go through some of this, but it's in the appendix that Jack has put together.

It's Appendix E, I believe, but it basically shows landings in the logbook grids and so if you were to consider some sort of area closure, that perhaps could help your decision. It shows recreational landings by the headboat grids, for example, too. I can put that on the screen and if you have any questions, but I'll just leave it at that.

Mr. Currin: Comments or questions?

Mr. Munden: A point of clarification for Dr. Crabtree. If indeed Amendment 17 does extend the management area north of the North Carolina/Virginia line, fishermen from Virginia, for example, who desire to land snapper grouper would have to have a snapper grouper permit from the Southeast Region?

Dr. Crabtree: Yes, that's how I would interpret it.

Mr. Munden: That's a two-for-one exchange on those permits?

Dr. Crabtree: Yes.

Mr. Munden: I just wanted to make sure, so I could inform the Mid-Atlantic Council of that requirement.

Mr. Currin: Comments on these alternatives? Then I'm sure staff is going to need some guidance, on some of these at least. Is size limit change something that we seriously want to consider?

Dr. Chevront: Given that we have delayed interim rule on red snapper, I think partially because we needed time to figure out how we want to go about managing this -- I know it's a lot of work and there's a whole lot of data that has been churned through here, but I think, again, that we need to look at probably most all of these alternatives, 1 through 4 at least, and I guess at this point I don't really feel that I have enough of a grasp of this to suggest to others for whether the alternatives, two alternatives that are listed under 5, are worth pursuing, but I certainly do feel that Alternatives 1 through 4 are and I would like to see those included.

Mr. Waugh: Just remember what our goal is here. The landings of red snapper in 2007 were 446,659 pounds. We can now land 42,000 pounds. I don't see that being accomplished with a size limit. I think realistically your size limit and bag limits aren't going to do that. You're looking at time/area closures and that's why we have those grids in there. You can look at those grids and pick some time/areas that you would leave open and the sum of those catches in those time/area grids have to be less than 42,000 pounds.

Dr. Crabtree: Gregg, where does the 42,000 pounds come from?

Mr. Waugh: That's the ABC.

Dr. Crabtree: The problem is the SSC didn't have the projections when they made the ABC and based on the projections that I've seen, you can't recover or end overfishing at that and so they're certainly going to have to go back in and reevaluate that ABC, because I'm sure they didn't have the projections, because we just got them the week before the council meeting, didn't we?

Mr. Waugh: So the ABC would be lower than 42,000 pounds?

Dr. Crabtree: Based on what I'm seeing, the ABC is going to be zero and then we've got to

reduce discards. I haven't seen a realistic scenario yet that allows -- I think there are projections that allow some harvest, but in order to do that, you have to have extremely low levels of discards, which I'm not sure how you get there.

Having said all that though, certainly the size limit seems to be too high and even if we close the fishery, I would guess we ought to take the size limit off the books and readdress it when we get to the point of opening at some point, but I wouldn't make too much, my point is, out of that ABC, because I don't think they had the information.

Mr. Currin: Roy, you would suggest leaving the modifications to the size and bag limit in there, such that they could be eliminated?

Dr. Crabtree: If we close the recreational fishery, we would set the bag limit to zero and then we would prohibit sale and restrict everybody to the bag limit. Yes, I guess I would. The size limit, we could just leave it alone, but at some point we have to deal with it and it would make sense to me to just clear it off the books.

Mr. Currin: I guess my question is do we need an alternative in here to modify the size limit and/or the bag limit in order for us to be able to set those at zero or eliminate them from the fisheries management plan if the recreational fishery closed?

Mr. Waugh: I think rather than say modifications to the size limit and modifications to the bag limit, we should have an alternative that says the bag limit is zero and remove the size limit. That's what we're looking at.

Ms. Smit-Brunello: Conceptually, that makes sense to me and I'll check the regulations right now to see what we do in other cases.

Mr. Currin: I just didn't want to leave that in there so that we had to develop a bunch of analysis associated with several different size limits and bag limits and all of that.

Dr. Crabtree: I certainly think right now it's just a matter of take it off the books. Now, if we get some information that somehow indicates we can have some sort of harvest, then I guess we would have to revisit that, because I don't know if getting rid of the size limit would be what we want to do or not, but it looks to me like -- There's no question in the commercial fishery if everything you catch and throw back dies, then you want to have total retention and I suspect even at 40 percent release mortality in the recreational fishery that it's -- You can't justify the size limit and so I would think it's just gone.

Mr. Currin: Is what I'm hearing then that we need to strike Alternative 2 and 3 and insert an alternative in its place that would set the bag limit at zero and eliminate the size limit on red snapper? Is that what I'm hearing as a suggestion from the committee?

Dr. Crabtree: Let me suggest that rather than just saying -- What we're talking about is closing the fishery, right, commercial and recreational, in that alternative? Is that what we're talking about?

Mr. Currin: I'm not sure that's what those -- I guess I was getting at the recreational fishery there in particular, but yes, I guess it could be modified to include the commercial fishery as well. That would be the end result, yes.

Ms. Shipman: Roy is getting at part of my question and it had to do with sort an overlay or the umbrella under which all of this would come would be no directed fishery. If 42,000 pounds or less, and there's a possibility it's going to be less, I don't see how on earth you have a directed fishery in either sector. How you figure out the bycatch mortality and all of that -- There is no post-quota. It's all bycatch mortality. That's your whole fishery, I think. To me, that needs to be stated in here, if that's our intent. I think we need to indicate that we do not envision a directed fishery in this amendment.

Mr. Currin: If we envision that as a possibility, it certainly ought to be included as an alternative here. I guess I'm getting more into the details of that and whether that would imply or allow the council and NMFS to remove the size limit and remove the bag limit and all of that.

Ms. Smit-Brunello: I'm not sure if this is a good analogy, but in the case of red drum, there is no bag limit and there is no size limit. You prohibit the harvest and possession. If you catch it, you have to return it to the water with the least amount of harm and that's one way to approach it. I don't know whether there ever was a bag limit for red drum. Maybe they didn't have to go through that, but that's one way to approach it.

Mr. Currin: I think there was.

Dr. Crabtree: It seems to me if you prohibit possession then the size limit, by definition, goes away.

Ms. Shipman: One other question having to do with the season/area closures. Was it also contemplated that we might look at variable closures in the region? I'm assuming that's why the grids are there, that we potentially could entertain the variable season closures. It doesn't say that, but I'm assuming. Okay.

Mr. Waugh: Mac, what we are looking for from you all is some guidance as to which grids you would like to see worked up as alternatives. That's not something we want to be a directive to staff and the team.

Mr. Currin: I understand that and we're going to get there.

Dr. Crabtree: When we're talking about these area closures, are you talking about closing those areas to red snapper? You're talking about closing those areas to snapper grouper fishing, I assume? Okay. We just need to be clear about that.

Mr. Currin: They're not going to make that decision. Those are options that this committee and the council will have to consider.

Dr. Crabtree: Right, but that's the option we're -- That's what this time/area closure is about

though?

Mr. Currin: Exactly.

Dr. Crabtree: It's closing other species down to reduce bycatch and it's not about allowing some take of red snapper somewhere.

Mr. Currin: No, it doesn't seem to be at this point, unless something drastically changes when the SSC looks at that again, but what I'm hearing is that in all likelihood that may go down. That would be the guidance, is to look at these areas and potentially where there's significant harvest of red snapper, those might be considered for closure, to eliminate discards there. The staff is looking for guidance from this committee as to what range of those areas or which areas should be included in various alternatives.

Mr. Swatzel: Just a question. With time/area closures, that's about the only way you could consider maintaining the existing size and bag limit.

Dr. Crabtree: No, my understanding is that's a time/area closure not of red snapper. Red snapper is closed all year, but that's closing down everything else all year or for some extended period of time in those areas, so that no one goes fishing out there and so the discards don't occur. That's the way I'm reading it.

Mr. Currin: I think you're right, Roy. That's the implication, from the information that we have on the allowable mortality.

Ms. Shipman: Just another question. That's the commercial grid and do we have anything recreational and can we take a look at that?

Mr. DeVactor: Yes, I'll scroll to that right now. You type in page 98 in your PDF document and you'll be able to find this. This is headboat landings, pounds whole weight, of red snapper. The yellow highlighted zones are of highest landings. Then we have MRFSS data. This is on page 99 and this shows the county codes of highest red snapper landings.

Mr. Currin: That concerns me a little bit with the county codes. Is there any way we can refine that? Probably not. I think I know the answer to that question, but it does concern me, because trips that are originated and landed in a particular county may actually be fishing off of an adjacent area. If you look at the numbers there, you can probably feel reasonably comfortable with them, but I don't know that.

Why don't we start with the commercial grids and see if we can make some headway there. It's getting close to five o'clock, folks, and we're going to probably have to go until 5:30 today and that's about as -- Perhaps a little bit later, but I would love to be able to polish this off today. There are the commercial grids and the catches. Thoughts or comments?

Ms. Shipman: My only thought is it's so surgical in terms of it's three very small areas and it practically eliminates that fishery out of northeast Florida, which admittedly is probably going to

-- Again, we were saying it's not going to be a directed fishery, but if you look at potential for displacement of people into other areas, I just see it being problematic with just those three areas. It would have to be broader. I know that's the highest, but if you were --

Dr. Crabtree: How big are those grids? Susan, you said they're small areas and I suspect they're big areas, I think. Aren't they sixty-by-sixty or something close to that?

Ms. Shipman: You're right that they're big in that regard, but they're small if you look at the whole South Atlantic, that you've got that much catch coming from just three grids.

Mr. Currin: That's the other thing to keep in mind. The commercial fishery for these fish is relatively small, compared to the recreational fishery.

Dr. Crabtree: One other thing you're going to have to face here is if this is where we're going to go, VMS is going to come up again. We're going to have issues with enforcing these things. I don't know if people want to go down that path, and maybe not, in this amendment, but surely we're going to have all kinds of poaching issues.

Mr. Currin: It doesn't do much good to poach them if you can't sell them and if you've got enforcement onshore -- You can sneak one home and eat it, I guess.

Dr. Crabtree: Remember we're closing these to everything. It's not red snapper. It's all the other things.

Ms. Shipman: Just back to that, were you to try to target those zones where you've got 51 percent of the catch, I just think your displacement -- I just don't know how practical that is, which isn't to say you don't need some sort of a closure, but I just don't know that you could target those zones. You may be better off throughout the region, something that's broader than that.

Those 3080, I would guess, is that Brunswick snapper banks, Jacksonville snapper banks, and they're going to just displace up to the Savannah snapper banks, were you to do a total closure. They'll just go outside that grid.

Mr. Harris: I don't think you can just close those areas just because of the high catches of red snapper when we're talking about closing them to other species. You're going to have to look at other areas so that you don't just displace the fishermen in those particular high red snapper catch areas. You're going to have to look at something different than just that.

Mr. Currin: We're trying to decide what we're going to look at right now and we're kind of talking through it. Nobody has made any suggestions yet on how exactly this should go.

Mr. Swatzel: The area off of South Carolina looks pretty close to where the MPA is located. Has anybody looked at where these squares fall in relationship to the MPAs?

Mr. Currin: I have not, Tom. I don't know, but they can certainly be placed on a map, but they

would be dots within these blocks.

Dr. Crabtree: I think, back to Duane's comment though, I think what we are trying to do is to displace fishermen out of these areas, because these are areas that are hot spots for red snapper and we think these are the areas where the discards are all happening. We want them to fish somewhere else, so that they're not going to be encountering red snapper. At least that's my interpretation of how this is working.

Ms. Shipman: My only point was -- Again, knowing where those snapper banks are and how that ridge line runs, you may negate what you gained in that one zone by displacing them up to say the Savannah snapper banks or those areas off of Hilton Head. You may end up putting a lot of pressure in the area where the recreational fishery has historically been for vermilion and red snapper. I just don't know what you're going to accomplish there.

Dr. Crabtree: I would suggest we look at the recreational fishery, because I think we're going to want to close both sectors down in those areas, and they may have other areas that show up that would have to be included in this, too.

Mr. Currin: Can we pull that off, looking at both of them at the same time? I guess if we look at the recreational with these blocks in mind, that may show us. It appears to be pretty much the same area.

