

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

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September 15-18, 2009

SUMMARY MINUTES

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in The Charleston Marriott Hotel, Charleston, South Carolina, Tuesday afternoon, September 15, 2009, and was called to order at 1:30 o'clock p.m. by Vice-Chairman Mark Robson.

MR. ROBSON: We'll go ahead and convene the Snapper Grouper Committee. The chairman, Mac Currin, is not able to be here right now. We hope he'll be here sometime later in the week. I'm acting as the chair this morning in my role as vice-chair. The first thing on the agenda is approval of the agenda for today for the committee meeting. Are there any comments or additions or suggestions on the agenda? Seeing none, we'll show the agenda approved.

The next thing on the agenda is to approve the June Meeting Minutes. I assume everybody has had a chance to at least look at those. Are there any additions, modifications or amendments to the minutes from the June meeting? Seeing none, as the committee we will show those minutes approved. The next issue on the agenda is a report from Kim on the Oculina Monitoring and Outreach Program.

MS. IVERSON: Mr. Chairman, to start with there is nothing to report in the way of research for the Oculina Bank for this time period, since the June meeting in Stuart. I would like to briefly go over some of the outreach activities that continues for the Oculina Bank Area. If you've had an opportunity to look at the Summer 2009 Issue of the South Atlantic Update Newsletter, there is a two-page article in there that's from a Science Profile Article from Stacey Harter with NOAA Fisheries Panama City Lab on some of the recent research work and papers that they have published within their Oculina Bank, showing some species diversity and compared inside and outside of the Oculina Bank Experimental Closed Area.

I would encourage you, if you haven't had an opportunity, to pick up a copy from our tabletop display outside. I worked closely with Don DeMaria and FWC to include an article on Riley's Hump and some of the spawning aggregations and spawning activity that was seen recently within that marine protected area off of the Dry Tortugas.

Many of you were able to see the portable display at the June meeting. We did not set it up here. We have some other tables that will be set up outside relevant to the Snapper Grouper Committee Meeting later on this afternoon. I did want you to know that we set up the display and DVD monitor at the Coral Advisory Panel Meeting the 1st and 2nd of September here in Charleston.

It was well received. The AP members really appreciated the work that had gone into it. We had a recommendation from the advisory panel that we take the information from that portable display highlighting the history of management within the Oculina Bank and recreate it as a static-type display that could be shared with other organization, including Harbor Branch Oceanographic Institution and the Smithsonian Marine Institute down in Fort Pierce, Florida.

We'll look into that since a lot of the work has already been done on that layout. The graphic is easily reproduced, and I don't think it would be very expensive to reproduce that and share it with the Marine Institute and with Harbor Branch. The Smithsonian Marine Institute, if you recall, has a static display that they use for the Oculina Bank just right off the coast there.

We continue to distribute the Oculina Bank Regulation Brochures and we're doing the DVDs. There are copies outside on the table; and whenever we do any sort of displays or outreach efforts where we have our tabletop display, we always have those available. We continue to publicize, although I have to say I've not set up a checkout system for the new Oculina display, but we will publicize the availability of that display to organizations. The South Carolina Marine Educators Association has requested to use that during their November meeting here in Charleston. It will be out at Fort Johnson. That concludes my report, Mr. Chairman.

MR. ROBSON: Thank you, Kim. Do any of the committee members have any questions or comments about the report? We'll go ahead and move on. The next item on the agenda is an update on the status of the Interim Rule for Red Snapper.

DR. MCGOVERN: Mr. Chairman, the proposed rule for the Red Snapper Environmental Assessment was published on June 29th, and the comment period ended on August 5th. During the 30-day comment period, we received over 1,100 comments. A lot of these comments were very detailed and they're currently being reviewed.

If approved by the Secretary, publication of the final rule could be expected sometime this fall. Out of over 1,100 comments, 1,102 opposed the rule. One comment included a petition with over 24,000 signatures. Twenty-seven supported rule and one comment included a petition with 808 signatures. Twenty-two comments were submitted that were unrelated to the proposed interim rule.

Most of the comments in opposition were related to three major items; first, data used to make the overfishing determination; second, economic impacts that the proposed interim rule might have; and the third major comment was people indicating that they're catching more red snapper in the last couple of years than they have in previous years. I can provide additional details on these comments if the committee would like.

MR. ROBSON: Thanks, Jack; are there any questions about the comments received on the interim rule? George.

MR. GEIGER: Okay, so we have the public comments. Now, there is a period of cooling off. What happens next; what is next in the procedural chain of events?

DR. CRABTREE: Well, we have to do written responses to all of the comments. As Jack said, there are a lot of them. Obviously, some of them are very technical, long comments. Dr. Hester's report has been to us; that is a comment. So, we have to respond to all of that and put all that together. It has to be cleared by Monica's office, then I sign off of it, it goes to Headquarters, and once the rule is cleared off up there it would go to the Federal Register at that point.

MR. GEIGER: And it's probably going to be difficult, but the next obvious question is, is there a timeline or a supposition as to when you think these actions will occur?

DR. CRABTREE: Well, I'm hopeful that we will complete our part of the work on it within the next few weeks. Then depending on what the decision is after reviewing the comments, we'll

get it outside the region. Now once it gets to Headquarters, it is harder for me to predict how long things will take. I don't believe that you will see a rule of any sort until the second half of October.

MR. ROBSON: Are there any other questions regarding the interim rule? Okay, we'll go ahead and go to the next. We weren't sure he was going to be here early enough to start on the agenda, but we'll go ahead and go to the next item. If you go to Number 6A, we were going to get a report from Dr. Nick Farmer. He is here and ready to go, so we'll go ahead and do that report, and then we'll come back to Item 5 on the agenda.

DR. FARMER: I'm here basically to provide you with an update to what we presented in June regarding the combined effects of previous amendments and our estimated effects of the various proposed alternatives in Amendment 17A on red snapper removals from the South Atlantic. I've sent out a model to you guys, which I think was sent out to you yesterday. It's an Excel Spreadsheet.

The purpose of this presentation basically is to introduce you to the various procedures that were used to compute the reductions that will show up when you manipulate that model and also to give you a great deal of background information regarding the assumptions going into that model, because I think it's very important for you to understand that those numbers popping out there have a lot of caveats to them.

I want to go through this presentation and then I'll take you through a brief kind of technical overview on how to actually use that model. Basically from that point I'll have put the analytical power in your hands in terms of looking at, well, what would we like to do in terms of alternatives. I've built a few different options into that model which would give you some new alternatives which previously haven't been proposed.

We'll go ahead and take a spin through this. The outline of my talk, I'm going to present you the objectives and goals. I'll tell you a bit about baseline removals, the impacts of Amendment 13C, 16 and 17A, discuss with you the implications of release mortality. We'll look at a few different types of spatial closures. Then the primary subject of this talk is basically going to be how I attempted to evaluate the bathymetric closure, which was quite a challenge.

Then we'll look at the ability of building in temporal closures, and then we'll talk a little bit about the importance of compliance of with this. In terms of what we're trying to accomplish here, we're looking at the combined effects of previously implemented amendments along with the proposed alternatives through 17A, as well as assumptions regarding release mortality, the spatial distribution of the stock and compliance on projected reductions in red snapper removals. The goal mainly is to determine the extent of spatial closures that will be required to achieve the required reductions and also to look at ways of optimizing the spatial and temporal duration of those closures to equitably minimize the adverse economic consequences of the closures on fishing communities.

This is basically a spatially and temporally explicit modeling process to the best that I could come up with given the limitations of the data. Looking real quick at the baseline, you can see

that the recreational fishery is estimated to be the principal source of removals at almost 400,000 pounds of removals. This is an average across 2005-2007, which was the baseline we used for our computations.

Most of this information has been provided in the series of reports that we sent to the council a few weeks ago considering the removals from the various fisheries and also a combined removals' report. Just to mention real quick, you're current preferred I believe is 75 percent of Fmsy, which was approximated by 75 percent of F at 40 percent SPR, and that is estimated to require a 90 percent reduction in red snapper removals from this 603,000 pound baseline basically to end overfishing in the South Atlantic for red snapper.

We presented the evaluation of Alternatives 13C, 16 and 17A in June, so I didn't want to go into the technicalities of that again for you. But just to briefly summarize for the commercial fishery, from 13C you get minimal reductions; 16, you get about 16 percent reductions; and from 17A you get somewhere between 8 and 88 percent reductions, depending on what alternative you're looking at.

I mean, if you're looking at Alternative 2 and you assume that the previously implemented amendments have no effect, then basically all you've done is stopped fishing for red snapper, you're throwing them overboard but at 90 percent discard mortality and you really not getting much of a savings, so that's why that low number is so low there.

For the headboat, for Amendment 16 you get a 1 to 8 percent reduction, and then on top of that from 17A, depending on the alternatives, you from 37 to 87 percent reductions. For the recreational fishery, for 16 a 2 percent reduction, and 17A is somewhere between 49 and 91 percent reductions.

MR. WAUGH: Could you maybe just refresh people for what it is in 16 that's giving these reductions and savings for red snapper? I think that would be a help. I can't quite remember.

DR. FARMER: Okay, for Amendment 16, which became effective on July 29th, you've got closed seasons, quotas and bag limits for shallow water grouper and vermilion snapper. The assumption going into that is that there is a possibility that some trips for shallow water grouper and some trips for vermilion snapper that happened in the past would no longer occur in the future during those closed months.

The idea is that it is no longer profitable or whatever and they don't go out there; and red snapper, a high kind of co-caught species with those species, so if you eliminate those trips you get some savings on your red snapper removals. So, release mortality really is the key to this whole conundrum because you've got a 40 percent estimated release mortality for recreational and headboat and you've got 90 percent for commercial, which basically is the reason why, if you close red snapper, you still have a great deal of removals because just throwing them back is not really getting you where you need to be.

Some factors that contribute to release mortality are fishing depth, the surface interval, the hook location, predation – that means after you throw it back in the back, if it has been weakened it

gets munched – water temperature. I guess the main thing there is the barotraumas, which is the major source of release mortality and it is directly related to the depth of capture.

One of the things that we wanted to give you the power to play with is there is a possibility that with the spatial closures that you might implement with Amendment 17A the fishery might move inshore; and if release mortality is related to depth of fishing and depth of fishing decreases, then release mortality might correspondingly decrease.

Some studies have suggested that discard mortality may be as low as 20 percent if the fish is caught in the water shallower than 20 meters. It is difficult to predict changes in release mortality because the level and pattern of effort shifting in the fishery in the future is unknown, and higher discard mortality rates will continue in open areas.

I also wanted to add a caveat here that the shoreward movement of the fishery is not well supported by the commercial logbook data. What I mean by that is I computed the average depth of fishing in the commercial fishery across all grid cells, and then I computed the average depth of fishing if you exclude the grid cells that would be closed in Alternative 6, and the average depth of fishing for trips landing red snapper actually increases in that case, so you would be basically forcing that fishery into deeper waters is kind of what that said in terms of its encounters with red snapper.

Depth is a somewhat unreliable field in the logbook so I would like to add a caveat on that as well, and we'll go into some more detail on that because I'm going to talk about the bathymetric closure in a minute when we get real deep into the depth stuff there. When we're looking at spatial closures, one of the main things that I thought would be of interest to the council is finding out exactly where the principal sources of the removals are coming from, so I've got a list here for you of your top ten removal zones and the associated inlets that those vessels might be deploying out of.

You can Northeast Florida is a very large center of what is going on. Another way of looking at it is with this map here with the color coding, the deeper the color the higher the level of removals there. You can see that we're principally talking about some grid cells off of Northeast Florida; a few off of Georgia; and a few off of South Carolina. That has already basically been identified by you guys. I mean there is a reason that is behind the cells that were listed for Alternative 6.

Now, going into evaluating the bathymetric closure – evaluating Alternatives 5 and 6 is basically an easy thing to do because you just assume that whatever was coming out of those cells previously doesn't come out anymore. Your discards is zero and there is your savings. With the bathymetric closure you need to get some sort of idea about the distribution of the stock, and unfortunately there is not really all that much data to support that sort of an analysis, so I looked at every kind of data set I could get my hands on in terms of trying to give you some sort of idea of what sort of savings you might get from those Alternatives 3 and 4.