Mr. Geiger: It looks like the recreational goes possibly below Cape Canaveral quite a bit and on the commercial, it would stop well north of Cape Canaveral, probably St. Augustine.

Mr. Currin: In that chart, it indicates that zones from Daytona Beach to Sebastian.

Mr. Geiger: That would be -- On the commercial chart, it would be 2879, in addition to 2980 and 3080.

Mr. Currin: How are we going to do this?

Dr. Crabtree: I think this is kind of -- The only other alternative I can come up with is to have a seasonal closure of everything and see if the analysis shows that might get us to where we need to be. I don't know which is less objectionable. I suspect they're both extraordinarily objectionable, but I don't have any real ideas.

If you start talking about a seasonal closure that affects everything, it seems like you're -- Because you're trying to rebuild red snapper, you're going to have to shrink that down some, because we have some fisheries that probably have zero red snapper bycatch. I think that almost brings you back to looking at areas, but I think to start narrowing these areas down that staff is just going to have to come in and start looking at where the areas are and some boundaries and work with Jack to try and figure out what sort of bycatch reduction we might get. I don't know how to narrow this down anymore, but everything I'm seeing is in that north of Canaveral up to the South Carolina line, it looks like.



Mr. Currin: I'm hearing from Roy that we need some analysis of a seasonal closure of everything as one alternative for consideration and how long that would need to be to get us to the point where we've reduced the mortality to some, at this point, level below 47,000 pounds or something, but I'm not sure where we're going to end up there.

Mr. Waugh: It would be to look at a seasonal closure of the entire fishery and the time open, look at various times that you keep open, that the landings of red snapper would stay at least below this 42,000 pound level or give you a table that shows if you wanted to keep landings at 42,000 pounds that here's the season or if it was lower, here's the season or something like that?

Mr. Currin: Yes, that makes sense.

Mr. Geiger: Do we need to put a bound on it, a boundary? Do you want to use Cape Canaveral?

Mr. Currin: George's question was do we want to use a boundary on this?

Ms. Shipman: It looks like it's Sebastian up to the North Carolina/South Carolina line, even when you look at the commercial. That would take that into --

Mr. Currin: Keep in mind those grids are for the commercial fishery only now. If you scroll down to the recreational, Duane, we've got Blocks 7 and 8 there that there's a pretty high occurrence all along from Sebastian, Florida north, all along that -- At least looking at areas where they're landed. There's MRFSS under that, on page 99, that goes down well below Cape Canaveral. The MRFSS indicates it goes down to about Sebastian as well.

Mr. Waugh: Then we're looking at a seasonal closure of the area roughly Sebastian, but we'll make sure it coordinates with that 2980 grid, from there up to the South Carolina/North Carolina line, looking at seasonal closures for snapper grouper fishing in that area, looking at various poundage levels from 42,000 pounds and stepping it down as to what part of the season could be open to achieve that level of red snapper landings.

Dr. Crabtree: It's not landings. We're talking about how we can reduce the discards here, right?

Mr. Waugh: What we have to work with are grids and areas that have some level of landings. We have to use that.

Dr. Crabtree: I think we could look in the logbooks, but I doubt they're discarding red snapper in the commercial fishery. If they catch them, I guess they're bringing them in. What we're trying to do here isn't to get the landings down to some level. What we're trying to do is to get significant reductions in the numbers of total removals and so we're going to look at potentially an extensive seasonal closure of snapper grouper in that zone and then we would look at some area closures that would be year-round, I guess, in that zone and is that what we're -- I think that's what we're doing, right?

Mr. Waugh: I was just focusing on the seasonal closure, to get clear there.

Mr. Currin: That would provide us with a single alternative and then if we wanted to look at another one, as Roy suggested or at least mentioned, it could include permanent closures in certain areas, with appropriate seasonal closures in other areas, to get us to whatever that magical number is.

Mr. Waugh: I think it was Tom that asked about the MPA sites and we do have this. It's from Amendment 14 and these outlines that you see here are the statistical grids. We're still looking to see if we have one with the actual grid numbers on there, but we can match this up and this covers North Carolina, South Carolina, and Georgia. You can see that these are probably some of those grids where there are higher catches and so we can -- Give some thought to how you might build in a reduction from those MPAs in these areas.

Mr. Geiger: The one off of South Carolina is included, too. I think we've got the --

Mr. Waugh: These are all the alternatives.

Mr. Geiger: The one off of northern South Carolina looks like it's in, along with a corner of the Snowy Wreck.

Mr. Currin: What's your pleasure on this as far as consideration of permanent closures of some grids, any grids, no grids? What are your thoughts about that as a viable alternative for consideration?

Mr. Harris: Just one comment. Those grids represent 53 percent of the landings and so you've got a significant part of the landings that occur throughout the region outside of those areas and so if you focus all of your attention on that area, you're going to get, theoretically, a 53 percent reduction and not in landings, but discards, whatever we're trying to achieve here. I think we need to look beyond just that and see what else we need to do, other than just those shaded areas.

Mr. Currin: That's a good point. Other ideas on how to approach this? We're running into a lot of problems on trying to figure out the best way to do this, other than just a big whack for some period of time. One alternative is not going to cut it.

Dr. Crabtree: I think staff is going to have to figure out a suite of alternatives that involve seasonal closures in that area of everything and some potential area closures, but until we're presented with some analysis and things, I don't know how to get -- We don't even know right now exactly what we need to do. I can't tell you how much we need to reduce discards exactly. We're going to have to look through those projections and figure that all out, but I don't see how we can get much beyond just the general concept and staff is just going to have to develop some alternatives for us to look at, it seems to me.

Mr. Currin: I'm sure they don't want to figure this out anymore than we do and so that's why they're asking and I'm trying to get some direction from the committee, so that we don't lay this all on staff, but you're right. Without the numbers all that -- Make us give you what you need, guys.

Mr. Waugh: Do you want us to analyze a total closure?

Dr. Crabtree: You mean a total closure of everywhere or where?

Mr. Waugh: Yes, everywhere.

Dr. Crabtree: I would say no, because based on what I'm seeing, there are places that have no red snapper and we've got fisheries that, to the best of my knowledge, have no red snapper bycatch. The black sea bass pot fishery, I doubt there's any or much. I think it ought to focus in that area there that's Canaveral north to South Carolina/North Carolina line. That seems to be where they are. I can't see why we would close Monroe County, for example. I think it's got to be something less than that.

Ms. Shipman: My thinking was as you do the seasonal analysis that the season may end being year-round. In order to get whatever reduction, it may be the twelve months and that would get your year-round and if you look at some of those other percentages, they are bracketing -- Roy is right that it really is that Sebastian up to the North Carolina line, that area. Some of those grids on either side are going to take in another 7 percent or another 8 percent and so I think that's your area.

Mr. Currin: Rick just prompted me that we haven't indicated how far offshore or some depth zone through which we might consider this. I don't know whether Jack can shed any light on where these things are likely to occur, from a depth perspective. Any ideas anybody has got about whether there should be some bounds on the depth? It's a shelf-edge fishery primarily, I think. It's sometimes limited by current and sometimes not. Tom, you may have some insight into that, I don't know.

Mr. Swatzel: We're catching those fish anywhere from fifteen fathoms on out and so it's a fairly broad range.

Mr. Currin: There's an overlay up there with the depth contours.

Mr. DeVictor: The black is thirty meters depth and the light blue is fifty and the purple is a hundred and orange is 200. It's hard to tell, I know.

Mr. Currin: The first line out from the coast is thirty meters and so that's roughly fifteen fathoms, somewhere around that. That bisects some of those grids that we were talking about at least. Is that a bound that we feel comfortable putting on or at least as an alternative, a single alternative, to define those areas?

Mr. Geiger: The thing that always pops up kind of at the end is enforceability and law enforcement always wants the square box and they would like to have it on longitude and latitude. Certainly if you're going to do a VMS, it would be a lot easier -- At some point VMS, to have longitude and latitude.

Dr. Chevront: Then are we going to include Grid Square 3378, which includes part of North

Carolina, which is basically Brunswick County? 3378 looks like it goes from about Cape Fear into South Carolina.

Mr. Currin: If you drew that line, the state boundary off of there, it's not going to intersect that thirty-meter contour until -- It's going to put all of that box beyond thirty meters, I believe, the thirty-meter contour into South Carolina and the area of jurisdiction of South Carolina. Do you see what I'm saying?

Dr. Chevront: Yes, the combination of the grid square and the thirty-meter contour?

Mr. Currin: Right.

Dr. Chevront: You're right. I see that.

Mr. Currin: Am I hearing some indication of support of bounding it on the western side by the thirty-meter contour?

Dr. Crabtree: I think you're going to have to draw lines and I would suggest we try to draw squares, to the extent we can. We're going to have some real enforcement issues here and to draw it on a depth line and have some squiggly line -- You're talking recreational fishermen who -- I think we need to go with simple shaped areas, as best we can.

Mr. Currin: There's going to be whole lot of them, when you start making squares out there and trying to bound it, or either they're going to be covering a lot of area unnecessarily perhaps. I don't know. I understand your concern and I understand law enforcement's concern.

Mr. Waugh: We've got these catches within the grid. Certainly if some of them get very deep, we could perhaps rule out red snapper catches in those portions, but we don't know where within these grids the landings that we're going to be working with are coming from.

Mr. Harris: Mac, I think there's a way, and I'll walk up there and just point it out to you, where you could do it by latitude and longitude line and grid. You start here and you can come down and come over and come down and come over and then come on down and come over and you can still capture almost everything you're talking about doing.

Mr. Currin: That captures one boundary. I'm kind of trying to think about the other side of defining an area such that some fisheries might be able to operate in that shallower water or is everyone thinking that it's just going to be from the beach out for all snapper grouper? I don't know. It might be the same sort of analogy, Duane, on the other side. We may be able to approximate that or -- We aren't restricted to these grid lines, by the way, but straight lines are a help, I think.

Mr. Harris: Mac, I understand what you're saying about those shallow areas that do have some of those species and probably not nearly as many red snapper in them and I would hate to see those areas closed off if we can find a way to keep those shallower areas open, so that some of that fishing can continue to occur. I agree with you.

I think that's something else that perhaps staff can look at, is there an inner boundary line that we can define that would allow some of those shallower water areas, inside perhaps of that thirty-meter contour line, keep those areas open. Inside of thirty meters -- We do have red snapper off Georgia inside of thirty meters, but you're catching the bulk of those out at the snapper banks that's ninety feet to 130 feet and then on out. I would like to see some of those areas remain open, if we can.

Mr. Currin: I guess realistically -- Somebody correct me if I'm wrong, but we're probably talking about the only fishery that would operate without interaction would be the black sea bass pot fishery and I'm not sure about what other snapper grouper fisheries would occur in that shallower water. Can anybody think of any? There's some grouper fishing. Yes, that's true.

The other thing to consider with this is once measures as drastic as this perhaps get put in place and the fishery does begin recovering, we're going to start seeing some of these -- We're likely to see these smaller individuals showing up closer to shore, on appropriate habitat or around appropriate habitat as well, and range extensions as well. I guess that's a problem for down the road.

What else? Ideas from anybody? I understand -- I want to make sure Gregg and Rick have some indication at least of the direction to head to bring something back to us for further analysis or consideration in December. Are you guys okay? What else? If you're not, say so or if you have other ideas about things that nobody has mentioned that you think might be reasonable, let us know.

Mr. DeVactor: This is on page 27 of the document, but we have alternatives -- The first set of alternatives, 7A, look at ending overfishing of red snapper and then Action 7B, which I'm finding right now, would be regulations to end overfishing of the remaining shallow-water mid-shelf species and again, it's the same case where I think what you do with red snapper is going to impact the rest of the species and so we may not need an action here.

Dr. Crabtree: That's probably not the case, because black grouper is probably not going to be affected by any of that and I don't know that black sea bass -- How much that's necessarily going to be affected by it. You may be right for the other ones, but I think almost all the black grouper catch is south of that.

Do we want to title these to end overfishing? We've already submitted amendments to end overfishing and maybe it's okay. We're increasing the likelihood that we end overfishing or something, but it's just something to think about.

Mr. DeVactor: We could call it to keep catches at ACT or keep catches below ACL. Table 13, which is PDF page 35, you have the species, the shallow-water or mid-shelf species: black grouper, black sea bass, gag, red grouper, vermilion snapper, and red snapper. You have the current regulations. We do not have any suggested alternatives from staff here, but I guess you have to look at alternatives to, again, end overfishing or what have you of black grouper and red grouper.

Mr. Geiger: Is this not one of the cases that we just took actions in Amendment 16 that would contribute to -- That we could consider until we get the results of the next stock assessment in 2009 and just move forward with?

Dr. Crabtree: That really depends on what you do in the rest of this document in terms of decisions you make about how far below and how much spread are you going to put in these things? If you decide with black grouper, for example, that you're going to set the recreational ACT at 50 percent of the ACL and you're going to step the ACL down from the ABC, you may get yourself in a position where what you did in 16 is -- You need to do more. It really depends on what you do with this.

Mr. Currin: I think that's the basis of your concern and admonishment earlier in the day.

Mr. DeVictor: What I have up here, this is Table 3 and it's on page 16 of the PDF and I guess a good starting point would be to compare what the landings were in 2007 to what the ABC would be from the SSC. Black grouper, they're pretty much equal. Red grouper, total landings in 2007 was 1.1 million pounds. The ABC would be 704,893, but, again, regulations are being taken in Amendment 16 that could potentially reduce the harvest of red grouper and black grouper.

Dr. Crabtree: I think, Rick, you're just going to have to look at, with these step-down alternatives in there, where do they lead you in terms of what the ACL would be and then are we there or are we going to need more reductions? Black grouper is one, but I suspect sea bass is probably going to be a bigger one, to some extent.

If we were setting the ACT at our current FOY level for black grouper, what we did in 16 is certainly -- Certainly it seems sufficient for that. It's just if we're going to set things more conservatively than that. Then it may not be and I don't know how to figure that out until we see what the numbers come out to be on some of these things.

Mr. DeVictor: That's where the bundling could help us, when we have one conservative value and then the liberal, but we don't have that right now for these.

Dr. Crabtree: Since we're at a one fish bag limit for black under 16, it seems to me the only alternative left to us would be to extend the closure, I think.

Mr. Currin: That's one approach, extend the closure. You could go to zero bag limit I guess is another extreme or a boat limit of one per boat or -- All of those would seem to be on the extreme, with perhaps one per boat in between. I'm kind of at a loss here as to what to suggest.

Mr. DeVictor: If could tell us when the results of the SEDAR assessment for red grouper and black grouper are due.

Dr. Neer: Red and black grouper is SEDAR-19 and it starts June of 2009 and it will finish in January of 2010 and it goes to the SSC in June of 2010. You'll get the results in June of 2010 for red and black grouper.

Mr. Currin: I don't know, Rick. What I understand is you need some direction in order to actually do the bundling. That's what I heard you say earlier.

Mr. DeVactor: I think if we see what those ACTs would be on those two extremes and then we could work up alternatives to extend that shallow-water grouper closure to achieve that, the ends of the bundles, then we can also look at a boat limit, for example. Again, until we see the high and the low value, I think that's all that we can do.

Dr. Crabtree: I guess we would do that for like sea bass -- It's just not clear to me if we did some of those area closures how much reduction that would get us on sea bass, because I think most of the landings are up off of North Carolina in that one.

Mr. Currin: On to accountability measures? Is that where we are now? It's page 37.

Mr. DeVactor: You've reviewed this in June and they really haven't changed. Again, these are separated out for the commercial sector, for-hire, and private recreational. What we'll do is we'll have accountability measures, if you would like, for the commercial sector and then some for the recreational.

For the commercial sector, the first accountability measure is Alternative 2A. If the ACT is projected to be met, prohibit the harvest and retention of species or species group and then if the sector ACL is exceed, the Assistant Administrator shall publish a notice to reduce the sector ACT in the following year by the amount of the overage. Basically, it's what we have in place right now. If you meet your quota, you close the fishery. However, this factors in if you go over the ACL, you would take it off the following year.

Then there's Alternative 2B. Again, it's the same way, where if you reach your sector ACT you close the fishery. However, in this instance, if the sector ACL is exceeded, there will be a notice to reduce the length of the following fishing year by the amount necessary to recover the overage from the prior fishing year.

Then Alternative 3, what that basically does is separate the accountability measure, depending if the species is overfished or not overfished. For both cases of stock status, if the sector ACT is projected to be met, you would close the fishery. However, if it is overfished and the ACL is exceeded, there will be a notice to reduce the sector ACT by the overage. If it's not overfished, you would reduce the fishing year. Basically, that's a hybrid of 2A and 2B, depending on the stock status. Again, we're looking here if we have the range of alternatives to carry forward to analyze.

Mr. Currin: Comments on these alternatives? Is everybody comfortable with these? Is it a reasonable range? I see potential problems with reducing the fishing year the following year, but it's certainly an approach that could be used.

Dr. Crabtree: I might be missing something. I'm looking at Alternative 3, which is the commercial sector AM, and we have one Sub-Alternative 3A and is that it?

Mr. DeVictor: Yes, I think in June we had more and then I think we moved one out and so possibly we could just make that Alternative 3.

Dr. Crabtree: I don't know. It worries me a little bit to say there's only one reasonable accountability measure we could come up with for the commercial sector. Does that cause you any concerns or does that seem reasonable to you?

Mr. DeVictor: There's actually three alternatives. You have Sub-Alternative 2A, 2B, and then Sub-Alternative 3A. 3A is just -- It differs in that the AM varies.

Mr. Currin: There's actually three there, plus the no action. Are you okay with that? Let's move on if we can. Action 8B for the for-hire sector will be removed, I presume. Now we're on page 41, AMs for the private recreational sector.

Mr. DeVictor: Again, as you go down from Alternative 2A to 2D, they get more conservative or more restrictive. Sub-Alternative 2A is if the sector ACT is projected to be met, you would not prohibit the harvest and retention of the species. However, if the ACL is exceeded, you reduce the following fishing year to account for that overage.

Alternative 2B, again, you would not close the fishery if the ACT is projected to be met. However, if the ACL is exceeded, the Assistant Administrator shall publish a notice to reduce the sector ACT in the following year. The first one, you reduce the fishing year, the following fishing year, to account for overage and Alternative 2B, you would actually reduce the ACT. That's the difference between Alternative 2A and 2B.

What happens with 2C and 2D, both of those, if the sector ACT is projected to be met, you prohibit the harvest and retention of species. Alternative 2C, if the sector ACL is exceeded, you reduce the fishing year the following year and Alternative 2D basically tracks the commercial AM exactly, where you close the fishery if you meet the sector ACT. You would reduce the ACT to account for the overage and so Alternative 2D tracks the commercial AM. Again, you go down from 2A to 2D, it gets more restrictive.

Then what we thought we would look at -- Alternative 3, which varies depending on the stock status -- Again, if the species is overfished, perhaps you have more restrictive measures to keep you on the rebuilding plan, in terms of accounting for an overage. Alternative 3A would not implement an AM if the sector ACT is projected to be met, where Alternative 3B, if the sector ACT is projected to be met, you prohibit the harvest and retention of species. That's the only difference between 3A and 3B, is that first sentence.

For both of those alternatives, if the species is overfished and the ACL is exceeded, you would reduce the sector ACT in the following year by the amount of the overage. However, if it's not overfished and the ACL is exceeded, you would reduce the length of the fishing year.

Then finally, Alternative 4 -- Again, this gets to looking at a range of years and that's what you would use in comparing the ACL and so what you would use for 2012 and beyond, you would use a three-year running average. Here, I imagine you could have multiple preferred alternatives



and if you wanted to use that, you would choose that as your preferred alternative, Alternative 4, along with another alternative. That's a quick summary of the recreational AMs.

Mr. Currin: Comments? It's an awful lot of alternatives there and there are an awful lot of them that are based on our ability to track real time the catch of a recreational fishery, which I don't see happening.

Dr. Crabtree: I think you're going to have to give some thought that some of these may be appropriate for one fishery but not for the other. For example, you have the one here where if the ACL is exceeded that you would publish a notice and reduce the sector ACT the following year by the amount of the overage. Well, for some of these things, like the snowy, which I guess if we close it down there wouldn't be an AM, but for some of these like golden tile and snowy, probably just the year-to-year fluctuations due to sampling error would be enough to ensure that you would have no fishery periodically, because of that.

I think to some extent you need to be conscious of the fact that you could easily build up a big deficit for the following year and again, it may be that you exceeded the ACL because you had really good recruitment and there was a whole bunch of fish out there. I think you need to be very cautious of that kind of thing.

Just as an example, if you're in a rebuilding plan and the stock is recovering much more quickly than you expected it to, you're going to be blowing your ACLs away and it's because you're recovering more quickly. I don't have solutions to those kinds of things, but you need to be careful about them when you choose these.

Mr. Currin: Comments?

Mr. Geiger: Rick, are we looking to pick a preferred?

Mr. Currin: No, a range.

Mr. DeVactor: Roy, in the Gulf for Amendment 30A and 30B, I think it differed by species, but for the recreational side, didn't they look at reducing the following fishing year?

Dr. Crabtree: I think we did that for greater amberjack, because we were in year five of a ten-year rebuilding plan and we were worried that if we didn't make adjustments like that that we wouldn't make it, but I don't think we did that -- I think for the others that it was all set up using running averages, the three-year running average, and if you went over, you adjusted the following year, to make sure you didn't go over again.

I think the payback in some situations where you're really up against the wall on recovery is reasonable, but I think in other situations that it's really going to be difficult to stick with it when it really happens.

Mr. Currin: Is this a sufficient range of alternatives for the staff to analyze and bundle? It's a range. Is there some way that we might suggest that we could pare some of these down? Many

of them are kind of linked and so I don't know how feasible that is. Have you guys got any suggestions or comments?

Mr. DeVactor: The range of alternatives doesn't bother me so much. I don't know if we're going to be able to quantify what the effects are, but I think we're to have to work in some examples on how this would be put into practice and maybe that would help you guys.

Mr. Currin: Okay.

Mr. DeVactor: This is page 43 of the PDF. Again, just like 15A, how we're treating these rebuilding plans, there's two components to them. One is the rebuilding timeframe and that's choosing the amount of years that you want to rebuild the species in and, of course, you're bounded by legal obligations. The second part of that is picking the rebuilding strategy.

The first decision to make is rebuilding timeframe and these alternatives and years do factor in the changes, the recent changes that Andi went over. What you have essentially is the no action alternative for red snapper for rebuilding timeframe. Alternative 2 is the minimum amount that you have to rebuild, which is twenty-six years, with 2009 being year one, and we may want to discuss what year one actually is.

Alternative 4 is forty-six years and that's the maximum amount that you have to rebuild. This is when  $T_{min}$  is greater than ten years and so it's  $T_{min}$  plus one generation time and then Alternative 3 is the midpoint between those two and that's thirty-six years. I'll see if there's any comments on the range of alternatives there.

Ms. Shipman: I have a question for Roy and Rick mentioned what is year one and is that driven or does it have to be the year in response to the letter you've sent us? I'm talking red snapper. Could it be the year of implementation of the amendment, which would be 2010?

Dr. Crabtree: I think year one would be the year the regulations actually go into effect and so without an interim rule, it would be 2010. Maybe with an interim you could argue before that.

Mr. Currin: Is everybody okay with this suite of alternatives? It seems to cover the range pretty well. Rebuilding strategies.

Mr. DeVactor: It may be premature to consider in too much detail. I know we have the projections and I believe all of them were done on this and this is the same way that we treated black sea bass and the rest of the species. We just have various alternatives for your rebuilding strategy and I think what output you would get is the allowable catch through the rebuilding timeframe. We added some alternatives based upon what's in the projections, where you have  $F$  equals  $F_{MSY}$ , a modified exploitation rate, and a fixed harvest rate.

Mr. Currin: Everybody okay with those? You all are getting more agreeable as the time goes on. Rick suggests we go back and talk about ABC control rule again then.

Mr. DeVactor: Action Number 10, which is the final action, has to do with improving the data

collection systems. We have a series of alternatives here and Gregg may want to jump in, since he did attend -- ACCSP had a workshop on SAFIS and SAFIS is Standard Atlantic Fisheries Information System. It's a real-time, web-based reporting system for the commercial landings on the Atlantic coast, which is currently in place for North Carolina north.