One thing to note is that Alternative 3 basically would close 54 percent of the areas that would be closed by Alternative 5, and Alternative 4 would close about 59 percent of the area that would be

closed by Alternative 6. So, spatially, it is about 54 to 60 percent of the spatial coverage. The impacts of that bathometric closure were challenging to analyze because the commercial and headboat only provides some depth information and MRFSS, which is the primary source of removals coming out of the recreational fishery, provides no depth information, so it is difficult to evaluate where those landings are actually coming from.

I evaluated several data sources to try to get at this. One was the logbook from '05 to '07; then the headboat from '05 to '07; then I looked at MARMAP data from 1977 to 2008; and I looked at a paper from Moe written all the way back in 1963. Like I said, I looked at everything. The goal here was to estimate the percentage of the red snapper stock that was contained between 98 and 240 feet by grid cell.

The first thing I looked at here was the logbooks. You can see here I've got by year the number of records of red snapper landings with available depth versus unavailable depth. In '05 it was pretty bad, about a quarter of them didn't have depths reported. Then another thing to consider was some of these depths that were reported were actually unrealistic.

The depth that was reported actually didn't even occur within the grid cell that they reported it in, so I had to kind of cross-validate it that way. The mean depth landing red snapper was about 140 feet, plus or minus 57 feet being the standard deviation. Overall 77 percent of the red snapper landings within cells closed by Alternative 5 were located between 98 and 240 feet that would have been contained by Alternative 3.

Eighty-one percent of the red snapper landings within the cells closed by Alternative 6 would have been also contained by Alternative 4. The logbook seems to indicate that Alternatives 3 and 4 would have a pretty fair benefit, somewhere around 70-80 percent. Evaluating the bathometric closures using the headboat data, I came up with a regression.

Basically what this regression is saying is the percentage of the stock that was landed inside the bathometric closure relative to the percent of area within the logbook statistical area that was closed by the bathometric closure, so basically this is spatially explicit working its way up through all the logbook cells that have that bathometry range in them.

And I'm looking at, well, what number of the landings of red snapper occurred inside versus outside the bathometry within each of those logbook cells and what percentage of the area occurred inside and outside the bathometry for each of those logbook cells, and this is an approach that I'll take multiple times, so stop me if you're a little bit confused because we're going to be talking about this a little bit.

Basically, 50 percent of the red snapper landings within cells closed by Alternative 5 were between 98 and 240 feet for the headboat, so for Alternative 3 that's not really all that good of news; and 52 percent closed by Alternative 6 would have been contained by Alternative 4. So, basically, the headboat is suggesting there is a homogenous distribution of the red snapper stock as far as the headboat sampling that occurred. The bathometry doesn't matter is basically what that regression is telling you.

However, the headboat has several problems that make it inappropriate for this analysis. There are some very large gaps in the spatial reporting off several regions. Then the spatial resolution coming out of the headboat is too coarse really to really effectively do this evaluation, because the way the headboat works is they don't give you a lat/long. They give you a grid within a grid.

So, say you're in Cell 30/80, well, you're in Cell 30/80 and then you have a letter from A to F and then a number from 1 to 6, so it divides that grid cell into 36 parts basically. So, when you plot that in GIS you could have a landing that occurs within one of those 36 cells which could be in the bathymetry or it might not be in the bathymetry, so you don't have fine enough spatial details to really tell whether it is contained.

I kind of discounted this analysis, but I thought it was interesting because kind of the default assumption when you have no data is that the stock is homogeneously distributed for lack of any better information. This data seem to partially support that idea, so I thought it was important to add that caveat.

Now, the next thing I looked at was a paper by Moe in 1963 called "A Survey of Offshore Fishing in Florida", and I geo-rectified some images that he had created in that document that showed areas where fishermen back in the sixties were nailing red snapper, and red snapper were listed in the top four species landed in each one of these kind of light-blue-shaped coming off of the coast here in Florida.

One thing that is interesting is that it does provide a historical record of a substantial distribution of red snapper sites inshore of 68 feet, so that's an important thing. I think that this provides you with a pretty definitive answer that a hundred percent of the red snapper exploited stock is not contained in that bathymetric closure. That was an important caveat that I wanted to throw out there is maybe assuming that it is homogenous is not a good assumption, but also assuming that it is all going to be contained between 98 and 240 feet is probably equally flawed or more flawed.

This survey is based on fishermen self-reporting and it is limited to the Florida coast. It also provides little detail of activities east of the 79 degree west line; and so because of that, it is not all that useful for extrapolating it across the entire region. Also, it is from 1963 and trends in the fishery certainly have changed since then.

The next thing I looked at was MARMAP information, and I don't know if you guys can really read this figure here, but basically this is a plot of red snapper collection sites relative to sampling sites by gear over a 31-year time period, from 1977-2008 for the MARMAP. What is interesting about MARMAP is that they use a whole variety of gears and they have a very broad spatial coverage from North Carolina all the way down to Florida, and it is a nice, long time series. It is also fishery independent.

However, there are some problems with MARMAP for doing this analysis. Out of like I think 16,000 some odd sampling sites, there were only actually 218 that had a red snapper collected at them over 31 years; less than 2 percent of them. Eighty-five percent of the red snapper

collection sites that were located within cells closed by Alternative 5 were also located between 98 and 240 feet, so it would have been contained by Alternative 3.

Ninety-three percent of the collection sites within cells closed by Alternative 6 were located between 98 and 240 feet, so it would be contained by Alternative 4; so, very similar kind of pattern there to what the commercial data was telling you. Now, looking at this, I wanted to also create a regression for the MARMAP so that we could use it in a predictive capacity, so we limited the analysis to gears that had at least ten red snapper collections, which reduced the gear types to Chevron Trap, hook and line and snapper reel.

We subdivided the statistical areas into four parts so that we could boost our sample size, and we only evaluated sub-grid cells with sampling inside and outside the closure, because if they didn't take a sample inside then it is not fair to make a comparison, and if they didn't take a sample outside it is not fair to make a comparison.

If they only sampled inside and all those samples came from inside, you can't say that a hundred percent of the red snapper came from inside because they never looked outside. Hopefully, that makes sense. Basically, the caveat I want to lend to this one is that the MARMAP sampling also might not be appropriate for evaluating the distribution of the red snapper stock, and that is because it is spatially biased.

You can see that the only cells where this approach really worked were for six total grid cells, five of them right off of South Carolina, so you don't have good coverage to cross all the states, and it is pretty limited. Also, the use of the gears in MARMAP, it is just not appropriate for the collection of red snapper basically.

There is very little hook and line used. There is very little snapper reel used. It is mostly Chevron Traps and that has a very low CPUE for red snapper. Nevertheless, I did develop a regression which was not significant for the MARMAP data, but it does kind of make sense a little bit, which is that as you increase the area protected you do increase the percentage of the red snapper stock that you protect, and it has got a pretty intercept value, which says basically by implementing that closure in that bathymetry you're already kind of initially containing a very high percentage of the red snapper stock.

In the model that I sent out to you this is the default evaluative tool for the bathymetric closure if you assume a heterogeneous distribution of the stock. If you assume that more of the stocks are contained in the bathymetric closure than would otherwise be predicted by the area, the bathymetric closure actually closes, this is going to be the regression that is used.

I want you to be fully aware of the limitations of this regression model. I mean it is not statistically significant, it is based on a very limited amount of samples, it has got gear problems, and it is only off of South Carolina, so take everything that comes out of those heterogeneous distribution bathymetric closure models with a grain of salt, because this might not actually have all that much meeting. I want the council to be fully aware of the uncertainty associated with those reductions.

Now, the next thing I wanted to look at was something that I don't think the council has looked at in too much detail at this point for the proposed alternatives at least, which was the ability to partially close cells during certain times of the year or to partially close cells basically during months.

In order to figure out how removals might be partitioned by months I basically just looked at the baseline landings' patterns for each fishery on a monthly basis by grid cell. There is an example here for Cell 29/80. You can see that the trends are slightly different for the fisheries, so it is good that I did it as a fishery-specific type thing, a sector-specific type thing. The percent of annual landings varies by month, so it is important to not assume that the fishery is just operating uniformly over the course of the year, and I think that makes some sense.

The next thing that is important to note is the assumption of a hundred percent compliance. Even low levels of non-compliance can rapidly erode the benefits of spatial closures. Little published data exists to estimate rates of non-compliance, but a multi-year study in the Great Barrier Reef has reported high levels of intrusion into a closed area.

Less than a hundred percent compliance will severely impact the projected reductions resulting from the spatial closures. This is something that we did not include in the modeling efforts that we sent out in the PDF documents that you've received. However, I have included an input part of this in the model, so that if you want to make an assumption of anything less than a hundred percent compliance, you can at least see what impact that will have. I think we recognize the importance of that.

Then I wanted to talk with you briefly, before I get in the model, about reduction targets. This table here is the reduction in total removals, the landings plus dead discards needed to end overfishing under a variety of assumptions or preferred alternatives from the council. The non-shaded areas are determined by comparing actual landings from '05 to '07 with allowable removals in 2010. The shaded areas are estimated through interpolation.

I believe the council's current preferred – and I apologize, it seems like quite a bit of my table got compressed out of the picture here, but we'll be able to see this table again in the model, so I'll go into that when we get to it. You can see that the reductions, depending what your alternative is for these various parameters for Fmsy and what percentage of Fmsy you want to look at, you're ranging somewhere from about 77 percent to upwards of 89-90 percent reductions required.

From the models that I developed here, you can look at this picture here. This is for Alternative 2. The table at the top is the projected removals under Alternative 2 by fishery and then overall. For Alternative 2, which would close the commercial, headboat and recreational red snapper fishery, but has no spatial closures, you get an overall reduction of about 53 percent.

At the bottom I've noted this is assuming a hundred percent compliance. It is assuming that the release mortality has remained at the SEDAR 15 predicted values and that directed and targeted trips are eliminated out of those previous amendments. You can see that under none of these scenarios do you obtain the necessary reduction.

Under Alternative 3, assuming a homogeneously distributed stock, you get an overall 70 percent reduction, which still doesn't get you into a yes for any of those scenarios; but if you assume a heterogeneously distributed stock with those four closed areas between 98 and 240 feet, you do get a few successful reductions, depending on your assumptions about what Fmsy is. Looking at Alternative 4, you close seven grid cells you get a 72 percent reduction, so that is with the homogeneously distributed stock again, and again you don't attain the necessary reduction.

But now you can see again the heterogeneous assumption makes a big difference. You get all the way up to 87 percent with that bathometric closure, and you're meeting your objective under a variety of assumptions at that point. For Alternative 5 you get an 86 percent reduction for closures with those four grid cells. Then under Alternative 6 you get a 90 percent reduction.

MR. HARTIG: Can I stop you for a second? The base high, that's the base run for the assessment based on – what is the high value?

DR. FARMER: Okay, that's two different columns there, so the base is basically the assessment estimated value for recruitment, I guess it is, and then the high is the high recruitment, and then there is a very high recruitment, and then there is an extremely high recruitment scenario. That is looking at the sensitivity around recruitment and then you've got that broken down by F 40 percent proxy and F 30 percent proxy, and then that's further broken down by the alternatives for the percentage of Fmsy you're looking at; so equal to Fmsy, 85 percent of; 75 percent, 65 and then Frebuild.

MR. HARTIG: I understand; the recruitment I didn't see.

DR. FARMER: All right, it is important to note that this model doesn't consider any effort shifting from closed areas to open areas, which obviously that is going to drive your removals potentially higher in the areas that are still open. You have no consideration of the impacts of redistributed effort along the boundaries of the closures, which can have some severe impacts upon the effective of the closures in protecting the stock.

You've got no modeling of movement of fish across the closure boundaries, which has pretty well documented to occur. These closures are rather large, though. Discards due to gear exceptions in closed areas are not considered here. There are some exceptions for black sea bass and tilefish fishing in there. I'm not sure how high the discards would be for red snapper, but basically the assumption in this modeling effort is that those would not result in any discards for red snapper.

There is no consideration of potential differences between the spatial fishing patterns of the private, charter and headboat fisheries, so basically we assumed that since MRFSS didn't provide any meaningful data on the spatial location beyond kind of a post-stratified Northeast Florida, Georgia, North Carolina and South Carolina information, we basically partitioned the MRFSS removals to areas – if you recall from our presentations in June, using the headboat fishery as basically a proxy; so if that is an invalid assumption, then there are some flaws in this analysis.

Another consideration that we didn't take into consideration was the spatial heterogeneity of the stock distribution within closed areas. My model is going to allow you to partially closed areas; so if, for example, during the month of June, if you wanted to have 50 percent of a closed area open so that they could maintain some economic viability and go out there and fish, the assumption is that whatever you chose to be closed, you're now opening 50 percent of it, and it is not necessarily 50 of the area in the model – that would be, I guess, the simpler way to interpret it – it is not going to be giving you 50 percent of the area so much as it is 50 percent of the removals that you are now allowing to occur again.

The point is that if you know where the stock is located and you open 50 percent of it where the stock is located versus opening 50 percent of it where the stock is not, that would have an extremely different effect on the fishery in terms of preventing total removals. The model and the data currently do not support that kind of high-resolution spatial analysis, so just keep that in mind also.

With that, I want to acknowledge some people who really helped in this process, including a lot of members of the Southeast Regional Office as well Tom Sminkey, Jim Waters and others from the rest of the National Marine Fisheries Service. Before I go into the model, if you guys have any questions I'd be happy to try to address them for you at this time or else we can go into a bit of a technical discussion on how to use.

MR. GEIGER: Mr. Chairman, I really don't have a question. I just want to compliment you on a very, very excellent and understandable presentation, very, very good work; thank you.

DR. FARMER: Well, I might have modeled myself right out of a job because I'm going to put the analytical power in your hands now. I don't know how many of you have actually received this spreadsheet yet, but basically this is what I've sent along to everyone. If you want to just watch what I do here as I take you through it, we could do that; or else if you want to make this more of an interactive thing where you open the spreadsheet and we can kind of walk through it together, because what I'd like to happen – and I built this specifically so you could do this because I'd like you guys to be able to take this thing home tonight and then go ahead and go work on it and try to find something that works for you in terms of an alternative that you think accomplishes the varied objectives of the council.

MR. ROBSON: Well, before we decide what we want to do with this, I want to make sure that everybody on the committee has this spreadsheet or knows where it is. Where do we all locate this?

MR. DeVICTOR: I'm just checking with Mike but this was sent around to everyone last week.

MR. ROBSON: I'm not sure everybody has it. It might be instructive – I don't know how much you can kind of walk us through it at least on the screen; and then once we all get up speed on having a version of it on our computers, we can do something additional.

DR. FARMER: Well, to get things rolling, basically this is designed for you to start at the user interface tab, which says, "Start here" on it. There is a title there, "South Atlantic Red Snapper

Removals Under Amendment 17A”. An important note there is that under all scenarios in this model the Red Snapper Fishery is closed.

There are no built-in functions in this model to allow you to take any harvest of red snapper. It is just basically trying to squeak you by and at least let you try to get a little snapper grouper fishing in here and there in the spatial closures. It is not going to be providing for red snapper fishing, so basically this is going to model removals of red snapper.

The first input that you have in the model – and I tried to include some text underneath each of the inputs to help guide you along, but you need to select fisheries for which Amendment 13C and 16 have an effect and you mark it with an X. Basically, the reasoning behind that is that the implementation of Amendment 13C and Amendment 16 may eliminate some trips targeting shallow water group and vermilion snapper, which potentially may reduce the bycatch of red snapper. That is in our documents and I’ve listed them in the citation there.

If you go through, you can only click on the cells that I want you to click on. Other than that, you shouldn’t be able to click anywhere else on the spreadsheet. It is all locked up. For example, you can remove those and say, okay, well, I don’t think those amendments have effect for any of those fisheries. If you think they do, you put an X, and then it assumes that they have an effect.

The input is mark with an X if Amendment 17A impacts recreational targeted and directed effort. The assumption is if that X is gone there, it tells you that you’re assuming targeted only effort is being removed. Basically, MRFSS, when they do these intercepts at that shore, they ask the fisherman, “Well, what did you go out and go fishing for?” The fisherman will say, “Well, I went out fishing for snapper”; or they might say, “I went out fishing for red snapper.”

If they said red snapper and you leave this box blank, those are the only trips that Amendment 17 is going to eliminate in terms of those trips will no longer happen. But if you say directed and targeted effort, then what it is going to do is it is going to eliminate trips where they said red snapper and it’s also going to eliminate trips where they went out and they maybe said something else, but they caught predominantly red snapper.

There are a lot times in the data set where they went out and they said, “Well, I went fishing for snappers,” but basically they caught 99 percent red snapper, so the assumption there is that by snappers they really meant red snapper. If you go through and you check that box, that will tell you, okay, we’re going to catch targeted and directed.

Then the third assumption is you get to choose your post-Amendment 17A private, charter and headboat release mortality. You get to put something between zero and a hundred percent; so notice if you try to put like negative 3 percent, it is going to tell “Error, please enter release mortality between zero and a hundred percent.”

And if you try to enter something other than the SEDAR 15 estimated 40 percent, so if I under, say, 10 percent, it is going to tell you, “Caution, SEDAR 15 estimated recreational release mortality is 40 percent; your assumption may be unrealistic.” And what you will note with each

of these little caution flags that I'm going to show you popping up, as you go down to the bottom of the spreadsheet, there is a section called "Potential Input Errors" right here, and it is going to list all the various things that you might be taking a chance with your assumptions down there at the bottom.

We'll go ahead and leave it at 40 percent for now, and we'll go to the next step which is choose your post-Amendment 17A commercial release mortality somewhere between zero and a hundred percent. Right now I've got 90 percent in there. And, again, the release mortality, I give you this flexibility because there is a chance if you make these large spatial closures, you're going to push the fishery inshore and therefore the depth of fishing is going to decrease, and so the release mortality might also decrease. The commercial guys, that 90 percent is a real high number and it has a big impact.

That means that 90 percent of the red snapper they catch that go over the side are going to die anyway. Let's say we bump that down to where the recreational guys have it, well, it will give you the caution again that the SEDAR 15 estimate was 90 percent so your assumption might be unrealistic.

We can just go ahead and leave that 40 percent for now and move on. All right, Number 5, select closures on the user selected spatial closures map, and you see the arrow pointing you over to the right here. So you go to this map and when you're doing this at home, you take a look at these instructions here, so you're going to mouse click on the start cell, right here, and then use the arrow keys to move to the cells you want to close.

Mark each closed cell full and partial closures with an X. If you don't want the cell to be closed, delete all marks in the cell. If you only want the cell closed part of the year, mark the cell with an X and then put 0 percent in the monthly closure, which is Input Number 7, for the months you want the cell open.

If you only want a bathometric closure, mark the cell as closed with an X and mark the bathometric closure box with an X, which is Input Number 6. I give you the flexibility of closing a maximum of ten grid cells, and that was mostly just because after that I started running out of space on the spreadsheet.

What you do is you start by clicking this start cell and then you scroll on over here to whatever cells and say I delete them, okay, those cells aren't closed anymore; and then if you go down here to the bottom, you'll notice that right here it now lists that as Alternative 2, because you don't have any closed grid cells and you're not making any assumptions that are inconsistent with Alternative 2 so far.

Let's go on back up here; I'd like to go ahead and model Alternative 6, so I'm going to click on the start cell and I'm going to start closing some cells here. Then if I go back down here you'll notice it tells you that is Alternative 6 that you just put in there. Also, you're going to list all the cells, and I'll get into that output box in a second.

One thing that I also wanted to give you was some stuff in terms of supporting documentation to help guide you as you're going through this trying to kind of come up with an optimum solution. I give you that list of your highest baseline removals by grid cell. I mean, it makes more sense if you're looking to close the smallest amount of space possible, you're going to want to close the places that have the highest number of removals coming out of them, but you also need to take into consideration the economic and distributing the impact, those sorts of things.

I recognize that you have a lot of different objectives you're trying to balance here. I give you those and I also list the inlets the vessels might be coming out of for those cells. Then over here to the right you've also got a map of where those inlets are, and you can zoom that if you want and make it a little big bigger. Then you can actually see kind of what is going on.

Those are your various inlets here and the grid cells, and then here there is another map which shows you again the intensity of the removals by grid cell. All right, the next thing you get to pick is you get to choose whether you want a bathometric closure between 98 and 240 feet rather than a complete closure.

If you select this option the cells you have closed will only be closed between 98 and 240 feet based on the bathometric mapping and reductions will be computed based on this closed area. If I go ahead and click on this and put an X, you'll see that a little note pops up on your map over here of your closures and it says the closure will be between 98 and 240 feet in the selected grids.

I couldn't figure out a way to make Excel show the bathometry and only color the bathometry, but I just wanted you to know that if you click that option the model will assume only that the area within that bathometry is closed. You can see what the bathometry looks like here as you zoom in, so you can see that black line basically is a closure around the bathometry, so that would be basically kind of what your bathometric closure for Alternative 4 would look like, for example.

Okay, then the next thing that I give you is an option that I don't think you guys have had the opportunity to evaluate or look at before. What that is the ability to enter a percent closure, zero to a hundred percent, by month for the closed cells you've selected in this spatial closures map. Just a note, if you select the bathometric closure option in Number 6, entering a hundred percent below will mean a complete closure between 98 to 240 feet.

It is not that all of Cell 32/79 is going to be closed. It is all of Cell 32/79 between the bathometry would be closed if you put a hundred percent there. That bathometric closure checkbox is going to automatically kind of strip the analysis down to only what is within the bathometry. I guess another thing that you will note here with this bathometric closure checkbox on Input number 6, as soon as I put that X there, two things happen. I'll go ahead and delete it and then I'll show you.

As I put this X here, it comes up with a message that says, "Caution, reductions associated with bathometric closure are highly uncertain," just to warn you that the analysis and the reductions associated with it becomes much more uncertain there. Also, if you delete it again, as I put an X here you'll notice that an option is going to come up down below, Number 8, and that is going to

allow you to look at whether there is a heterogeneous distribution of the stock based on MARMAP data or if the distribution is homogenous.

We've already kind of gotten into that with the powerpoint presentation, but that basically is going to either assume that the stock is basically fundamentally compressed into that 98 to 240 feet with some relationships to the percent area that is closed or else the amount of stock that is protected by the bathometric closure under a homogenous distribution assumption is going to be directly proportional to the amount of area that is protected by the bathometric closure.

Then it was important for me to model to that spatially because in some of these grid cells the bathometric closure closes almost the entire grid cell; whereas, in others and especially down south in Florida the bathometry gets real compressed due to the Gulf Stream, and so you don't have too much going on there in terms of the actual area that is covered there, so that takes that into consideration.

As you go through this, let's say, for example, that you're thinking, well, let's look at this highest baseline removals thing here. Cell 29/80 has some real high baseline removals, and I think I just closed this area – yes, there it is over there on this tab right here. So, let's say that off of 29/80 I'd really like to give the fishermen the opportunity to at least try to make some kind of a living there and maybe we can open like 50 percent of that cell during June and maybe we can open about 50 percent of it during July.

And you know what, let's go ahead and do that for some of these other months, too, so for June and July for 31/80 and then June and July for 32/79 – why not? You can play around with that and kind of try to find an optimized solution for those. Basically, what is going to go on here is the next thing you have for an input is you can – incidentally, I'll just show you so you can see that there is a sequence of cells here, and these are the cells that you have chosen to be closed.

You'll notice that it goes down to 28/80; so if I go ahead and delete that cell from your closure, then 28/80 is no longer listed on this list. It should prevent you from doing anything – the analysis hopefully will account for all the cells that you have closed and none that you haven't on purpose.

All right, then we're looking at an estimated compliance rate with your spatial closure regulations; so if you have a hundred percent in there, it is going to give you a warning that published studies suggest that compliance is less than a hundred percent. We'll go ahead and leave that at a hundred for now, but you can change that to whatever.

For example, if you tried to change to the letter A, it is going to tell you "Please enter a compliance rate between zero and a hundred percent", so the thing should catch most of the input errors that you could make in there.

If you want to assume a heterogeneous distribution of the stock based on MARMAP data, you would mark this box with an X. It is going to tell you if you assume a homogeneously distributed stock that it is highly uncertain, and it is going to tell you the same thing if you assume a heterogeneously distributed stock.

Basically anything with a bathometric closure, I've got a low level of certainty in terms of the reductions coming out of that. It provides you some detail below Number 9 as to how that was computed, just to remind you if my presentation has faded from your mind when you're playing with this.