This could be a system that maybe we could put in place that could improve the data collection system on the commercial side. We have a series of alternatives here. Alternative 2 would have selected dealers to report electronically and Alternative 3 is to have all report electronically and I think the current no action -- Currently in the South Atlantic, dealers have an option to fax it in, which I believe most of them do, or they could report through a web-based system, but indeed, most do fax them in. Again, this could help the accountability measures if you have faster reporting of data. That was our thought process with including that in there and so I'll just stop.

Mr. Currin: Gregg, have you got something you would like to add?

Mr. Waugh: Yes, this program is currently in place, as was indicated, for the states from North Carolina north. North Carolina in particular has indicated they don't want to see another duplicative system implemented for North Carolina south. ACCSP has indicated that they could assist with implementation of this in Georgia, South Carolina and Florida at virtually no cost to either NMFS or the states to implement those programs.

They do have all dealers reporting and they report weekly. We would suggest adding this option and giving NMFS the authority to go to daily reporting in the future if we find that, given the low level of these quotas, we need more frequent reporting. In the Northeast, they tried initially the daily reporting and they found that just didn't work and so they've gone to weekly, but our suggestion would be to include it like this, such that NMFS could implement this either -- Weekly probably initially and then if need be, they could go to daily without us having to do another plan amendment.

Mr. Currin: Discussion?

Dr. Chevront: In Alternative 2, I'm trying to figure out -- If you only had a subset of dealers to report electronically, then you would presumably expand out from that? Is that what you're suggesting to do?

Mr. Waugh: What's done now is you select dealers that have a certain level of landings, based on their last year's landings, and you make them report. You see how well you're doing and if you find new dealers, you would add them. Honestly, that's there to get us so that we have three alternatives.

Dr. Chevront: I was kind of wondering that, but I wasn't really sure. It makes sense to me.

Mr. Currin: Everybody okay? It sounds like a good system to me. I forget her name, the lady that was here at our last council meeting, that talked to us a little bit about this SAFIS report and I spoke with her after that.

Ms. Shipman: Just one question. What does virtually no cost mean, given the budget cuts our state is facing?

Mr. Waugh: Mike Cahall has indicated that ACCSP would provide the software. They would come down and help with implementation. The cost -- If a dealer wanted to get the software on their computer, versus accessing the internet, they would have to purchase the software and I don't think it's very expensive, I think less than \$1,000. Mike Cahall indicated that as far as cost to the states and to the National Marine Fisheries Service, there wouldn't be any.

Mr. Currin: Everybody okay with these alternatives for consideration? Okay. For-hire, go, Rick.

Mr. DeVictor: This is similar to the previous action. Again, this would require all for-hire vessels with snapper grouper permits to report electronically, computer or fax, through the SAFIS system.

Mr. Currin: Here, we just have two alternatives, which is don't do it or do it.

Mr. Waugh: This was in here with the anticipation that based on the recommendations from the Allocation Committee that we would allocate to the headboat sector separately. Mike Cahall had indicated that their system could handle reporting from the for-hire sector as well. Now that you've included the for-hire sector in with the recreational, this is less of a requirement. We do have the headboat program that's virtually a census and they are looking to go to that on an electronic basis and so we will be getting some of those numbers faster.

Mr. Currin: Comments? What's your desire? Do you want to remove that because of the way we treat the sectors or is there some benefit to having more real time reporting?

Mr. Swatzel: I think you should leave it in there. I think the better data that you can get concerning for-hire, the better off we all are. I would recommend leaving it in.

Mr. Currin: Comments?

Dr. Crabtree: I'm okay for leaving it in, but I question whether you're going to get better data from it. I suspect you'll get less reliable data than what you're getting from the current survey, because I think you'll just have all kinds of reporting problems.

Ms. Shipman: I don't object to leaving it in and letting you all analyze it. I think you would want to coordinate with the surveys and the canvass that's already going on, because we wouldn't want to duplicate effort. We don't want to put that burden on the for-hire sector and so we need to figure out which one would be better and go with one, I think.

Dr. Crabtree: The other point is you know there is an overhaul of the whole recreational data system undergoing and I don't know what they're going to end up doing with this, but -- From my perspective, going from a statistical survey to self reporting is a step backwards and not a step forward.

Mr. Currin: What I'm hearing is at least for now let's leave that in. Do we need another alternative for NEPA purposes there? It's kind of one of those deals where it's do it or don't.

Mr. Geiger: I talked about a catch card the other day. There's potential to have angler reporting through a catch card on the vessels.

Dr. Crabtree: How would that work?

Mr. Geiger: You get on a vessel and there's a card that has species of fish that would be encountered and the crew would punch as it's caught, in terms of bag limit, retained species. You could actually punch species that were discarded and it would be left with the captain, the vessel captain, and they could turn the card in periodically. It would complement the telephone survey and it would verify what was caught and reported by the vessel.

Mr. Currin: It's not dissimilar from the way they tally the buckets of cucumbers or peppers or whatever or --

Mr. Geiger: Or punch tickets on the railroad. The Pennsylvania Railroad never had a problem with hanging chads.

Dr. Crabtree: I guess I'm just reluctant to get out in front of the effort to overhaul the recreational survey. I would kind of at least want to have them come down and talk to us about this. That might work. It would be far from real time, because then you're going to have these things mailed in and they're going to have to be entered and checked and all of those kinds of things. I don't know how good information that would give you. I just don't.

Mr. Currin: Bycatch monitoring, Action 10C.

Mr. DeVactor: The last one, the fundamental question of how to improve bycatch monitoring programs in the South Atlantic. We all know how important it is in the SEDAR process and I don't have to go over that. Increasingly important if these ACTs are reduced or we have a low level of ACTs and how bycatch will be accounted for.

The no action alternative, you get a bycatch from a MRFSS estimate. You also have the discard logbook program, where 20 percent of snapper grouper permitted vessels are randomly selected to fill out the discard logbooks. Alternative 2 is electronic logbook, which is tied to the vessel's GPS. Alternative 3 is to have an electronic camera monitoring program. Alternative 3, again, require observers or any other ways. Again, the whole need for this would be to improve the bycatch monitoring program.

Mr. Currin: I think we've pretty well covered the suite of both doable and un-doable things that would accomplish the task.

Dr. Chevront: Is there some utility in having an alternative that requires them to bring everything to shore that they catch? I know that's what they do in some places, like I believe in British Columbia. Whatever they catch, they have -- Nothing goes overboard. They have to

bring it all in. I don't know if it's even a viable idea. It may not be, but it's another way.

Mr. Currin: I'm not sure it's any more viable, Brian, than observer coverage for all the boats, comprehensive observer coverage, because somebody is going to have to receive those fish before they get in the crab boxes to be sold, in order for the data to be calculated. Somebody is going to have to be there to sort those catches and measure those fish and dispose of those fish and -- There may be other problems as well, but it would be an extensive program that would have to include a trip by each dealer's place of business every day, I presume.

Dr. Cheuvront: I think what it would do is it would put the observers basically onshore, but then they would be required to have cameras on the vessels or something to make sure that they're not throwing anything over.

Mr. Currin: That would be another part of it. I think it would be extremely complicated.

Dr. Cheuvront: It probably would be, but it's just another way of doing it.

Mr. Currin: Everybody okay with these approaches to bycatch monitoring, conceivable approaches to bycatch monitoring? All right. Rick, after that, there's a note there that the committee or the council should provide guidance based on input from NOAA GC on whether or not framework procedures need to be modified in this document.

Ms. Smit-Brunello: I'm sure you want another action. We probably do need to deal with some framework provisions. Whether you want to do it in this amendment or another amendment, I'm not quite sure. This is already loaded down with quite a few things you want to get through and so if you want to put it to the next one, that's fine, but yes, we should look at overhauling it.

Ms. Shipman: This amendment is pretty loaded, in terms of number of items. If we're really going to get this analyzed -- One you start getting into framework measures, I just think that's going to -- I won't say complicate the analysis, but it's certainly going to extend it and for this amendment, I think we've got enough in it.

Mr. Currin: Okay. Now we're loading up the Comprehensive ACL Amendment. What else, Rick and Gregg, can we do today to help you and the team out with this? Thank you all very much and thanks to you guys and everybody else, the team, that were involved in working on these things. There's been a lot of time and effort that's gone into these.

Ms. Smit-Brunello: Rita, you asked a question before and I guess my brain wasn't engaged, or that part of it wasn't, but wreckfish -- Snapper grouper dealers, people who deal in wreckfish, absolutely need a wreckfish dealer permit. I just wasn't thinking. It's separate from the regular snapper grouper dealer permit.

Ms. Merritt: That clears it up. Joe had told me actually that they didn't have to have both. They just needed the one.

Ms. Smit-Brunello: I'll look at that.

Ms. Merritt: I was concerned or I thought perhaps one of the ways to find out if they had federal snapper grouper dealer permits would be the fact that we know that some of them had the wreckfish. I was just trying to tie the two of them together to come up with an answer.

Ms. Smit-Brunello: I'll look at that and tell you. My guess is that they need both.

Ms. Merritt: Joe looked it up and it's not. They're two totally separate dealer permits.

Mr. Geiger: We will reconvene at 8:00 A.M.

Mr. Currin: Is there any other business to come before the Snapper Grouper Committee? If not, we will stand adjourned and reconvene at 8:00 A.M.

(Whereupon, the meeting adjourned at 6:07 o'clock p.m., September 17, 2008.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

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**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**SNAPPER GROUPER COMMITTEE**

**Charleston Marriott Hotel  
Charleston, SC**

**September 16-17, 2008**

**TABLE OF MOTIONS**

PAGE 35: Motion to direct the SSC, SEFSC, and staff to evaluate 25 percent (range of 10 to 50 percent) probability of overfishing when setting the ABC with respect to overfishing. The motion carried on page 35.

PAGE 63: Motion to change the preferred allocation alternative to Alternative 4, which is 61 percent commercial and 39 percent recreational, in the gag fishery. The motion failed on page 64.

PAGE 68: Motion to postpone final action on Amendment 16 until December. The motion failed on page 72.

PAGE 72: Motion to accept Alternative 5 as the preferred alternative. The motion failed on page 75.

PAGE 84: Motion to move the new alternative for Monroe County to Appendix A, with the intent to fully examine it in Amendment 17. The motion carried on page 84.

PAGE 94: Motion to forward Amendment 16 to the full council, with the recommendation that it be submitted to the Secretary. The motion carried on page 94.

PAGE 111: Motion to remove the interim rule actions relating to vermilion snapper and red snapper. The motion carried on page 112.

PAGE 127: Motion to include the ABC control rule in Amendment 17. The motion carried on page 127.

PAGE 136: Motion that in Snapper Grouper Amendment 17 for species that we do not have an allocation for and that we need to allocate, we allocate to two sectors, recreational and commercial. The motion carried on page 137.



Amendment 15A specified rebuilding strategies for snowy grouper and black sea bass that hold TAC constant while the stock rebuilds (Table 1). As these TACs would approximate the yield at Foy in 2009, they would meet the requirements of the reauthorized Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act) and specify a target below an overfishing level (OFL) based on the yield at Fmsy.

Table 1. 2007 landings (all sectors), yield at Fmsy, yield at Foy, Total Allowable Catch (TAC), amendment implementing regulation. All values in pounds whole weight.

Species	2007	OFL (Yield at Fmsy)	ACT (Yield at Foy)	Current TAC	Amendment	Meet MSRA?	AM
Golden Tilefish	337,255	336,425	326,554	336,425	Amend 13C	Yes	Commercial (quota)
Snowy Grouper	156,014	116,845	102,960	102,960	Amend 15a	Yes	Commercial (quota)
Speckled Hind	3,315	unknown					
Warsaw Grouper	20,662	unknown					
Black grouper <sup>1</sup>	166,042	208,552 <sup>3</sup>	187,960		Amend 16	Yes	Commercial (gag quota)
Black sea bass	1,161,662	912,713	847,000	847,000	Amend 15a	Yes	Commercial
Gag	1,272,482	1,065,540	818,920	818,920	Amend 16	Yes	Commercial
Red grouper <sup>1</sup>	1,129,231	783,214 <sup>3</sup>	704,893		Amend 16	Yes	Commercial (gag quota)
Vermilion snapper <sup>2</sup>	1,952,403	789,602	629,459	629,459	Amend 16	Yes	Commercial
Red snapper <sup>2</sup>	446,659						
1. Amendment 16 would close red grouper and black grouper during Jan-Apr (comm/rec) and close commercial fishery when gag quota is met. It would also reduce the bag limit.							
2. These values will change based on new assessment for vermilion snapper and addendum to assessment for red snapper.							
3. Based on average 2003-2007 landings from June 2008 SSC meeting. Yield at Foy is estimated to be 90% of yield at Fmsy.							