You'll notice also that because I put in some partial closures here, this is now listed as a new alternative, so now that you have this temporal component this is no longer what I would consider to be Alternative 6, which is where it started. So basically this whole area down here – and I'll shrink it down so you can see what it is, but this whole area right here is set up so that if you were to connect this thing to a printer or try to print it as in Adobe PDF or whatever, this should print as an entire page right here.

And what this section is going to do is it is going to summarize basically everything that you did above. So you've assumed that Amendments 13C and 16 had effect for the fisheries, commercial, recreational and headboat. You've closed these seven statistical areas. It is a new alternative. You've got a total of seven statistical areas; you've got some partial closures; and your partial and your partial closures are in 32/79, 31/80 and 29/80.

Your type of closure is a bathometric closure between 90 and 240 feet; and you can see if I go up here and I delete that, it will tell you that your type of closure is full statistical areas. I put a little note here that in our report of 2009 for the commercial fisheries we're going to have larger reductions coming out of this modeling effort than were presented in that report, and that's because I modified the assumptions of that paper.

In that paper we were assuming discards were still occurring at some lower background rates for trips going out for black sea bass and tilefish, and in this we're keeping it consistent across all the fisheries. Our assumption is if the cell is closed discards go to zero. Nobody is affecting red snapper in those cells despite the exceptions for various types of fishing.

I've got a summary here of the baseline removals on the left and then on the right are you Amendment 17A removals under the assumptions that you've put into the model. You can see that we've done some partial openings during June and July for some of the grid cells, we've got a bathometric closure, and we're getting about an 87 percent projected reduction across the fisheries.

Then below I've included the table I showed you in the powerpoint. Basically this is the percent reduction that you're going to need to end overfishing depending on what you choose to be your Fmsy proxy, what you choose to be your recruitment level, and then what you choose to be – you know, whether you want Fmsy 85 percent, Frebuild, so this table will show you what targets are and the table immediately below it will show you whether you achieve that target or not under the user-selected input that you put in there.

You can see that for the majority of these targets you actually did achieve your goal according to the model here, but the model does have quite a few things to say about that. There are potential input errors. You've put an estimated commercial release mortality that is not 90 percent so the model cautions you that may be unrealistic.

It also cautions you that reductions associated with the bathometric closure are highly uncertain. It cautions you that published studies suggest the compliance rate is probably less than a hundred percent. It cautions you that the assumption of a heterogeneously distributed stock is highly uncertain.

It also tells you what additional assumptions went into this modeling effort. There are things all about the assumptions. The discards are occurring in the same proportion of landings, because we don't have any really spatially explicit discard information, but we have spatially explicit landings information for some of the fishers, so the assumption is that the discards are going to happen in the same areas at the same rate as the landings.

We also have no model of effort shifting from closed areas so when you close an area the trips that used to happen in that area are just stopped. They don't move somewhere else; they're over. We assume that headboat landings are reasonable spatial proxies for private and charterboat landings because we didn't have any spatial data for those.

We assume there is no movement of fish across spatial closure boundaries. I can tell that is not true. We assume that there is no disproportionate redistribution of fishing effort along spatial closure boundaries. There have been several documented studies that have shown that fishing the line, as it is called, really depletes the benefits of a reserve, especially if the fish are moving over the sides of the spatial closure.

Also, that historical trends are reasonable proxies for future trends. I mean, there is a possibility that this management action could result in a lot of people either completely changing their fishing behavior or stopping fishing entirely in which case your reductions could be more or less than what are modeled here.

It should also be noted that some uncertainty exists even in the baseline data, especially for discards. With that, on the side here you've got some more pictures. This will print out as an entire page, also; so if you print out these pages it will give you a visual of your user-selected spatial closures again down next to your summary of what your output was.

It gives you a list of references, and these are all the reports that we've prepared on this stuff. They give you additional background information if you want it. You've got another map of your baseline removals just so you can compare it to this. Then you've got another map of your inlets and cities so that you can look at your strategy of closure versus partial closure and you're impacting or favoring, that sort of thing.

Then if you go over to the bathometric closures' tab, I've got a lot more information over here. I'm not going to go into too much detail on it because I already went over it in the powerpoint presentation. Basically you've got your regression model for your MARMAP data, so your assumption of a heterogeneously distributed stock, and you can see that is a really poor R-square value, so please take it with a grain salt. That's not an awesome regression by any means, and it is not even significant statistically.

I figured if I'm going to give you the assumption which I think is terrible as a homogeneously distributed stock, I'd at least give you something that would allow you to assume the stock is something other than homogenous. Then there is a map of MARMAP sampling. You can see spatial coverage and then spatial coverage by gear. There are a lot of factoids underneath each of those about the analysis that went into that.

Then here is the map that was used for the ultimately chosen MARMAP Regression Model. You can read that at your leisure if you're really concerned about that assumption or want to understand it better. Then over here I've the regression for the headboat showing the homogenous distribution of the stock coming out of the headboat data with some information about kind of some limitations of that analysis and summaries of that analysis.

Then I've got your summary statistics for the regression model for the MARMAP data. You can see your significance is a dismal 0.6 basically, which is not statistically significant by any means. Then on the next tab you have reduction targets and you can just look at kind of what various reduction targets would be under various assumptions.

The main thing that I wanted you to understand is this user interface here and how to enter this input data and the outputs that you get out of it so you can see the things that are going to make a big difference. For example, I go ahead and assume that recreational mortality is going to drop 20 percent and commercial drops 40 percent, you can see, look at that, we achieved our goal under all the assumptions.

The discard mortality is going to have a huge impact on it. Now, if you assume your compliance rate is less than a hundred percent, like let's say that it is 90 percent, well, that didn't get you anything too bad because it is still pumped up, but if you drop that back down to 40 percent, put that back at 90 percent, you'll see that you didn't achieve it under a lot of them. The compliance rate is going to have a huge impact, also.

These partial closures, I think that is a pretty useful feature in terms of trying to get these guys some way of getting out on the water during months where they'll make a fair amount of money hopefully during the summer, especially, and that might be something that the fishermen could definitely let some information insight into and to guiding your decisions on that. I guess that's about all I wanted to tell you. At this point if you have any questions on how to use the model or about how the inputs and outputs are dealt with, I would be more than happy to address them. I want you guys to have a really good understanding of this.

DR. CHEUVRONT: Under this tab that we're looking at right now, the targeted reduction, can you help me figure out – I understand the F 40 percent proxy and F 30 percent proxy; that's fine, but underneath it you have the base estimated, and then high, very high and extremely high. Can you remind me what the high, very high and extremely high is?

DR. FARMER: I believe those are projections from the Science Center as to the stock condition under assumptions of estimated high, very high and extremely high recruitment levels.

DR. CHEUVRONT: Okay, that's a recruitment level?

DR. FARMER: Yes, obviously, if your recruitment is very high the stock recovers much faster so your necessary reduction is much less. You can see that it goes from 86 percent down to 81 percent on the top column, that sort of thing.

DR. CHEUVRONT: I'm impressed as hell by this, the amount of programming that had to go into this. Have you, like, gotten this published or made a generic version that could be used for other fisheries or something like that? This is amazing!

DR. FARMER: Well, we did relatively similar but not spatially explicit for the gag in the Gulf of Mexico, so this will be hopefully something that we can continually kind of generate. It is hard to tailor it specifically so that it can be generalized because of the various things that councils are after with different models are so different. This one has the spatial closures in months and stuff.

DR. CHEUVRONT: But you need to get this published on how you did that. This would be really helpful to managers not just at the federal levels but at state levels and things, too, if they could go in and see what you've done here and do something for their own specific needs. This is pretty impressive.

MR. HARTIG: Just one question; when you modeled the headboat homogeneous results you got, why wouldn't you look at commercial, too, just to see what results you get?

DR. FARMER: I did look at commercial and basically it had the – it was more challenging with the commercial just to try to figure out whether – you know, because commercial with depth, the reporting was pretty poor for the most part. A quarter of the depth records were missing and even more were kind of unrealistic during the first year of the data set.

But that is something where I can definitely look into that further because I'm definitely dissatisfied. I just finished the MARMAP stuff a few minutes ago, and I'm pretty dissatisfied with kind of what came out of it. Mostly the limitation of that is that the MARMAP does a good job with spatial coverage of sampling overall, but using gears that actually catch red snapper it is not at all.

I mean, the Chevron Trap even is not a very good gear for red snapper, and that's mostly all that regression is based off of. There is very little hook and line and even less snapper reel coming out of that. Obviously, if we had unlimited money and unlimited time we could do a much better job looking at what the actual distribution is of red snapper.

MR. ROBSON: Any other questions regarding this?

MR. HARTIG: As long as he is going to be here all week; I don't know.

MR. GEIGER: In thinking about this, the thought occurred to me also that this will help as the fishery recovers in trying to figure out how we reopen portions of this fishery when it becomes appropriate to do so and will probably make that aspect of the task far more easier. That really is interesting.

DR. FARMER: Just something else to interject real quick, if you don't mind, one of things I also wanted to point out by including these targeted reduction tables is how – I mean, it seems like a subtle difference of 9 percent, 10 percent based on what you guys liked as your preferred for the targeted reductions; however, the impacts and implications of that on the amount of spatial closure that is necessary are extremely high.

After you close about four grid cells, bumping up another 1 percent or 2 percent on your reduction really requires another set of closures. The distinction between an 87 percent closure versus a 90 percent closure could be double the space that you have to close because of the spatial distribution of the removals. That is something to definitely please look at when you're looking at this spreadsheet.

MR. HARTIG: In the sensitivities from the assessment it looks like there isn't hardly – I mean, you look at the stuff that was done for bycatch at different levels, it doesn't change the assessment much at all, but then when you plugged those numbers in there we had a dramatic change. In fact the whole area went round under the 20/40 scenario. Why is that?

DR. CRABTREE: Well, remember it is a fundamentally different thing. When you change the discard mortality rate in the assessment, you're saying it has always been that way. When you change the discard rate on this spreadsheet, you're saying that you're reducing the discard rate from what it has been, so you're saving fish. That's a different thing entirely.

Usually what happens with models if you change the discard mortality rate throughout the whole time series, then you're just telling it there have been fewer total removals throughout the whole time series, so it predicts there were fewer fish out there to begin with through the whole time series and it is a less productive stock. That is why that is different. One thing I want emphasize is this is a really neat analysis and really sophisticated, but keep in mind the data going into this is very uncertain.

Logbook discard reporting, MRFSS B-2 estimates, those have high CVs generally, so there is a lot of uncertainties and don't get too wrapped up that an 85 percent reduction is really any different than an 80 percent reduction because there are big uncertainties built into all of this. You need to keep in mind this is going to give you general guidance as to what might happen, but I wouldn't want to be pinned down that these numbers have more reality than they actually do.

MR. ROBSON: All right, any other comments about this model? We're going to go into another presentation which might also address some of the recruitment, some of those values and where those come from as far as the relative values in recruitment. I think what we need to do right now, however, is take a short comfort break and set up for our next presenter.

MR. ROBSON: We're going to get restarted. We're going to go ahead and pick up on our agenda. We're going to go back to Item 5 and Dr. Erik Williams is going to give a presentation on some rebuilding projections and other analyses.

DR. WILLIAMS: Thank you, Chairman Robson. For those of you who don't know me, I'm Dr. Erik Williams. I'm at the Beaufort Lab in Beaufort, North Carolina. I work for the Southeast Fisheries Science Center. I would like to thank you for the opportunity to present this material.

What I was going to present today is to go over some of the projections and analyses that our group in Beaufort has been working on for basically just this year. We've done a whole bunch of work last year. This is sort of a quick snapshot of a lot of the projection analyses we have done. I'm only going to present those that we did in July because you've seen the March and April projection analyses at the June council meeting.

Another analysis I'm going to present today includes just this one that was recently completed in August. Well, actually the runs were done as early as June, but we just did the write-up finally in August, and that is the dome-shaped selectivity sensitivity analyses. Again, this is just going to be a very quick overview.

Mostly I think my role here is to hopefully answer questions that people might have about these analyses because I think the reports for these analyses have been out and floating around with enough time that people probably really just need to ask questions if they have any.

The first projection was looking at what the stock projection would look like under an Frebuild scenario. In this case rebuilding was a 35-year time period, and basically you end up with an Frebuild of 0.1, which slightly less than the F 40 percent level. Here are sort of the numbers from that run. Again, I'm not going to go into many details. If somebody wants to stop me, that's fine, at this point or we can take more questions at the end.

I'm just going to sort of go through these just sort of showing the graphical output as well as the table output of values. Some things to note is that these projections use 2007 and 2008 landings. The 2008 landings, we didn't have the complete year at the time that these projections were done, and so the MRFSS estimates are actually from a regression, so 2008 is partially completed. It is not entirely complete; it's an estimate in that sense.

We also assumed a steepness of the stock/recruit curve at 0.95, which is the upper bound, and it might be considered a high estimate. And also the other assumptions that goes with most projections is that we assume no changes in the selectivity patterns or proportions among the gears and sectors occurs; that they are consistent with what we saw in the 2005-2007 time series.

Here is another projection scenario under F 30 percent. Again, what you see here is essentially a slightly faster recovery because the F that corresponds to 30 percent SPR is a higher F, and so you get a higher take – I shouldn't say a faster recovery but higher landings. Again, the same assumptions; feel free to look at the details – I'm just going to breeze these. There is 65 percent, F 30 percent, 75 percent, 85 percent.

Now we get into another batch that there might be some more discussion about. Now, the next set of projections we assumed various levels of recruitment that might be occurring with the 2006 year class, which seems to be the year class that seems to be high given the recent age-structure data.

In this case we assumed three different scenarios. We assumed what we call a high scenario, which was fixed at 50 percent of the maximum observed recruitment in the whole time series. Then we used a very high, which was set basically to the maximum observed recruitment, and then an extremely high where we assumed that the incoming year class was 150 percent of the maximum observed recruitment.

These are very optimistic assumptions about this year class. Indications are it is large, but we have no idea how large, so these are all pretty much what you might want to call scientific guesses. Here is sort of a synopsis of the output with the table broken into three parts for the high, very high and extremely high recruitment events with the corresponding landings, both from landings and discards in numbers as well as pounds.

You will note that one of the obvious patterns you see is that in the spawning stock biomass, as you get from the high to the very high to the extremely high you get a much larger spawning stock biomass as you would expect, but the other thing that also occurs is landings increase. Now, what we assumed in these projections, as you can see, the F column, the very first column after the year, is not changing.

We just basically assuming that F was going to – efforts, in other words, or F was going to remain the same, and that what happened is the population is increasing due to recruitment, so you would expect then increased landings and discards as well. Here is just another look at those runs graphically just to show the results. In the end it is really not too much of a change.

It is one year class event and you can only get so much out of one year class event, and the assumption behind these projections is the population resumes back to normal recruitment levels after this recruitment event occurs. I should go back and say that we ran these recruitment scenarios under various F conditions, so this was under the current F. This would be under 75 percent of F 40 percent. Those were the two we ran at that time.

The next section I was going report out on is an additional analysis we did with model which involved some dome-shaped selectivity, which was sort of following along after Dr. Frank Hester's report that he put out basically suggesting that a dome-shaped selectivity might have been possible for the recreational sectors.

Two of the questions that come up are what are the effects on the stock assessment model, and the other question is, well, does the data really support this hypothesis. Here is the dome-shaped selectivity that Frank Hester had put in his report. As you can see, it assumes no fish age ten-plus in the recreational sector, so that right there is probably an incorrect assumption.

The reason for that is we have from the recreational sector some of our oldest fish were pulled from that particular sector, so the assumption that it doesn't catch older fish is pretty incorrect here, especially since the two oldest fish that we aged in the entire otolith collection for the South Atlantic came from the private or charterboat sector from the MRFSS, and that was a 51- and 53-year-old fish.

But, nonetheless, we charged ahead and did some model runs just for the sake of completeness and examining this possibility. The Hester selectivity was applied to the – we did it in three ways, essentially. We applied the Hester selectivity to the recreational sectors for all years. Then we applied it just for the early years but allowed the model to estimate in the latter years, because we do have data to estimate selectivity from 1984 on, and we allowed it to be dome-shaped.

Then the last one we allowed the model to estimate the dome-shape throughout basically using the 1984 estimate for the years 1945-1983 – those three types of scenarios, basically the Hester dome-shaped selectivity for all years; then Scenario 2 is just in the early years; and then Scenario 3 we allowed the model to estimate it throughout.

Here are some of the results. This is just the fishing mortality rate. You can see there are some differences in the early years. That's through the history of the F , but in the later years they're quite similar with the exception of the F_{37} , which is when we assumed the Hester selectivity for all years. You can see there is a slightly lower F in the last few years compared to the base run.

The base run here is shown in the solid black line, so you can see all these runs relative to that base run. Here again are those three selectivity-sensitivity runs with respect to the base run showing the spawning stock biomass; again, qualitatively very similar to the base run. Here are the model estimates of selectivity that came out of the model for the recreational sector.

Though the model tends to want to estimate a dome-shaped selectivity, I should add that there are a lot of issues with estimating dome-shaped selectivity functions because that descending portion of the selectivity curve is often confounded with mortality; and so when you have cases of high mortality, sometimes the model can't distinguish between a dome-shaped selectivity curve and a high F or a low F – or a high F in a flat-top selectivity or a low F in a dome-shaped selectivity function.

Here is a plot of all the sensitivity runs that have been done up to this point for red snapper. There are 39 sensitivity runs showing the overfishing status on the Y axis and the spawning stock biomass status on the X axis. In this case msy is F_{40} percent. Here is showing the Hester selectivity fault on this graph, where the other dome-shaped selectivities fall and then where the base run is, so you can put it in perspective.

Again, if you look at the spawning biomass status, that doesn't really change much at all. Perhaps the overfishing status changes if you assume that Hester selectivity for all years. That would be that bottom case. Further output for your consideration just showing the estimates of F_{msy} , spawning stock biomass, stock status, so forth and so forth. Again, this is in all the report and I assume most people have a copy of this report.

I guess a conclusion that can be made is all the runs do show some improvement in the overfishing status, particularly the all-Hester selectivity run. However, we pretty much know that selectivity is incorrect. The question is how likely is dome-shaped selectivity at all for the recreation sectors?

Well, selectivity, the way we use that term in modeling probably needs to be explained. It is not just gear selectivity. It's actually spatial and temporal availability as well gear selectivity. They're sort of combined into when we model in stock assessments for what we call selectivity. You can't tell what kind of curve you have just by simple inspection of the catch-at-age or weight-at-age data. You really do need to put it in the model to determine what that selectivity looks like.

Flat-topped or logistic selectivity is the most common in many fisheries because, for basic reasons, fishermen tend to target the largest, oldest fish. They tend to be worth more money. Dome-shaped selectivity implies that the oldest or largest fish are not fully available to the fishery, so that for some reason they're not getting the big fish in the same proportion as they would be the small fish or the medium-sized fish.

Is dome-shaped selectivity likely for the recreational sectors? Well, dome-shaped selectivity, some of the factors that come into play on whether it is present or not involves things like, well, do the oldest fish tend to move to non-fished areas? There might be what we call ontogenetic shifts where as the fish grow to larger sizes or older ages they move to areas where they're completely unavailable for the fishery.

A classic example of that happens on the west coast with some of the rockfish where they move as get bigger into rocky habitats where the trawl gear that tends to be used for harvesting those species can't be operated. Another example of a dome-shaped selectivity or something that would create a dome-shaped selectivity would be fish outgrow the gear.

In other words, like a gillnet, gillnets tend to be very size selective based on the mesh size. Once a fish gets too big, it actually bounces off the gillnet. Sometimes they'll get entangled but they tend to not get gilled in the classic sense that the smaller fish do that they're targeting. The other possibility is regulations might just inhibit the capture of the oldest fish. There might be a slot limit in place, which would just basically regulate that the older, bigger fish be thrown back.

Now, we do know that red snapper, like some other snapper grouper species, are suspected of moving to offshore deeper waters as they get older. We see that pattern in some of our other snapper groupers. The question is are they moving far enough offshore to get outside the range of recreational anglers. For charter and headboats this is probably unlikely. For private anglers this might be possible. The problem is we're pretty much lacking the data to confirm or deny this.

Off the coast of Florida the shelf breaks get very close to the shore in some places and sometimes travel distance might not be an issue in those locations, so, again, private anglers might not be prevented from going to the deeper areas where the bigger, larger fish are. The other question is, well, is this movement well defined; I mean, do all older red snapper move to the offshore waters?

Well, it doesn't seem to be the case and anecdotally we have heard that there is an inshore movement of bigger, older fish during the summer months. This would support a flat-top

selectivity. Again, the problem is we really just don't have the data to say for sure one or the other what is going on with the specific movement of these various sizes or ages of red snapper.

What we can look at, though, is the commercial sector, and the commercial sector is very likely to have a flat-top selectivity for many reasons. First, we know that fishery covers the full depth range of red snapper; two, to think that they're not targeting the bigger fish just doesn't make sense since bandit rigs pretty much were designed to catch red snapper.

There is just an economic incentive to catch the biggest fish. I mean, I can't imagine a fisherman is going to avoid catching bigger red snapper. Then what we can do is since – and what I'm outlining here is essentially the rationale and the logic that was used in the stock assessment to determine whether we should have used the dome-shaped or logistic selectivity.

Every assessment we go through this process of figuring out, well, we ask ourselves is there a reason that this could be a dome-shaped selectivity? So what we came to the conclusion is that there really was no reason to suspect that the commercial was a dome-shaped selectivity, so therefore we assumed the commercial was flat-top.

So then what we can do is then compare the age structure of the commercial to the recreational; and through this comparison, we can see, well, is there a suggestion that perhaps the recreational is more dome-shaped than the commercial; so relative to the commercial. What we find actually is, no, there is no difference or in fact it suggests the other; that there is less dome-shaped properties about the recreational aged data.

What is shown here is the proportion of ages from age four on or actually three on from the commercial and headboat data. What we look for is the slope of this decline. If there was a dome-shaped selectivity occurring in the headboat and not in the commercial, what we would see is that the headboat would have a steeper slope and have lower proportions at the older ages relative to the commercial, but what we see is they're pretty much the same.

Here we see the opposite of what we would expect to see. Here we see that the commercial is actually slightly lower than the headboat. I mean, if the headboat were a dome-shaped selectivity, then we would see the complete opposite of this picture right here. What I've done is grouped this by years that correspond to changes in management in case that might have affected the outcome of these slopes; so '92 to 2000 is one management period and then 2001 to 2006. What you see is essentially there is no difference between the headboat, the commercial and in this case in the last few years we actually have some MRFSS data, too, and you would see absolutely no difference.

Again, another way to look at it, which is essentially the same as looking at the slope is actually to measure that slope, which is a catch-curve analysis essentially. What we measure from a catch-curve analysis is the total mortality or Z , and that is shown here. We can get some sense of the error about it, too.

Again, what we would expect to see is a higher Z in the case of a dome-shaped selectivity, and we are not seeing that with the recreational. We are actually seeing a higher in the commercial

relative to the recreational. These results are sort of in this report, and what I hopefully laid out is sort of the logic that we used for determining – (fire alarm sounded at this point)

MR. ROBSON: Let's have the committee members get back to the table so we can get started. All right, we're going to go ahead and pick up where we left off; and where we left off was for any questions. If there any comments or questions for Dr. Williams, this would be the time to do that. Any questions on that last presentation?

DR. CHEUVRONT: I guess my only question is where do we go from here with this? I mean, I'm seeing the evidence that Erik presented that really gives us the indication that dome-shaped selectivity probably is not the way to go with this, which is the way the assessment was originally done, so is this issue laid to rest?

MR. ROBSON: Well, I think what I heard was that in response to that question about using a different selectivity there were two areas. One was the assumptions about a dome-shaped selectivity for recreational fishing don't seem to bear out in terms of the age fish that were retrieved in the fishery; and then, secondly, even when you applied those three or four different types of selectivity, I didn't see a lot of difference in the outcome.

MR. HARRIS: Erik, the dome-shaped selectivity was used for the recreational fishery in the Gulf of Mexico for red snapper. Is the red snapper fishery in the Gulf different than our fishery in the South Atlantic, and can you just discuss why it was used there? I mean I understand why it wasn't used here now, but I don't know why it was used in the Gulf.