Amendment 16 would specify TACs for gag and vermilion snapper based on the yield at Foy (Table 1). Therefore, the TACs specified for gag and vermilion snapper in Amendment 16 are consistent with the reauthorized Magnuson-Stevens Act and specify a target catch below the OFL to reduce the chances overfishing will occur.

Further, Amendment 16 would close the commercial and recreational fisheries red grouper and black grouper during January – April, close red grouper and black grouper when the gag quota is met, and reduce the bag limit for red grouper and black grouper. Therefore the requirements of the reauthorized Magnuson-Stevens Act would be satisfied for red grouper and gag. Tables 2 and 3 show the reductions in harvest black grouper and red grouper associated with seasonal closures. In addition, a 6.5% reduction in harvest could be expected by reducing gag and black grouper combined to 1 fish per person per day. A 1.6% reduction in harvest could be expected from reducing the grouper aggregate

from 5 fish to 3 fish per person per day. The bag limit reductions include the effect of eliminating captain and crew as well as a 25% release mortality rate.

Table 2. Average landings (2003-2007) and expected landings through actions proposed in Amendment 16 for black grouper. Does not include effect of reduced bag limit or effectiveness of seasonal closure. Values are whole weight. Assumes gag quota would be met in November.

Month	HB	Comm	MRFSS	Total	Closure
1	2,451	19,748	2,308	24,506	0
2	2,034	20,417	2,308	24,758	0
3	1,769	3,569	221	5,559	0
4	1,198	8,400	221	9,819	0
5	1,421	22,042	54	23,517	23,517
6	1,921	16,817	54	18,792	18,792
7	1,294	13,467	3,071	17,831	17,831
8	910	11,563	3,071	15,544	15,544
9	565	13,148	1,275	14,988	14,988
10	597	9,698	1,275	11,570	11,570
11	640	8,557	7,052	16,249	16,249
12	941	10,122	7,052	18,115	17,174
total				201,248	135,665
				reduction	0.325882

Table 3. Average landings (2003-2007) and expected landings through actions proposed in Amendment 16 for red grouper. Does not include effect of reduced bag limit or effectiveness of seasonal closure. Values are whole weight. Assumes gag quota would be met in November.

Month	HB	Comm	MRFSS	Total	Closure
1	4,191	20,699	4,625	29,515	0
2	3,945	21,151	4,625	29,721	0
3	6,277	19,518	14,147	39,942	0
4	3,869	30,545	14,147	48,561	0
5	4,525	47,324	67,081	118,929	118,929
6	5,418	49,886	67,081	122,385	122,385
7	5,756	44,185	38,447	88,388	88,388
8	4,926	49,854	38,447	93,227	93,227
9	2,754	33,958	24,016	60,728	60,728
10	2,947	30,239	24,016	57,202	57,202
11	3,128	27,146	19,253	49,528	49,528
12	3,084	22,697	19,253	45,034	41,950
				783,161	632,338
				reduction	0.192583

Species	2007		Landings	Total Landings (2007)	OFL (from SSC)	ABC (from SSC)	Bundled Commercial ACT =	ACT For-Hire ACT =	Alternative A Recreational ACT =	Bundled ACT Commercial ACT =
	Commercial	For-hire	Rec private							
Golden tilefish	332,473	0	4,782	337,255	336,425	326,554	276,265	17,634	1,633	196,455
Snowy grouper	132,620	22,213	1,181	156,014	116,845	102,960	73,205	16,680	1,717	52,057
Speckled hind	1,917	1,398	0	3,315	unknown	0	0	0	0	0
Warsaw grouper	608	5,499	14,555	20,662	unknown	0	0	0	0	0
Black grouper	104,697	17,196	44,149	166,042	208,552	187,697	76,017	52,367	25,226	54,057
Black sea bass	379,512	246,503	535,647	1,161,662	912,713	847,000	297,297	205,821	249,323	211,411
Gag	712,970	177,364	382,148	1,272,482	1,065,540	818,920	287,441	198,998	226,464	319,706
Red grouper	506,020	132,727	490,484	1,129,231	783,214	704,893	304,514	107,849	179,360	216,543
Vermilion snapper	1,074,761	755,600	122,042	1,952,403	789,602	629,459	356,903	186,949	22,509	253,798
Red snapper	115,653	87,254	243,752	446,659	55,000	42,000	10,584	11,718	13,793	7,526

Alternative B Recreational ACT =
7,837
10,075
0
0
47,089
368,696
214,112
209,083
166,570
19,378

## Summary of Comments on Amendment 16 SDEIS

To supplement to the DEIS for Amendment 16 was published on August 1, 2008, with a comment period that ended on September 15, 2008. The SDEIS provides three additional alternatives for gag and one for the vermilion snapper.

Fifty-five comment letters were submitted during the comment period on the SDEIS for Amendment 16. Of these, five individuals did not specifically address alternatives in the SDEIS but just indicated support or opposition for Amendment 16.

Of the 55 comments, 43 were identical form letters with differing introductory text. All 43 letters made the following comments:

- *Support Alternative 1 with modifications that ban all longline fishing, eliminate all destructive fishing practices, and eliminate all fishing methods that produce bycatch.*
- *Opposed Alternative 2A and 2B, which would establish a commercial and recreational shallow water grouper closure as there is no reliable data to support them. Not consistent with National Standards 1,2,8, or 9.*
- *Support new Alternative 3a, which would establish a 1,000 pound commercial trip limit for gag and May 1 fishing year start. Also closes shallow water grouper species when gag quota is met.*
- *Support new Alternative 3b, which would establish a 1,000 pounds commercial trip limit for gag and start date of January 1. Also closes shallow water grouper species when gag quota is met.*
- *Support Alternative 4, which implements a gag quota and closes shallow water grouper species in commercial fishery when gag quota is met.*
- *Support Alternative 5, which divides the commercial quota into two regions.*
- *Opposed new Alternative 6, which would close gag all year and shallow water grouper species during June – Dec for the commercial and recreational sectors.*
- *Opposed Alternative 7a which would reduce the bag limits of gag and shallow water grouper species as well as 7b, which would reduce the bag limit and close the month of December in addition to the Jan-Apr closure. Only Alternatives 3a, 3b, and 6 were contained in the SDEIS.*

Personalized comments on the form letters cited inadequate data on recreational landings to support any action in the recreational sector. In addition, a reduction in fishing effort due to gas prices, habitat destruction caused by commercial sector, overexploitation by recreational sector, unfair regulation on the recreational sector, negative economic impacts on recreational sector, and rebounding fish populations were additional justification for their comments.

One set of personalized comments that prefaced the form letter was very detailed. Instead of imposing any new recreational measures, the individual suggested that all longlining should be eliminated, dehooking devices and venting tools should be required, and spearfishing should not be allowed during upwelling events. This individual further stated the gag stock assessment was too conservative, a 4 month spawning season closure was too long because gag might not spawn for four months, a two month closure for the

commercial sector has been effective and should be retained but a closure for the recreational sector is not needed, recreational fishing pressure is not that great because it mostly occurs on weekends, fishing pressure is down because of gas prices, and MRFSS data are not good.

Three comments stated that Monroe County does not catch many gag, and the regulations contained in new Alternative 6 would not help the status of the population but would have negative economic effects on the local community. Two comments offered new alternatives for consideration, one of which is included in an appendix to Amendment 16. This proposed alternative would close gag all year in Monroe County, allow fishing for other shallow water groupers, and reduce the bag limit for other shallow water grouper. Another commenter also suggested gag could be closed in Monroe County and shallow water grouper open, but cited many problems with grouper fisheries in Monroe County particularly with overexploitation during the spawning season. This individual also felt there should be a limit on the commercial quota for divers particularly during cold water upwelling.

EPA indicated it continues to support Amendment 16, but feels the FEIS should discuss when the pending SEDAR data can be expected for the vermilion snapper and the rationale for the current issuance of the EIS with interim vermilion snapper data before the collection and compilation of the updated data.

One comment was made in support of Alternative 4 or 5 for gag, whichever was the most cost effective to enforce. However, these alternatives were not the focus of the SDEIS. The individual was opposed to any vermilion snapper regulations until the new SEDAR assessment is completed.

One comment was in support of the use of dehooking tools and venting techniques provided that they remained consistent with the specifications and requirements described in other FMPs. This action was not addressed in the SDEIS.

Another commenter did not identify any alternatives from Amendment 16 SDEIS but suggested that there should be more artificial reefs, trips limits should be imposed to keep the fishery open all year, and recreational fishermen should not be allowed to sell their catch.

One commenter indicated he did not support any changes to snapper grouper regulations and another individual indicated they supported the proposed alternatives in Amendment 16. Neither individual but did not cited any specific alternatives from the SDEIS.

Summary from individual comments:

**EPA** – Supports actions in Amendment 16 and SDEIS but questions the need for SDEIS and feels the DEIS could have been delayed to incorporate new alternatives and results from the SEDAR assessment for vermilion snapper.

**Kathleen Chase** – Supports all actions proposed in Amendment 16.

**Chris McCaffity – opposed.**

- Artificial reefs
- Trips limits to ensure fisheries don't close
- Prohibit sale of recreational catch

**William Welder-opposed**

- Monroe county is being singled out.
- No data to support closure.
- Doesn't understand how a 7 month closure for shallow water grouper would protect gag grouper.

**Robert Harris-opposed**

- Monroe County depends on locals, tourists, and visiting charter boat clients for a strong economy. A closure of gag in this county would be devastating.
- This area does not historically catch or target gag and a closure here would not make a difference in the health of the gag population.
- Public hearings and Council meetings are scheduled at times and locations (Cape Canaveral, Key Largo, Charleston, SC) to make it difficult for those in the affected county to have a voice.

**Lee Ward- Support Alternative 4 or 5**

- Opposed to Vermillion Snapper actions
- Support alternative 4 or 5 whichever is most cost effective to enforce.
- Does not support vermilion snapper regulations as the stock appear healthy and the agency has stated that the data is invalid.

**LeeRoy Weggenman-Opposed**

- Fish stocks are healthy.

**Lee Starling-**

- Monroe County does not account for much of the gag landings.
- Suggests a complete ban on gags but allow for harvest of reds and black grouper.
- Suggest new research to identify spawning periods in the Florida Keys which are different than elsewhere.
- Need better enforcement as many people are coming in as "shooters" and targeting grouper while spawning.
- Poaching and backdoor restaurant sales are a big problem.
- VMS is a useful enforcement tool.

- Ban charter boats from selling snapper/grouper.

### **Ron Rincones-opposed**

- Suggest a new (Alternative 5) for consideration:

Alternative 5-“A commercial trip limit of 1,000 pounds for gag with a fishing year start date of May 1. In addition, during Feb, March and April, fishing for and possession of the following species would be limited to one per angler, for each of the following: gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney. In addition to the above limits, there will be a vessel limit of no more than two of each of the above species. Head/party boats, possessing the proper permits, will be allowed four of gag or black grouper in aggregate, and four each of the remaining grouper species listed, unless otherwise restricted. No sale of grouper species will be allowed during the months of Feb, March and April.”

- Suggest commercial trip limit of 200 lbs. during the month of July to prevent gags from being targeted by divers while resting nearshore.

### **ARC-Supports**

- Supports preferred Alternative 3 because the requirement to use dehooking devices are a less stringent management tool and are consistent with other FMPs.
- Recommends that fishers be allowed to use J-style hooks until studies of the use of circle hooks in this fishery can be conducted.
- Recommends that language encouraging the use of circle hooks be included in the amendment.
- Recommends that the dehooking and venting tools meet the minimal design specifications consistent with other FMPs requiring dehooking devices and venting tools in other fisheries.
- Recommends that Amendment 16 encourage voluntary compliance of education/outreach initiatives and workshops.

### **Andy Griffiths-Opposed**

- Could accept a reduced bag limit but a closure is unacceptable.
- Closure for gag grouper is OK, but the fishing for the other grouper species is essential to the survival of these fishermen.
- These proposals are based on flawed data collection and biomass goals that were impossible.