DR. WILLIAMS: Unfortunately, I cannot speak to that. I don't know enough of the details of the Gulf of Mexico.

DR. CRABTREE: Well, there has been a lot of discussion over that over the years. You're right, that's one of the things that you first see when you look at the South Atlantic versus the Gulf assessment is the difference in the selectivities, and I think that's part of why we're looking at this.

They did in fact update the Gulf assessment just a few weeks ago and it does use dome-shaped selectivities. It also used dome-shaped selectivities in the commercial vertical line fishery. Now, I think part of the reasoning for that in the Gulf is this idea that the really big snapper move out on what they call some of the mud flats and things – I think Bob Gill has heard that over the years – and so they're not in the area where the fishermen tend to fish.

I don't know if anything like that happens in the South Atlantic or not. We've got a lot more history looking at red snapper in the Gulf of Mexico than we do in the South Atlantic, and we've spent a lot more research dollars in the Gulf of Mexico over the last 20 years than we have in the South Atlantic. But there are obvious differences between the two areas in terms of the bottom morphology and all that kind of thing. But you are correct that the selectivities used in the Gulf are dome-shaped and they're dome-shaped in the commercial handline fishery as well.

MR. ROBSON: Any other comments or questions for Dr. Williams?

DR. CRABTREE: Erik, just to understand, if you just ask the assessment model to estimate what the selectivities are, it estimates dome-shaped selectivity; is that correct?

DR. WILLIAMS: For the recreational sector that is the only one we allowed to just estimate the selectivity. We didn't try all sectors.

DR. CRABTREE: Okay, if I could, I want to go back to the recruitment projections. Erik, are you going to talk about the aging that has been done?

DR. WILLIAMS: I wasn't prepared to talk about that.

DR. CRABTREE: Well, I think there is a report that the Center put out; does everybody have that? That has been distributed. So we have aged around a thousand fish over – I think more than a thousand fish over the course of the summer. Erik, I know you've reviewed that and see that, but, I mean, it certainly seemed to confirm that there is a big year class of fish that has entered the fishery; right? I mean it looks that way.

DR. WILLIAMS: Yes, our indications are a large year class.

DR. CRABTREE: And we saw the discards go way up in 2007 and then the landings had been running – I think the average is 450,000 pounds a year, and now they've gone up to over a million pounds. So, as the fishermen are all telling us that there has been a dramatic improvement and they're seeing way more fish, so everything seems to indicate that is the case, and so in response to that you folks have done these projections with the different levels of recruitment.

I guess my question is at this time is there any way to look at that age data that we have and somehow make some sort of judgment call as to which of these recruitment scenarios we might go with, because we've got very high, extremely high and high. I'm not sure what the terminology is, but is there any way through and expect – because it looks like we have a pretty good age sample.

I suspect it is probably the best age sample in the short period of time we've had in this fishery at least in terms of the numbers of otoliths. Is there any way that we could use that new information to kind of gauge which of those high recruitment scenarios seem most realistic. It certainly seems to me that we're going to use one of these high recruitment scenarios because I think everyone sitting here is confident that we've had high recruitment. The question is how high and which one of those ought we to use? I'm wondering if you've thought about that and if there is any way to look at that.

DR. WILLIAMS: Yes, to be honest, the best way to look at that is through an update assessment. At that point if you're trying to determine that size of that year class – that is one of the primary things we're trying to estimate in an assessment model – you would end up updating the landings' time series, which we've already done in some of these projections.

Now you're going to update the age data; all you've got left is the index data and you might as well run an update assessment. That's probably the best way to do it because anything other than that is still going to have some uncertainty associated with it.

DR. CRABTREE: I agree with you about that, and unfortunately I suspect that to do the updated assessment you won't really be able to get going on that until, what, the summer of next year by the time you would all the information pulled together for 2009; so by the time you could do the update and get the SSC to look at it, we're probably to the December council meeting next year, and we're going to have to make some decisions now.

I think we all need to keep this in mind that almost certainly once we get the update, we're going to come back in and revisit whatever we do in Amendment 17A, and we're going to make adjustments to it based on the update. But in the interim we're going to have to make some sort of decision about these recruitment scenarios; and if the science really isn't there, then I think you're just going to have to look and use your best judgment as to what we ought to do with that.

I guess, Erik, right now where I'm left is we're just going to have to make some sort of judgment call as to which of those recruitment scenarios we think is most likely and go with that for now with the understanding that we're going to make adjustments to that after the new assessment. It doesn't like to me there is a much better way we go in the short term.

I don't think the implications of the decision are that significant because we are going to end up updating the assessment and changing it, but I think they are significant in terms of how we're handling and dealing with the public right now and the perception of are we dealing with the realities on the water, and I think that's important to everyone sitting here on the council, and we need to be responsive to that. I guess what I'm trying to get at is this just a judgment call we're going to have to make or is there any way the science can guide us on that at this point without a new assessment?

DR. WILLIAMS: I think anything that you try to do that's something less than an assessment is close enough to an assessment that you're practically doing that. Now, that's not to say it couldn't be done. The problem is we have things already lined up for other SEDARS and other things in the process, and it depends on how important this is and we'd have to shift priorities and things might have to fall to the wayside in order to just get this one number. In the end, though, if we don't do the updated analysis you are just taking a guess at what that recruitment is.

MR. ROBSON: And the regular schedule right now for the next assessment is 2010, so we're a year away from –

DR. CRABTREE: If I could, Mark, I don't think we can get a real answer to this outside of the assessment, so to me to go through a whole lot of work right now probably isn't justifiable. I think we're just going to have – I mean it looks to me like right now the least likely scenario is that we've just had an average recruitment. It seems clear to me we've got a big year class out there and we're going to have to just make a judgment call on it.

Now, very shortly after we make that call, if we take final action on this amendment in March and get these regulations in place, within six months of getting these things put in place, maybe a little more than six months we're going to have the updated assessment and we're going to come back in and then we're going to make the adjustment to all of this.

I don't know else to handle this right now because I really think anything we do barring – I think Erik is exactly right, almost anything you do to get at the answer is going to almost be the amount of work as the new assessment, and we can't really do a new assessment now because we don't even have all the landings for this year.

So we've got to get into next year, so we're wrapped in these timelines we have under Magnuson and the legal requirements we're under to go ahead and take some kind of action. In some of these cases I think we're just going to have to make the best call we can on what the likely scenario is with the understanding that we're going to make adjustments to it after the assessment is updated.

MR. GEIGER: Roy, I hear you loud and clear, but one of the things I also hear in your voice is the hope that the new assessment is going to give us some type of information that is going to enable us to release, reduce or relax the actions that we might take prior to that assessment. This very discussion topic came up at the Snapper Grouper AP meeting. John Carmichael – and I would ask him to come up again, John, and I asked for this to be captured on paper because it was a wonderful explanation as to what expectations we can expect from an updated assessment. In fact, his explanation of that assessment and the whole process –

DR. CRABTREE: Since George is talking about what he heard in my voice, I don't – and maybe you did hear it and maybe I'm like everybody else; I wish we would get some good news for a change, and I do wish we would get some good news. I think when we redo this assessment I think it will show we've had a very strong year class hit the fishery.

I don't think it's going to show – I think it's also going to show, most likely, that the status of the stock is about what we thought it would. Now, I think there are implications of having this big year class hit the fishery that will affect what the anticipated numbers of discards and all those kinds of things are.

But I hear what you're saying and I don't want anyone to get unrealistic expectations that when update this assessment next year that the answer is that we're going to get a significantly different picture on –

MR. GEIGER: Well, it's not just what you as a result because I don't want to pre-read what a stock assessment is going to tell us –

DR. CRABTREE: And I agree with you a hundred percent.

MR. GEIGER: -- it is what you get as a result of an update versus a benchmark assessment I think was what John discussed at the AP meeting, and he also went on to have probably half a

dozen or seven or eight questions back and forth between he and Steve Amick, who is in the audience. I just think that it would be worthwhile to hear that again.

MR. CARMICHAEL: I'll do to the best of my ability to try and remember – it definitely helped that Steve and Zack had a number of excellent questions about the assessment, which helped focus what we were talking about. The general gist of it addressed a couple of things; what is going on in the population now and what can be expected of a new assessment and sort of what is the difference between benchmark and update assessments.

In terms of what is going on in the population now we acknowledged that there is definitely a good year class out there, as Erik has indicated and as we've seen by looking at the progression of various pieces of data since the terminal year of the assessment in 2006. We have seen an increase in the number of discarded fish. The MRFSS data in 2007 saw an increase in the discards and catch in '08; an increase in the catch in '09 in preliminary data.

Couple that with the intensive otolith sampling going on, we came to the realization that apparently there is a big year class of four-year-old fish, so suddenly the trend in the MRFSS data make sense because if those fish are three years old, quite a few of them are becoming legal size and quite of them are still undersized. When they were two back in '07 they were mostly undersized, so it does makes sense that there is a big year class.

That is why we did the recruitment estimates that Erik has indicated. Then the question comes down, of course, to just how big is big and is it really huge, is it better than average, does it look especially big the ones on either side of it were poor? So as we got into these discussions with the AP, there was some discussion of, well, why wasn't it known that this was going on?

There was some discussion and recollection of when this assessment first came to the council, we commented on those good year classes from the late nineties. A question was asked by council members to the SSC people presenting it at the time was, well, is there anything behind those year classes? The SSC's comment was, well, we don't know.

And the reality is you don't know because we don't really get much information on these fish until they recruit to the fishery, which is age three to age four. So this big year class, which is age four, was only, what, age one in 2006. There was no information about this fish, so the model just estimates it as average.

Because we don't have juvenile surveys and we don't have that kind of information, you didn't have the insight into this population. So is there another good year class coming? Maybe; we won't know until these fish start to recruit to the fishery when they get about age three or four, we really don't find out.

Of course, the concern is always that, well, what if they're bad? What if the ones on either side of this are especially poor and not average? I think that is kind of what Erik is getting at is saying, sure, this one might be really good, but maybe the others are poor. Maybe cumulatively the year classes of the last three years add up to about an average across all of them.

We had a lot of good discussion about that, and I think AP members are starting to understand how it is that there is such a good catch going on right now and yet the fishing mortality rates could still be high, and that's really what the bottom line is because there are a lot more fish out there to be encountered, so they're catching a lot more fish and it is not surprising. It is just that the model didn't have information at the time in the terminal year to predict that good year class.

But what it did have information in there to predict was those number of good year classes from I think it is like '96 to '99, basically the fish that this year are age ten to twelve. There has been a lot made of capture of some fish age ten and twelve, and we see that in the otoliths' report which Roy referenced.

We know from, like, short periods of time large numbers of ten- to twelve-year-old fish being caught off certain areas. Actually, if you look into that, you begin to realize that slug of good year classes this year is now ten to twelve, so we actually would expect to see a number of ten- to twelve-year-old fish.

In fact, we'd expect to see a greater proportion of ten- to twelve-year-old fish now than what we saw back in 2006; because, in the terminal year of 2006 you had two things going on. Those good year classes were all under age ten, and the fish that were in the ten to twelve and ten to fifteen class they were from a big run of bad year classes, which was also commented on in the assessment, which occurred just prior to these good year classes.

So you had the lowest time series of cohorts in your ten to twelve at that time and the best group of time series of cohorts in your under ten to twelve, so it has kind of worked together to show you a time in the terminal year when you had probably the worse conditions for the proportion of populations of ten-plus until today when you've got pretty good conditions for the proportion of ten-plus.

So if you look at the year classes and think about how they move through the population over time, the model actually predicted that you should see a lot ten to twelve this year, so that's kind of that issue. So we can pretty well explain what is going on in this population by looking at the estimates that we have, looking at the year classes and allowing things to move forward in time, which is what the population is doing.

It is not static in 2006; it has changed a lot since 2006, but there is nothing in there at this point to indicate that the mortality rates have come down. Most of the changes can be attributed to changes in abundance. We don't know what the mortality rates are, but there is no indication that they've gone down.

That's the other point about what an updated assessment or even a benchmark might show you is that there is no information in here at this time to say mortality rates have come down. We looked at the abundance of those otoliths – and at the time when we were talking about it at the AP we only had the data through June, that was presented to the council in June, those otolith updates, and what you could see was after you dealt with the four-year-old fish that were alive then, you saw the others, the fives, the six, the sevens dropping at about 50 percent a year.

And if you look at the catch at age in the model, that is kind of what it has predicted over the last ten years or so. Those good year classes from the late nineties, they tended to drop about 50 percent in abundance each year, so that is equivalent to a very high mortality rate. There is nothing that has been to make you think that has changed since the terminal year in the assessment in 2006. It would be surprising to see a big change in mortality. It may come down some, it may moderate the results some, but it is not necessarily going to be enough to suddenly say, "Oh, this population is not overfishing." I don't think anyone predicts that kind of change.

The last thing we talked about were the difference between benchmarks and updates. It is important to note that there is nothing inferior in SEDAR about an update assessment. What an update does is allow you to take all the most recent data and run it through the framework and the decisions that were made before. It doesn't mean that every decision is not tested and not revisited and not reconsidered.

It means that you don't have to go through and reconsider new data, you don't pursue three or four different model types. You focus on things that you know that are critical to this model and you go in with the model framework that you know is approved and is robust and you know which data has to be put in there.

But you can focus on things like is there new information on discard mortality, can you make change in that; is there some research on different things that might make you tweak selectivities maybe; can you consider some different selectivity scenarios now that you've got a focused model and you're not considering a production model in some other approach to the overall modeling? So it kind of frees you up there.

Really, the justification for doing a second benchmark on a stock comes down to whether there is a new modeling technique or other new data sources available. If we had a whole new source of information, a new fishery-independent monitoring program, that would be a reason to do a benchmark. If there were some new modeling technique that had emerged that would solve problems in this population in this assessment that didn't exist three years ago, then that would be a reason to do it, but none of those conditions exist.

It seems that most of the concerns that people have about discard mortality rates and how we deal with some of the particulars of the population, there is enough flexibility in the update process that we can accommodate them, so our opinion is that an update is a decent way to go. George, I think I captured most of what was talked about.

MR. HARRIS: I appreciate what John had to say because I think he addressed one of the major questions that I had, and that is what went into SEDAR 15, into the modeling. Certainly, the strong year classes in the late nineties were a part of SEDAR 15, so we did have some strong year classes that were analyzed and the model addressed those.

So if we do another assessment just because we have more strong year classes in 2006 and perhaps '05 and '04, is that going to tell us anything different than what SEDAR 15 shows? The other question is – and I think that I'm right in saying that the aging that was done this summer

supports the age structure that was in the model; is that correct? I just want to make sure that I'm not wrong in making that assumption or assessment.

MR. ROBSON: As far as the aging data from the summer, that is what I got out of it in terms of the age structure, but I want to see if you can answer his first question or not.

DR. WILLIAMS: Which was?

MR. HARRIS: We had those strong year classes in the late nineties and they were a part of the model that was used for SEDAR 15, so what would be the difference in the output of the model if you applied another two or three years of strong year classes in the mid-2000s timeframe?

DR. WILLIAMS: I think John pretty much alluded to this. There wouldn't be too much change; maybe a bump up in the population size. In the projected future, of course, what we're seeing now that are only four, five, maybe six, so they're just now entering the fishery, and what we would probably expect to see if this is a really large year class is that the stock would recover at a quicker rate because of the large year class moving through the population.

But then, again, John did address the fact that there is no signs, though, that the fishing mortality has come down at all, and that really is what this – you know, the major stock status issue with red snapper is that the overfishing is quite large.

MR. GEIGER: And on the contrary I think we have evidence that the mortality has gone through the roof.

DR. CRABTREE: Well, I agree that I don't see anything in any of this that suggests to me the fishing mortality rates have come down. The catches have gone up I think because this year class is in the fishery. But I am a little concerned that – and maybe having the update next year makes this not that much of a concern, but if we set up an ACL that includes discards, which we now have alternatives in the document with an ACL with discards, and if we have had a strong year class enter the fishery, which I think everyone thinks has happened, if we don't factor that in the ACL is going to be too low because there are more fish out there.

If we are successful and get the 75 to 80 percent reduction in fishing mortality that we're trying to get, if we succeed at that but there are more fish out there than we thought, the number of discards that result from the appropriate fishing mortality rate at that point is going to be much higher than what our projections show, and that could trigger us into, oh, we have a problem, we didn't bring the discards down as much.

Well, it may be that we did bring them down. It is just that there are more fish out there that we didn't take into account. Now, if we have a new assessment next year it will factor all this in. If we go with an ACL that includes discards, I guess we would readjust it when we got the new assessment and we would correct for that.

But that is my concern if we don't factor that in now we may be setting ourselves up to go over when we're not going over because it is something bad. Maybe you could argue we're going over because of something good, which is a good year class hitting the fishery.

So, that is the worry, and I'm less concerned about that if the ACL isn't set up with discards in it and it is just landing catch and if we find some other way to deal with the AMs other than monitor discards, but I really do think that we're going to see more discards than the projections would account for because of that big year class. That's the concern I have with that.

MR. GEIGER: Roy, correct me if I'm wrong, I thought that the ACLs had to include discards?

DR. CRABTREE: No, they have to take into account discards in some fashion, but they don't have to include discards. The ACL can be just landed catch that somehow takes into account the mortality of discards.

MR. GEIGER: To that point, but if you have a 90 percent discard mortality in the commercial sector and 40 percent in the recreational sector, it would seem to me it would be more prudent to take it into account than to consider it.

DR. CRABTREE: Well, we're not in a good position here because the problem is all the discard data is self-reported; and so if you set up a situation where you've got accountability measures that will be triggered if the discards are reported high, you create an incentive to not report discards.

Then when you achieve these reductions, if you go through all these area closures and things and you bring the recreational, which most of the discards are in the recreational fishery, if you bring those way down and close these areas, the CVs on the B-2s in MRFSS are going to go way up, so now you have to say, okay, but are we setting up a measure that we don't have any way of knowing where we are with respect to that. That's troublesome to me.

I think it has two bad effects. One, I think we do set up a disincentive for people to report discards. We don't want to do that; we want them to report accurately the discards. And then, secondly, we're going to be using a piece of information out of the MRFSS data base with very high CVs on it that potentially triggers some very significant accountability mechanisms, and I think that is going to be a real problem. That's a decision we're going to have to make on how to go with it. There aren't good solutions available to us, unfortunately, because of the nature of the discard reporting that we have.

MR. GEIGER: To that point, our problems in self-reporting discards go beyond discards. My discussions with a MRFSS sampler in Florida just last week, she characterized the current collection climate is being bleak at best, dismal as a characterization. This is not just from her sampling, but this is a characterization of samplers within Florida on the east coast of Florida. Because of regulations or pending regulations, she is getting a tremendous number – and she characterized it as a tremendous number – an increase in refusals in regard to her ability to collect any MRFSS data whatsoever.

In fact, not only are people refusing, but they're heaping tons of verbal abuse on the collectors. It's not just we're losing our ability to collect the discard information, but characterizations from the samplers in Florida are that we're losing our ability in both the for-hire sector and the recreational sector to collect data via MRFSS.

DR. CRABTREE: And that is a real concern and that is unfortunate. So back to the original statement, in an ideal world where you had observer coverage and you had accurate estimates of discards, like they do in some fisheries in Alaska where they have 200 percent observer coverage, I would agree the ACL should be total removals.

We're not in that ideal world and I think we have to be very mindful that what we do doesn't have unintended consequences and that we don't end up monitoring or trying to monitor essentially data by our active monitoring and we're going to cause it not to be reported. We just need to be mindful before we make our decision about the consequences of all that. I think we have heard from the SSC and I think, Erik, from the Center a lot of reservations about setting up a discard trigger that we then try to monitor with logbooks and MRFSS. I share some of their concerns with that, so we're going to have to figure out something here.

MR. HARRIS: I have a question for Roy. Roy, to get at this problem that you just discussed with respect to the potential increase in discards; don't we have some flexibility to select a different SPR for red snapper than is our preferred right now that will give us a few more pounds? Would that help at all or now?

DR. CRABTREE: Well, that is a whole different issue than trying to figure out the impact of the recruitment year class, and that gets into a whole 'nother issue of what is the appropriate proxy to be used here for msy. Right now we have alternatives in the document; 30 percent is status quo; 40 percent is what the SSC has recommend to us, and that's something the council is going to have to make a decision on, but I think that is a whole different issue from the issue with the discards.

MR. PHILIPS: Do we have a percentage or a good idea of the percentage of discards for commercial pound-wise to catch and recreational pound-wise to catch?

DR. WILLIAMS: Yes, I don't have it off the top of my head, but it is in those documents because we usually report the landings' column as well as the discard column in the projection scenarios as well as it's in the original assessment.

MR. PHILIPS: But the commercial is going to be a higher mortality, but I'm just wondering if it's like are they're throwing a third as the fish that the recreationals are or half; just a rough guess.

DR. WILLIAMS: Unfortunately, I don't want to throw out a rough guess because I haven't looked at this data in a while because I've moved on to four other species since this assessment.

MR. ROBSON: Maybe we can look for that information and dig it up.

MR. WAUGH: We have those.

MR. ROBSON: Yes, let's try to find that for you. It has been a good discussion; any other comments or discussion or questions?

MR. HARTIG: While Erik is here, if he wouldn't mind, I think he knows what question I'll ask him, but I'll tell you what the council has talked about already. I know from looking at the sensitivities in the assessment; that the old data set, you guys down-weighted those data and they don't make a whole big difference in the assessment, and that is very apparent from the sensitivities that you ran.

However, the difference in the Spanish Mackerel Assessment, when we looked at the species misidentification problems we had in the Spanish mackerel, we ended up with a quota that was 2 million pounds lower or an msy that was 2 million pounds lower than the original run. I just ask what is the difference between the two species as far as is it the mortality is just so high on red snapper versus Spanish, and may you're not really – I don't know if you can rectify the two assessments together. I probably should have talked to you about it earlier.

It might have helped a lot to refresh your mind on the Spanish Mackerel Assessment before you came here, but in my mind when one assessment uses that data and comes with a different result, and then the sensitivities in the next assessment that I had time to look at it doesn't show that you will get any benefit from changing those old data streams.

DR. WILLIAMS: I think that is a fair question, Ben, and I think I can answer it somewhat. In these assessment models there are different data sources that tend to give you different bits of information about the stock. Of course, you have abundance indices that are either going up or down or just sort of staying flat. Then you have age structure that is either truncated or not and suggests high mortality or not.

I think the distinction between these two is what data source is the model tending to relay on a little more or is using to determine that stock status. In this case it is clearly the age structure data tends to be pointing to this severe overfishing condition; whereas, in Spanish mackerel I don't think there was – there wasn't much information from the age structure to suggest rapid changes in fishing mortality.

Instead the value of the age structure data in that assessment was probably to determine year class strength, and then it was relying on abundance indices, which, if you recall, those were rather noisy and sort of all over the place. I think that's one of the distinctions. The other thing I will mention is again I tried to lay out the logic we used for determining the selectivity, and let me lay out the logic that went through in using this old data.

As many of you probably know in reading the assessment report, the data workshop did not recommend using that old historic saltwater fishing survey data. We went into the assessment workshop initially not using that data, but what we continually kept seeing from some of the runs was this tendency for the model to have this severe age truncation in the later years, and the model was having trouble explaining how it would get to that state.

One of the best explanations seemed to be putting this recreational data back into the data set and using that, and that helped the model to fit a little better. To put that in context, really what we were looking at is this model was still, regardless of what you do with that older data, pointing to a severe overfished condition, but what we were trying to do is trying to figure out, well, what data explains it, and that old saltwater angling survey seemed to explain it.

After a secondary look at it, red snapper was reported out and it suggested on the face of it that it might have been usable, but the important take-home message, as you pointed out, it didn't really make a difference in the end result for red snapper, but in the case of Spanish mackerel it did because it was sort of different data sources where different dynamics were going on between the two. I think that's kind of the explanation to rectify those two.

MR. HARTIG: Well, I don't care if you used the data; I just think it should be corrected from at least my perception and other people in the public's perception that this possibly should be corrected by a team of experts, and that is what this council has suggested we do; convene a team of experts with the SSC at the next SSC meeting and come to rectify for the species used by the Beaufort Lab, you know, are these appropriate; and if not, what changes need to be made to the data sets to be able to be used in the future.