### **Richard Tucker: Opposed**

- Data collection is faulty—plenty of grouper. Do not try to regulate something that is not broken.

### **Ocean Entertainment - Opposed**

- Because of high cost of diesel fuel there are few boats fishing.

### **Islamorada Charter Boat Association: Opposed**



- Seasonal closures of shallow water grouper, other than gag, will cause irreparable financial harm to the recreation, for-hire, commercial fisheries in that area.
  - Suggest proposals that will prevent closures on grouper fishing, other than gag, south of the Miami-Dade County Line. Proposals include:
    - Reduce recreational bag limit from 3 to 2 grouper per day south of Miami-Dade/Monroe County line; reduce for hire vessels grouper bag limits from 3 to 2; impose one year closure on gag; allow shallow-water grouper, other than gag, to remain open year round South of Miami-Dade/Monroe County.
- 

The following form letter was received from 43 people via email with the following identical comments:

- Support Alternative 1 with modifications that ban all longline fishing, eliminate all destructive fishing practices, and eliminate all fishing methods that produce bycatch.
- Opposed Alternative 2A and 2B as there is no reliable data to support them. Not consistent with National Standards 1,2,8, or 9.
- Support Alternative 3.
- Support Alternative 4
- Support Alternative 5
- Opposed Alternative 6.
- Opposed Alternative 7 due to the fact that there is no reliable data on recreational landings to support the action.

41 of the form letters were prefaced with personal comments. A brief summary of those comments is below:

**Ron Teke:** Few gag are seen in the Middle Keys to Dry Tortuga area, reds and blacks are more common.

**Walter Eisman---**Red snapper population is very healthy due to the 20" snapper regulation.

**Charles Mann:** Personal experience flies in the face of the conclusions reached by SAFMC.

**John Brink-**Does not trust the data used to make regulations.

**David Hawkins-**Urges a no vote on snapper grouper regulations.

**Gene Finch:** Commercial fishers are responsible for killing fishery.

**David Heil:** Longliners and rock shrimpers are part of the problem, grouper is healthy, number of active vessels has decreased.

**Mark Galloway:** Need increased enforcement

**Charles Gaines:** New regulations will only hurt recreational fishermen. Populations are strong.

**Mike Cochran:** Grouper and Red Snapper stocks are healthy around Sebastian Inlet and Port Canaveral. Fully supports commercial trip limit of 200 lbs during July.

**Randall Lang** (Rec fisher/scuba diver-Sebastian Inlet): This year was good for Red Snapper. With size limits, the fishery is regulated. Four month closure will cause economic hardship.

**Chad Macuszonek** (rec fisher, Port Canaveral): Taking out grouper would kill me!

**George Taylor** (rec fisher, Port Canaveral, Key West, Sebastian Inlet): Grouper populations are holding steady or increasing. Commercial fishers are the problem.

**Michael Travis** (rec fisher, Port Canaveral): Does not feel that any new recreational closure or regulation should be implemented. Current regulations are effective and should not be changed.

**Patrick Magrady** (rec fisher, Port Canaveral and Ponce Inlet): Weather and fuel prices are keeping fishermen from going out.

**Clark Lachik** (Port Canaveral): Fishing pressure is down. Red Snapper and Grouper populations are great.

**James McGuire** (St. Augustine): Recreational fishers are not the problem. Longliners do more damage. Need to create more artificial habitat.

**John Mitchell** (rec fisher, Port Canaveral): Due to fuel prices fishermen are not fishing as much, therefore there is no need for changes to the recreational fishing regulations at this time.

**Brian Blackwelder** (rec fisher, East Coast of Florida): Need to have better enforcement of current regulations. Commercial fleet (longliners) should have regulations that effect them equally with the recreational fishery.

**Randy Beardsly** (rec fisher, Ponce Inlet) Red Snapper and Grouper populations are doing fine. Fuel prices are reducing effort.

**Stephan H. Wolfe Jr.** (rec fisher): Plenty of fish, not as many people fishing as before. Regulate commercial fishers.

**Terry Winn** (rec fisher): Populations of red snapper and grouper are healthy. If regulations are needed, apply them to the commercial fishermen instead of destroying the recreational community.

**Chad Starling:** Fishing is as good now as ever; more research needs to happen before making these rash decisions that affect many people.

**Dr. Tod Howard:** Goliath populations have increased. Reduce pressure from shrimp trawlers; circle hooks might work; fishing pressure has been reduced due to increase in fuel prices.

**Bruce Babcock:** Gag grouper regulations should not be changed for the recreational fishery. The shrimp fishery is a major problem.

**Chris Costello** (rec fisher, Broward County): New regulations are draconian and unsupported by facts.

**John M. McCarny** (rec fisher, Port Canaveral): Recreational fishers are not out there slaying the fish as effort is down; data is useless and unbelievable.

**John Fatava III:** A complete closure of the grouper fishery will have negative economic consequences for the area; reconsider these measures.

**Tim Totaro:** Fish stocks are rebounding; loosen restrictions don't tighten them; less fishing pressure.

**Karon Ivey:** These regulations penalize the responsible recreational angler with these regulations.

**Ray Hutchinson:** Current regulations work; fishing pressure is reduced due to fuel and weather.

**Jeffrey Page:** Data is flawed—it is old and does not take into account the reduced fishing pressure caused by fuel prices. These regulations will have huge economic impacts; need to slow down and really look at the situation before we make decisions.

**Gary Lombard:** Have not noticed a reduction in snapper and grouper populations; suggests that no action be taken.

**Capt Bob:** Snapper and grouper populations have increased; no scientific basis for this amendment and should be dropped.

**Brian Clancy:** Fishing pressure is reduced due to fuel prices.

**Wayne Sommers:** Grouper populations are fine; suggests the NO ACTION alternative.

**James Savage:** Grouper populations are suffering from commercial fishery rather than recreational.

**Daryll J. Braun:** Urge Council to consider commercial fishery limits to improve stock populations.

**Chris Cass:** If closures are necessary, close down the commercial sector rather than recreational.

**Sam Monroe:** More fish now than ever before; SAFMC should not even consider these proposals.

**John Barber** (rec fisher, between Daytona and Fort Pierce): Opposed to 4 month closure as grouper do not spawn for 4 months and the closure will not get the target decreases to where the SAMFC wants them.

- Strongly encourages Council to consider measures to eliminate habitat destruction such as longlining and trawling for rock shrimp. With good habitat, there will be proper habitat for growing fish populations.

- Strongly encourages the requirements for hook removal devices and venting tools on all commercial votes, party boats, charter boats and recreational boats in the snapper grouper fisheries. Encourages education to fishing clubs and public on the proper use of these tools.

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Billing Code: 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No.            ]

RIN 0648-

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper

Fishery off the Southern Atlantic States; Amendment 16

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and  
Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 16 to the  
Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic  
Region (FMP)(Amendment 16), as prepared and submitted by the South Atlantic  
Fishery Management Council (Council). This proposed rule would establish a seasonal  
closure of the recreational and commercial fisheries for gag and associated grouper  
species; establish a seasonal closure of the recreational fishery for vermilion snapper;  
reduce the aggregate bag limit for grouper and tilefish; reduce the bag limit for gag or  
black grouper combined; reduce the bag limit for vermilion snapper; prohibit captain and  
crew of a vessel operating as a charter vessel or headboat from retaining any fish under  
the aggregate bag limit for grouper and tilefish or the vermilion snapper bag limit;  
establish semiannual quotas for the commercial vermilion snapper fishery; establish a  
quota for the commercial gag fishery; establish restrictions on the possession, sale, and

purchase of gag and associated grouper species after the gag commercial quota is reached; and require use of a venting tool and dehooking device when fishing for South Atlantic snapper-grouper and use of non-stainless steel circle hooks when fishing for South Atlantic snapper-grouper with natural baits. In addition, Amendment 16 proposes, for both gag and vermilion snapper, to revise the definitions of maximum sustainable yield (MSY) and optimum yield (OY), specify total allowable catch (TAC), and establish interim allocations of TACs for the recreational and commercial sectors. Amendment 16 also proposes to establish a minimum stock size threshold (MSST) for gag and, when available from the pending assessment, for vermilion snapper. Finally, Amendment 16 proposes a framework measure to authorize the NMFS Southeast Regional Administrator (RA) to make adjustments, within ranges specified by the Council, to quotas, size limits, bag limits, and seasonal closures for the vermilion snapper fishery based on results of the upcoming vermilion snapper benchmark assessment. The intended effect of this proposed rule is to end overfishing of gag and vermilion snapper in the South Atlantic.

DATES: Written comments on this proposed rule must be received no later than 5 p.m., eastern time, on [insert date 45 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: You may submit comments, identified by "0648- ", by any of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking Portal <http://www.regulations.gov>.
- Fax: 727-824-5308; Attention: Kate Michie.

- Mail: Kate Michie, Southeast Regional Office, NMFS, 263 13<sup>th</sup> Avenue South, St. Petersburg, FL 33701.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Copies of Amendment 16 may be obtained from the South Atlantic Fishery Management Council, 4055 Faber Place, Suite 201, North Charleston, SC 29405; phone: 843-571-4366 or 866-SAFMC-10 (toll free); fax: 843-769-4520; e-mail: [safmc@safmc.net](mailto:safmc@safmc.net). Amendment 16 includes a Final Environmental Impact Statement (FEIS), a Biological Assessment, an Initial Regulatory Flexibility Analysis (IRFA), a Regulatory Impact Review, and a Social Impact Assessment/Fishery Impact Statement. FOR FURTHER INFORMATION CONTACT: Kate Michie, telephone: 727-824-5305, fax: 727-824-5308, e-mail: [Kate.Michie@noaa.gov](mailto:Kate.Michie@noaa.gov).

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery off the southern Atlantic states is managed under the FMP. The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Background

**[Insert background and description of need for proposed actions and intended effects.]**

#### Availability of Amendment 16

Additional background and rationale for the measures discussed above are contained in Amendment 16. The availability of Amendment 16 was announced in the Federal Register on [Insert date], (72 FR \*\*\*\*\*). Written comments on Amendment 16 were accepted through [Insert date]. All comments received on Amendment 16 or on this proposed rule during their respective comment periods will be addressed in the preamble to the final rule.

#### Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 16, the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Council prepared an FEIS for Amendment 16; a notice of availability was published on [Insert date], (72 FR \*\*\*\*\*).

NMFS prepared an IRFA, as required by section 603 of the Regulatory Flexibility



Act, for this proposed rule. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the objectives of, and legal basis for this action are contained at the beginning of this section in the preamble and in the SUMMARY section of the preamble. A copy of the full analysis is available from the Council (see ADDRESSES). A summary of the IRFA follows.

**[Insert IRFA summary.]**

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated:

  
  

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For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622--FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. In § 622.35, paragraphs (j) and (k) are added to read as follows:

§ 622.35 Atlantic EEZ seasonal and/or area closures.

\* \* \* \* \*

(j) Seasonal closure of the recreational and commercial fisheries for gag and associated grouper species. During January through April each year, no person may harvest fish for or possess in or from the South Atlantic EEZ gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, or coney. In addition, for a person on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, the provisions of this closure apply in the South Atlantic, regardless of where such fish are harvested, i.e., in state or Federal waters.

(k) Seasonal closure of the recreational fishery for vermilion snapper. The recreational fishery for vermilion snapper in or from the South Atlantic EEZ is closed from October 1 through May 15, each year. In addition, for a person on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, this closure applies in the South Atlantic, regardless of where the fish are harvested, i.e., in state or Federal waters. During the closure, the bag and possession limit for vermilion snapper in or from the South Atlantic EEZ is zero.

§ 622.36 [Amended]

3. In § 622.36, paragraph (b)(4) is removed and reserved.

4. In § 622.39, paragraphs (d)(1)(ii) introductory text, (d)(1)(ii)(A), and (d)(1)(v) are revised to read as follows:

§ 622.39 Bag and possession limits.

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(ii) Grouper and tilefish, combined—3. However, no grouper or tilefish may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero. In addition, within the 3-fish aggregate bag limit:

Note: In amendment 16, the captain and crew action only pertains to shallow water grouper species and vermilion snapper. It does not apply to tilefish and the deep water groupers.

(A) No more than one fish may be gag or black grouper, combined;

\* \* \* \* \*

(v) Vermilion snapper—4. However, no vermilion snapper may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero.

\* \* \* \* \*

5. In § 622.41, paragraph (n) is added to read as follows:

§ 622.41 Species specific limitations.

\* \* \* \* \*

(n) Required gear in the South Atlantic snapper-grouper fishery. For a person on board a vessel to fish for South Atlantic snapper-grouper in the South Atlantic EEZ, the vessel must possess on board and such person must use the gear as specified in paragraphs (n)(1) and (n)(2) of this section.

(1) Dehooking device. At least one dehooking device is required and must be used, if necessary, to remove hooks embedded in South Atlantic snapper-grouper with

minimum damage. The hook removal device must be constructed to allow the hook to be secured and the barb shielded without re-engaging during the removal process. The dehooking end must be blunt, and all edges rounded. The device must be of a size appropriate to secure the range of hook sizes and styles used in the South Atlantic snapper-grouper fisheries.

(2) Venting tool. At least one venting tool is required and must be used as needed to deflate the swim bladders of South Atlantic snapper-grouper to release the fish with minimum damage. This tool must be a sharpened, hollow instrument, such as a hypodermic syringe with the plunger removed, or a 16-gauge needle fixed to a hollow wooden dowel. A tool such as a knife or an ice-pick may not be used. The venting tool must be inserted into the fish at a 45-degree angle in a forward direction approximately 1 to 2 inches (2.54 to 5.08 cm) from the base of the pectoral fin. The tool must be inserted just deep enough to release the gases, so that the fish may be released with minimum damage.

6. In § 622.42, paragraph (e)(4) is revised, and paragraph (e)(7) is added to read as follows:

§ 622.42 Quotas.

\* \* \* \* \*

(e) \* \* \*

(4) Vermillion snapper. (i) For the period January through June each year—168,501 lb (76,431 kg).

(ii) For the period July through December each year—155,501 lb (70,534 kg).

(iii) Any unused portion of the quota specified in paragraph (e)(4)(i) of this section

will be added to the quota specified in paragraph (e)(4)(ii) of this section. Any unused portion of the quota specified in paragraph (e)(4)(ii) of this section, including any addition of quota specified in paragraph (e)(4)(i) that was unused, will become void and will not be added to any subsequent quota.

\* \* \* \* \*

(7) Gag—352,940 lb (160,091 kg).

\* \* \* \* \*

7. In § 622.43, paragraph (a)(5) is revised to read as follows:

§ 622.43 Closures.

\* \* \* \* \*

(a) \* \* \*

(5) South Atlantic gag, greater amberjack, snowy grouper, golden tilefish, vermilion snapper, black sea bass, and red porgy. (i) The appropriate bag limits specified in § 622.39(d)(1) and the possession limits specified in § 622.39(d)(2) apply to all harvest or possession of the applicable species in or from the South Atlantic EEZ, and the sale or purchase of the applicable species taken from or possessed in the EEZ is prohibited.

(ii) The bag and possession limits for the applicable species and the prohibition on sale/purchase apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, i.e., in state or Federal waters.

(iii) For gag only, when the commercial quota for gag is reached, the provisions

of paragraphs (a)(5)(i) and (ii) of this section apply to gag and the following associated grouper species: black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney.

\* \* \* \* \*

8. In § 622.45, paragraph (d)(8) is revised to read as follows:

§ 622.45 Restrictions on sale/purchase.

\* \* \* \* \*

(d) \* \* \*

(8) During January through April, no person may sell or purchase a gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, or coney harvested from or possessed in the South Atlantic EEZ or, if harvested or possessed by a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic, i.e., state or Federal waters. The prohibition on sale/purchase during January through April does not apply to such species that were harvested, landed ashore, and sold prior to January 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of such species harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. Such documentation must contain:

(i) The information specified in 50 CFR part 300 subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

- (ii) The official number, name, and home port of the vessel harvesting such fish;
- (iii) The port and date of offloading from the vessel harvesting such fish, and;
- (iv) A statement signed by the dealer attesting that such fish was harvested from an area other than the South Atlantic.

\* \* \* \* \*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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2008 SEP 15 PM 10:10

September 11, 2008

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Regional Administrator  
Southeast Regional Office  
National Oceanic and Atmospheric Administration  
263 13<sup>th</sup> Avenue South  
St. Petersburg, Florida 33701

Subject: EPA NEPA Comments on NOAA's SDEIS for Snapper-Grouper  
Amendment 16; South Atlantic Fishery Management Council; South  
Atlantic Region; CEQ No. 20080288; ERP No. NOA-E91023-00

Dear Dr. Crabtree:

Consistent with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for Snapper-Grouper Amendment 16 developed by the National Oceanic and Atmospheric Administration/National Marine Fisheries Service (NOAA/NMFS). The SDEIS was prepared for NOAA/NMFS by the South Atlantic Fishery Management Council (Council). EPA recently provided NEPA comments on the DEIS for Amendment 16 in a letter dated June 3, 2008.

Amendment 16 is to end overfishing for the gag grouper (*Mycteroperca microlepis*) and vermilion snapper (*Rhomboplites aurorubens*). To supplement the DEIS, the SDEIS provides three additional alternatives for gag grouper (gag) management and one for the vermilion snapper. These alternatives were offered by the Advisory Panel of the Council during its June 2008 meeting and were considered reasonable by the Council.

### Issuance of the SDEIS

EPA appreciates that these additional alternatives are being considered under NEPA. However, we suggest that future NOAA Fisheries EISs be more streamlined in terms of their NEPA development and public review since the DEIS was issued only recently (late April 2008). It is therefore unclear why the DEIS was issued before the Council's June 2008 meeting if new alternatives were still plausible. While issuance of the SDEIS was appropriate under the circumstances, it would seem that a slightly later issuance of a more inclusive DEIS could have avoided the need to issue the present SDEIS and the associated second distribution and public review, as well as the potentially confusing re-numbering of some alternatives. On the other hand, it may have been the intent to issue the DEIS before the Council's June meeting so that the Council could consider public



comments in that meeting, which ultimately resulted in the additional development of new alternatives. NOAA/NMFS and the Council may wish to address this in the Final EIS (FEIS).

Also relative to the issuance of the SDEIS, it is unclear if updated SEDAR fishery data were used in the SDEIS (as referenced in our DEIS comments, the DEIS was issued before pending SEDAR data updates for vermilion snapper were compiled). The SDEIS (pg. 2) and cover letter do not suggest that updated data were used and interim management measures are still proposed for vermilion snapper since alternatives still exist (Section 2.1.4) for the allowance of the "NMFS Regional Administrator (RA) to make adjustments to the management measures based on the outcome of new vermilion snapper SEDAR benchmark assessment." It is unclear why the DEIS was issued before the pending statistics were available for vermilion snapper, and furthermore unclear why its SDEIS would be also so-issued. The FEIS should discuss when the pending SEDAR data can be expected and the rationale for the current issuance of the EIS with interim vermilion snapper data before collection and compilation of the updated data.

### **New Alternatives**

In regard to the alternatives, we appreciate that the SDEIS highlights modifications made to the alternatives. That is, modifications such as the addition of a new alternative or change in the Council's preferred alternative were generally identified. However, there were exceptions for the gag alternatives. Page 9 indicates that Alternative 5 "...is old Alternative 4 renumbered." However, the presented Alternative 4, which is presumably new Alternative 4, was not identified as such. In addition, there are now two alternatives numbered as "Alternative 4" on page 8, one identified as preferred and one not. The Final EIS (FEIS) should discuss this. In contrast, there was more clarity for a similar instance for the vermilion snapper. Page 14 indicates that Alternative 5 "...is old Alternative 4 renumbered" and Alternative 4 was identified as "a new alternative."

### **Technical Comments/Suggestions**

It appears that the only change in the Council's preferred alternatives is found in Section 2.1.3 (pg. 15). The Council no longer prefers Alternative 2c under Alternative 2 (which requires "(a) use of venting and dehooking tools and (2) as non-offset non-stainless steel circles hooks when using natural baits to fish for snapper grouper species" for the three listed subalternatives for commercial (2a), recreational (2b) or both commercial and recreational (2c) snapper grouper fisheries. Instead, the Council now prefers new Alternative 3 which does not require the use of circle hooks. EPA suggests that the required use of circle hooks where practical – at least for commercial snapper grouper fisheries – be further considered. EPA supports the use of circle hooks over traditional J-hooks whenever feasible to reduce mortalities of bycatch, including discards of target species (however, we understand that the use of circle hooks may be less "entertaining" for recreational fishers since the fish – as opposed to the fisher – must set a circle hook). EPA provided similar supportive comments for the use of circle hooks in our NEPA letter on the DEIS (see comments for DEIS Alternative 2c).

Regarding the other new or modified alternatives in the SDEIS, we will principally defer to the fishery expertise of NOAA/NMFS and the Council/Advisory Panel. However, we suggest that if not already the case for the SDEIS, the preference for any alternative/subalternative be substantiated in the FEIS (e.g., why was the timeframe of a fishing year (term, season) or dataset of landings preferred over another time period, as was the case for some alternatives?). As a rule, EPA prefers the use of the most recent set of landings data (if complete and considered representative) and the continued use of existing fishing seasons (to simplify compliance and enforcement) unless there is an ecological or management rationale to change that term.

### **Treatment of DEIS/SDEIS Comments**

Inasmuch as our DEIS comments are still relevant where alternatives were not modified, those comments should still be considered valid for the FEIS. We request that our DEIS/SDEIS and other public comments be addressed in a dedicated section of the FEIS (ideally, our DEIS comments should have already been addressed in the SDEIS, given that one was issued, although they may have been considered in its development).

### **Summary**

Overall, EPA continues to support Amendment 16, but requests consideration of our DEIS/SDEIS comments/suggestions. Primarily, the FEIS should discuss when the pending SEDAR data can be expected for the vermilion snapper and the rationale for the current issuance of the EIS with interim vermilion snapper data before the collection and compilation of the updated data. We also request that the new SDEIS alternatives be better identified in the FEIS, and that the required use of circle hooks be further considered where practical – at least for commercial snapper grouper fisheries.

### **EPA DSEIS Rating**

As in the case of the DEIS, we continue to rate the SDEIS as “LO” (Lack of Objections).

We appreciate the opportunity to review the SDEIS. Should you have questions regarding these comments, feel free to contact Chris Hoberg of my staff at 404/562-9619 or [hoberg.chris@epa.gov](mailto:hoberg.chris@epa.gov).

Sincerely,



Heinz J. Mueller, Chief  
NEPA Program Office  
Office of Policy and Management

cc: Dr. Rodney F. Weiher – NEPA Coordinator (NOAA): Silver Spring, MD

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements,  
Virgin Islands.

Dated:

  

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For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. In § 622.35, paragraphs (i) and (j) are added to read as follows:

§ 622.35 Atlantic EEZ seasonal and/or area closures.

\* \* \* \* \*

(i) Seasonal closure of the recreational fishery for vermilion snapper. The recreational fishery for vermilion snapper in or from the South Atlantic EEZ is closed from January 1 through May 15. In addition, for a person on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, this closure applies in the South Atlantic, regardless of where the fish are harvested, i.e., in state or Federal waters. During the closure, the bag and possession limit for vermilion snapper is zero.

(j) Seasonal closure of the recreational and commercial fisheries for red snapper, gag, black grouper, and red grouper. During January through April, no person may harvest or possess red snapper, gag, black grouper, or red grouper in or from the South Atlantic EEZ. In addition, for a person on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, the provisions of this closure apply in the South Atlantic, regardless of where such fish are harvested, i.e., in state or Federal waters. See § 622.45(d)(9) regarding a related prohibition on sale or purchase of red snapper, gag, black grouper, or red grouper during this closure.

§ 622.36 [Amended]

3. In § 622.36, paragraph (b)(4) is suspended.

4. In § 622.39, paragraph (d) introductory text is added, paragraphs (d)(1)(ii)(A) and (d)(1)(iv) and (v) are suspended, and paragraphs (d)(1)(ii)(E) and (F) and (d)(1)(ix) and (x) are added to read as follows:

§ 622.39 Bag and possession limits.

\* \* \* \* \*

(d) South Atlantic snapper-grouper. If the bag limits, as specified in paragraphs (d)(1)(ii)(E) or (F) or paragraphs (d)(1)(ix) or (x) of this section, are more restrictive than state bag limits, a person aboard a vessel for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued must comply with the more restrictive Federal bag limits regardless of where the fish are harvested in the South Atlantic, i.e., in state or Federal waters.

(1) \* \* \*

(ii) \* \* \*

(E) No more than one fish may be gag or black grouper, combined; and

(F) No more than three fish may be red grouper.

\* \* \* \* \*

(ix) Snappers, combined, excluding cubera snapper measuring 30 inches (76.2 cm), TL, or larger, in the South Atlantic off Florida, and excluding vermilion snapper—10, of which no more than 1 may be red snapper. (See § 622.32(c)(2) for limitations on cubera snapper measuring 30 inches (76.2 cm), TL, or larger, in or from the South Atlantic EEZ off Florida.)

(x) Vermilion snapper—4.

\* \* \* \* \*

5. In § 622.42, paragraph (e)(4) is suspended, and paragraphs (e)(7) and (8) are added to read as follows:

§ 622.42 Quotas.

\* \* \* \* \*

(e) \* \* \*

(7) Vermilion snapper--168,501 lb (76,431 kg).

(8) Gag--352,940 lb (160,091 kg).

\* \* \* \* \*

6. In § 622.43, paragraph (a)(8) is added to read as follows:

§ 622.43 Closures.

\* \* \* \* \*

(a) \* \* \*

(8) South Atlantic gag, black grouper, and red grouper. When the quota for gag, as specified in § 622.42(e)(8), is reached, or projected to be reached, commercial harvest and possession of gag, black grouper, or red grouper is prohibited. The applicable bag limits as specified in § 622.39(d)(1) and the possession limits specified in § 622.39(d)(2) for gag, black grouper, and red grouper apply to all harvest or possession of those species in or from the South Atlantic EEZ, and the sale or purchase of those species taken from or possessed in the EEZ is prohibited. In addition, the bag and possession limits for those species and the prohibition on sale/purchase of those species apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, i.e., in state or Federal waters.

\* \* \* \* \*

7. In § 622.45, paragraph (d)(7) is suspended, and paragraph (d)(9) is added to read as follows:

§ 622.45 Restrictions on sale/purchase.

\* \* \* \* \*

(d) \* \* \*

(9) During January through April, no person may sell or purchase a red snapper, gag, black grouper, or red grouper harvested from or possessed in the South Atlantic EEZ or, if harvested by a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic, i.e., state or Federal waters. The prohibition on sale/purchase

during January through April does not apply to red snapper, gag, black grouper, or red grouper that were harvested, landed ashore, and sold prior to January 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of red snapper, gag, black grouper, or red grouper harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. Such documentation must contain:

(i) The information specified in 50 CFR part 300 subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(ii) The official number, name, and home port of the vessel harvesting the red snapper, gag, black grouper, or red grouper;

(iii) The port and date of offloading from the vessel harvesting the red snapper, gag, black grouper, or red grouper, and;

(iv) A statement signed by the dealer attesting that the red snapper, gag, black grouper, or red grouper was harvested from an area other than the South Atlantic.

\* \* \* \* \*

Council members,

My name is Chris McCaffity. These are my written comments about Amendment 16. My suggestions apply to both gag grouper and vermilion snapper. The best way to preserve freedom and enhance both fisheries would be to start an aggressive artificial reef program. The reefs should be placed on barren bottom in depths that would best support gags or vermilion snapper. The reefs form the base for the food chain. They also give young fish a place to hide and grow. If the tiny fish cannot find a place to live before they hit cold water, they will die. There can be no denying the fact that more habitat equals more fish. I understand funding could be a problem for this action. I believe you could unite recreational and commercial fishermen along with private businesses to raise much of the money needed. This would be the perfect marriage of aquaculture and commercially caught wild fish. I know there will be an annual quota on both species. I hope the quota will be reasonable. There need to be trip limits in place and should be adjusted up or down quarterly to insure the quota is met and the fishery remains OPEN ALL YEAR. Shutting down one fishery will only put more pressure on other fisheries. There will be no way to make a profit or supply fresh local seafood if you close the vermilion snapper and all grouper but 100 pounds of snowies Jan. 1 to May 1. At the very least there should be a reduced trip limit during that time so fishermen can target other fish and not waste the resource by throwing back hurt and dieing fish. You could also reduce pressure on all bottom fish by allowing true commercial fishermen to sell a bag limit of any fish they do not have a limited entry federal permit for. Recreational fishermen that hold a commercial license to pretend to be commercial fishermen when it is easy or glamorous should not be allowed to sell ANY FISH. These tax evading, greedy, imposters flood the market with mahi, blue fin tuna, or anything else they catch and lower the price for true commercial fishermen. I pray the council will find a healthy balance between management measures and American liberty.

Thank you,

CHRIS



Council members,

My name is Chris McCaffity. These are my comments about the interim rule to close the Red Snapper fishery. The council should follow the amendment process and not attack our freedom with an interim rule shutting this fishery down. I will be the first to acknowledge that Red Snapper need some help. The best way to help them would be with artificial reefs in areas they would live. Red Snapper are often a bycatch while commercial fishing for other fish in the south Atlantic. The council says Red Snapper have a 90% mortality rate. We should never waste any of this precious resource. All fishermen should be allowed to keep one Red Snapper of any size per person per day as a bycatch. These common sense actions would allow the Red Snapper to multiply without accidentally killing them for no reason. The limits could be increased as the fishery rebounds. There is no hook and line fishery that should ever be totally shut down. There will always be some that are caught while targeting others.

Thank you,

*CHRIS*

Council members,

My name is Chris McCaffity. These are my comments about National Standard 1 Guidelines. The Annual Catch Limits (ACLs) should take into account the inherent flaws in assessing stocks. You should never make cuts so severe that they threaten to put hard working American fishermen out of business. The reasonable (ACLs) should be managed with trip limits. These trip limits should be adjusted up or down quarterly to insure the quota is met and the fishery remains OPEN ALL YEAR. With (ACLs) in place it should not matter when the fish are caught. The more different fish we can catch means the pressure is spread out over many species throughout the year. The Accountability Measures should also involve trip limits adjusted quarterly to insure the (ACLs) are met and the fishery remains OPEN ALL YEAR. The council must also be held accountable for arbitrarily putting fishermen out of business even for a day. It is un-American to strike down our freedom to make a living and supply Americans access to a public resource that is already controlled with (ACLs). The council can also enhance all fisheries with artificial reefs. This is the American way. Our founding fathers would much rather we increased the number of fish by enhancing the fishery rather than our government seizing more power by taking away some of the freedom so many Americans fought and died for. The council must also be held accountable to our Constitution and Declaration of Independence, and not just our corrupt congress of today.

Thank you,

*CHRIS*

# South Atlantic Fishery Management Council

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\*\* Members will be appointed to the Bluefish, Calico Scallop, and Dolphin/Wahoo Committees, if these committees need to meet during the year.

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**Senior Fishery Biologist**

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**Staff Economist**

Kathryn (Kate) Quigley  
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**Cultural Anthropologist**

Open Position

**Environmental Impact Scientist**

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**Science and Statistics Program Manager**

John Carmichael  
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Dale Theiling - dale.theiling@safmc.net ✓

**Graduate Student Intern**

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**Fishery Biologist**

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**Coral Reef Biologist**

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**Administrative Officer**

Mike Collins  
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**Financial Secretary**

Debra Buscher  
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**Admin. Secretary /Travel Coordinator**

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**Purchasing/Adm. Assistant**

Julie O'Dell  
julie.odell@safmc.net ✓

**SEDAR/ Staff Administrative Assistant**

Rachael Lindsay  
rachael.lindsay@safmc.net

# PLEASE SIGN IN

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## Snapper Grouper Committee Meeting Charleston, SC Tuesday, September 16, 2008

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	P.O. BOX/STREET CITY, STATE & ZIP
Lester Summre Wing Felherston	Pew Env't Cntr Ocean Conservancy	Key Largo FL St. Pete
Leemay Fies	910-622-5847	907 W Yacht Dr, Oak Island
BARBARA KELLY	305-852-8108	129 TEQUESTA ST TALL. FL 33070
Bice Kelly	305-394-5333	129 TEQUESTA ST TALLAHASSEE FL 33070
Joshua Giordano - Silliman	813-819-6778	170 N Shadow Dr, Mt Pleasant, S.C. 29464
Shawn Dick Aquatic Release Conservation	386-295-8876	P.O. Box 730248 Ormond Beach FL 32173
Christy Ciova Aquatic Release Conservation	386-529-137	PO Box 730248 Ormond Beach, FL 32173
Jess Dick Aquatic Release Conservation	386-274-2222	PO Box 730248 Ormond Beach, FL 32173
BRETT Norton, FWC	850-488-5600	620 S. Meridian St, TALLA FL.
Amber Von Harten	SC Sea Grant 843-470-3655 x112	Beaufort, SC 29907
Gregg Swanson	843-270-1622	4055 Faber Place Drive, Suite 201 North Charleston, SC 29405
	1367 Phetigo St Mt. Pleasant, SC 29464	843-571-4366 or Toll Free 866/SAFMC-10

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ORGANIZATION

AREA CODE &  
PHONE NUMBER

P.O. BOX/STREET  
CITY, STATE & ZIP

Debbie Foster BoatRacs	858-458-8105	9155 Brown Deer Rd Ste 8 San Diego, CA 92121
Kate Wunderlich	919-881-2930	4000 Westlake Blvd Raleigh, NC
LT CHARLIE GRIS, USCG	843 771-4706	1050 REGISTER ST NCHAS/ NC
LTDG M. CLEU THOMAS, USCG	843 - 292-3564	196 TRADD ST, CHARLESTON, SC 29405
Michelle Owen EDF		Sarasota
Eileen Dougherty EDF		Charleston
Sera H. Drevenak MFCN	910-762-4401	Wilmington, NC
Dick Brown	910-338-0011	WILMINGTON, NC
Ernest Muhammed SC DNR	843 953-9364	
DAVE Allison	202-833-3900	Wash. DC 20036

South Atlantic Fishery Management Council  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405  
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P.O. BOX/STREET  
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MICHAEL CLEU THOMAS, LTJG, USCG

843-297-3564

196 TRADOST. CHARLESTON, SC

BRETT NORTON, FWC

850 488 5600

620 S. Meridian St. Tallahassee, FL

Cenny Fern FV Rouben

910-670-5847

907 W. Yacht Club Island

ZACK BOWEN

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32 Bull River Bluff SAVANNAH, GA 31410

Debbie Foste Rodaus

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5166 Palatka Dr Ft Pierce FL

Joe Klostermann Jr Galz Mt II

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ED SAPP GULF COUNCIL

GAINESVILLE FL

FRANK BLUM South Carolina Seafood Alliance

Charleston, SC

DICK BRAM

CLA

wilmington, NC

Sera H. Drevenak OMFCN 910-762-4401

Wilmington, NC

Bill Kenny ICBA 305-394-5333

129 Tugassa St TAMPA FL 33070

Laurin Massengale EDF 919 881 0620

Raleigh NC

Michelle Owen EDF

Sarasota FL

Scott Baker NC Sea Grant

Wilmington, NC

Luddy Palmer Ocean Conservancy - FL

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Eileen Dougherty EDF 843-737-4466

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Kate Wunderlick EDF 919-881-2601

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Ernest Muhammad SCDNR 843-953-9364

Jess Dick Aquatic Release Conservation 386-274-2222 PO Box 730248 Ormond Beach, FL 32173

Shawn Dick Aquatic Release Conservation 386-295-8876 PO Box 730248 Ormond Beach, FL 32173

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Holly Binns, Pew Environment Group 850-322-7845

2107 Mulberry Blvd., Tallahassee, FL 32303

Gregg Swanson 843-220-1622

1362 Pheno St. Mt P 29464

Sean McKeon

NCF-A

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OCEANA

Dave Allison

202-833-3900

1858 Connecticut Ave NW, Washington DC 20036

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Megan Westmeyer

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100 Aquarium Wharf Charleston SC 29401

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305 393 0934

Key Largo FL 33037

Daniel White

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DNR-JK

~~John White~~

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