DR. WILLIAMS: If you don't mind me indulging in following up, one of the repeated research recommendations you will see from the last two SEDARs at least is a call for a reconstruction of the historical landings for a lot of our species. I really think that a concerted effort needs to be done.

What we've been doing is sort of species-by-species handling it and that's really not probably the best way to handle it because we do have some of these unknown, diverse data sources that go further back in time and somebody needs to sit down probably and just do a concerted effort to try and reconstruct all those historical time series for all of our species and then just sort of declare it, okay, it's done; now let's move on.

MR. HARTIG: Just one more point; yes, I would just ask that – and I'll get together with your assessment scientists and then ask them how they reconstructed it because basically red snapper is not a category in 1960. In 1965 it wasn't listed on the list; at least the one that was printed as a creel survey used in that survey. There are problems.

I mean, you have misidentification problems that are caused by – red snappers aren't caught off the bank. They're not caught off the piers and things like that. All that stuff needs to be taken into account, and I think you can in the end get numbers that make a little more sense for the assessment use. That's all I'm getting at.

MR. ROBSON: All right, if there is no further discussion on this part of the agenda, we're going to move on. George.

MR. GEIGER: Call me guilty of beating a dead horse, but I'm still uncomfortable. I heard the explanation as we talked about taking discards into consideration, and I'm just wondering what

the difference is between accounting for discards and taking discards under consideration. I mean what is the difference if we have an ACL of zero, for example?

DR. CRABTREE: Well, usually when we've done these kinds of things, when we have a TAC that has been what we expect to be landed, that is just the way we have normally laid this out. Now, usually implicit in the determination of the TAC is that there are going to be X number of dead discards that are going to occur along with it.

You normally have a total amount of fishing mortality that is going to be applied to the stock, but you could partition that fishing mortality into landed fishing mortality and discard fishing mortality. So what "taking into account" means is that TAC, which is the landed portion of that, factors in that additional mortality that is going to take place from the discards.

Now, if you look at what Nick Farmer presented and all the closed areas and things, we're saying that the red snapper fishery is going to be closed so the landed portion of the removals is zero, but then we have this expectation there will be this many discards that will occur, so we're looking at these closed areas to bring that number of discards down, but that number of discards is being tracked and accounted for as we figure out what the total fishing mortality rate applied to the fishery is.

This is a different case than most because in this instance it doesn't appear that we're going to have any landed catch because we seem to be heading towards closing fishery, and so almost all of the catch or all of the fishing mortality that is going to take place is on the discard side, but it is factored into those reductions in the way – what you saw Nick present to you is an elaborate way of trying to track and account for how many discards are going to take place.

My point with these recruitment scenarios is that could change – that could scale upwards that overall numbers of discards. The reductions you need in the closed areas may not change much because you've still got to get that same proportional reduction, but it could scale up the total amount of discards that is likely to occur.

That is really what "taking it into account" means. In most of our situations in the southeast, that's how we've done it. The TAC/ABCs have been expected landings. There may be some exceptions to that. That is because we don't have in virtually any fishery we have a direct and very useful way to track total removals.

We've got commercial quotas that we track, but that is what comes into the fish houses and things. Does that answer your question?

MR. GEIGER: Yes, thank you, Mr. Chairman.

MR. HARTIG: While Erik is here, I'm not going to ask him a question, I'm not going to put anymore on him, but just to hear this; I hope we never run into a situation like this again, but if it does happen again, when the science shows something different in subsequent data collection than has been shown in the assessment, and in this case when the entire biomass of the stock is going to be caught – that was projected in the assessment is going to be caught in one year, and

we know why that is happening before it happens; if we looked two years ago and saw a big year class entering the fishery, we might have put the public on alert, letting the public know that after 2006 there is a big year class entering the fishery and you need to understand that the assessment was based on 2006 back, we didn't see this year class, and the reason why this biomass is – you know, you're catching so many fish is because of this year class moving through the fishery and explain what happened at three years olds; half of them were undersized; and when you saw more discards, I think that would go a long way in solving this.

I'm getting the questions now and they didn't have any idea of what they were doing in the assessment. We caught the entire biomass that was projected in the population. So, if we could ever get ahead of this for the public, I think it would be really, really valuable, and I hope we never get in this situation again. I think that would go a long ways to solving some of the problems that we're seeing now in trying to explain what is happening in the red snapper population now.

MR. ROBSON: I think we have covered this pretty well. We're going to go ahead and we want to keep moving and get all these presentations done. We're back on our original agenda schedule. We've got Item 6B, and Dr. Jim Waters is going to give us an update on a review of some of the economic impacts for the commercial sector.

DR. WATERS: My name is Jim Waters. I work in the Social Science Research Unit at Beaufort, North Carolina, as part of the Southeast Fisheries Science Center. I've got a presentation with some slides here about both 17A and 17B. For the moment I'll just about 17A, and we'll skip over 17B. There is a written report that is in your briefing book. It's in Attachment 16 so you can look along with that.

The report offers some information about the method of analysis that I will not go into here in the talk. It also does a better of summarizing and interpreting the results. I'll try to give you some highlights here, but basically I will be brief. The alternatives for 17A have not changed. When I say minor changes to alternatives since the June meeting until now, that is primarily for 17B. The alternatives for red snapper have not changed.

There is one difference. Methodologically we added data for 2008. Now when I'm calculating in the simulation model, when I'm calculating expected results for red snapper, I'm basing them on a four-year average from 2005-2008. The information that I talked to you about in June was based on a three-year average from 2005-2007.

There is one other methodological difference. The simulation model uses commercial data from the Federal Logbook Program; and starting in 2005 we asked individuals for depth of fishing on these trips. Now, with any data collection, whenever you change things, there is always a lag between when you make the initial change and when everybody is really on board.

A lot of the old logbooks, they just kind of stay in the system until they get used up and then people jump on board with the new logbooks later on. In 2005 there were some missing values for depth of fishing. The difference methodologically for this result is that I went through by species and looked at the primary depth range for each species.

If there was a missing record in the data base, I assigned that record to that depth range. Previously what I had done was just ignored it, which in essence meant that record did not fall in – you know, we’re going to have some alternatives where fishing is going to be restricted in a certain depth range; and by ignoring the depth previously that record never fell into that restricted range.

These are the alternatives briefly. Alternative 2 would prohibit the harvest of red snapper. In fact, all the alternatives would prohibit the harvest of red snapper. The differences are in prohibitions on the harvest of other species along with red snapper in hopes of reducing the discard of red snapper.

Alternative 3, 4, 5 and 6 will all be more restrictive and more costly to the industry than Alternative 2. Alternative 3 and 4 will restrict the harvest between the depths of 98 and 240 feet. Alternative 3 will make that restriction off the coast of Georgia and Northeast Florida. Alternative 4 will add a few areas off the coast of South Carolina. Alternative 5 will prohibit the harvest of red snapper and all snapper grouper species off the coast of Georgia and Northeast Florida. Alternative 6 will add some of those areas off the coast of South Carolina.

The major difference between Alternatives 3 and 4 and 5 and 6 is that 5 and 6 prohibits all snapper grouper fishing regardless of depth; whereas, 3 and 4 prohibits fishing only in a certain depth range. Here is a graph; the primary reason for showing this graph is that I wanted to show – I broke up the fishery into different regions, and I wanted to show you this Georgia and Northeast Florida area has the smallest overall net operating revenues for the commercial fishery, but you can see it is going to suffer the biggest decline due to these regulations.

Let me back up a second and explain a little bit how to read to read this graph. Each of these bars running from left to right refers to one of the actions. The first bar on the left refers to Amendment 17 no action; and then the second bar refers to Red Snapper Alternative 1; Alternative 2, 3, 4, 5 and 6. Then for South Carolina we start all over again; no action, 1, 2, 3, 4, 5, 6, et cetera, et cetera.

What I’m measuring here is net operating revenues to the commercial fishery which is on dockside revenues from the sale of the harvest of the fishing trip minus an estimate of their harvesting cost, which is fuel, bait, ice, that sort of thing. This is a return to boat owner, the captain and the crew, so this is in terms of the boat owner, captain and the crew.

The boat owner, of course, would have to pay a fixed cost, but the key feature here is we have deducted trip cost, but we have not deducted any labor cost. Labor is counted as a residual return to the crew. There is one other difference in this graph between what you’re looking at here on the screen and what you’re looking at in Attachment 16.

In Attachment 16 you see results for each of the alternatives for red snapper assuming no action for all of the other actions in Amendment 17B. I decided to go a little bit – I figured you’re really interested in what is the joint effect of all of these actions that are going to go into place at about the same time.

This graph and all the other graphs coming up are new model runs, and they're assuming the preferred alternatives for the other actions that are in 17B, so that would be Alternative 4 for the speckled hind and the warsaw grouper, which is prohibit the harvest of the deep water species. It is Alternative 2 for the level of TAC for tilefish, which is a slightly lower level of TAC than what we have now.

It was Alternative 2B for the red grouper and black grouper ACL, which is the aggregate bag limit for gag, black grouper and red grouper. Now, you have not chosen a preferred alternative for the commercial allocation of the TAC. I just went ahead and made the assumption that this was going to be 97 percent for commercial.

Here is a reflection – remember I said this is the smallest net operating revenues in this area, and they have a pretty steep decline here. These graphs are another way of showing the same thing. Here instead of showing total net operating revenues to the fishery, I'm showing the change, so this is the net operating revenue for the no action alternative minus the net operating revenue for each of the alternatives.

The bars are going down because most of them are negative, which means that there is going to be under – the alternative for 17A, the commercial fishery is going to lose. The Georgia and Northeast Florida has the biggest bar. We already saw from the other graphs that it looks like they're going to lose the most, so both in dollar terms – this graph is listed in dollars. This graph over here is the same graph listed as a percentage of 17A, no action.

So, both in dollar terms and percentage terms, the folks in Georgia and Northeast Florida are going to take the primary hit on this particular amendment. There are a couple of other interesting little things that will pop up that I'll mention later. South Carolina, there are a couple of big bars here, and then there are a couple of small bars up here.

Remember for Alternative 4 and Alternative 6 that was going to prohibit the snapper grouper fishing off the coast – you know, some of those grids off South Carolina. That's why with Alternative 4 and Alternative 6 you're going to see a fairly large losses for South Carolina, but not for Alternative 5 or Alternative 3.

Interestingly enough, there are a couple of situations in North Carolina and here is one in South Carolina, according to this simulation model there might actually be gains to fishermen in these particular states. Now how can that be? The answer is that the prohibitions on the harvest of some of these species, according to the model, is actually going to keep the grouper fishery open just a little bit longer in those areas that are not closed.

If the grouper fishery stays open just a little bit longer, people in this area – you know, there aren't going to be any closures in North Carolina, so there is a possibility of a win here. This is a slightly different result in what I talked to you about in June. Remember I mentioned this in June, but I hadn't accounted for the ACL on the groupers.

Here I account for the aggregate ACL in the groupers and the potential gain in North Carolina is a lot smaller than what I reported to you in June with no limits on the harvest of red grouper.

This is with Alternative 2B. These gains pretty much disappear if you were to adopt Alternative 2A for the red grouper and black grouper ACL.

Okay, here is basically the same thing by gear type. Not much of a surprise here; most of the red snapper fishery is caught with one form of vertical line or another, so the losses are going to be incurred by trips with vertical lines. Another point of interpretation here, when I categorized these categories by gear type, these are lumping according to trips that used these particular gears.

I didn't take individual boats and say these only refer to boats that use vertical lines because occasionally in the data base we see some boats using trips with different type gears. These are grouping based on trip type rather than individual boats. Trips with vertical lines can lose the most. Now, here is an interesting graph over here. It looks like there is quite a hefty loss for longline, but this is not due to the red snapper alternative.

You can see that here is – this blue line right here is Amendment 17, no action, so this is really a loss here due to the preferred alternatives for speckled hind and warsaw grouper. That was the alternative in 17B that is going to prohibit the harvest of the deep water species. Basically, you don't see much of a difference at all here in the height of these bars for 17A, so that means that all of these losses are attributed to Preferred Alternative 4 for speckled hind and warsaw grouper and basically the elimination of the rest of the snowy grouper fishery.

That is pretty much it for 17A. If we can get down to the end of the talk, there are a couple of caveats that are standard caveats. This analysis was based on a simulation model, which means it's only a model. It's a simplification of reality. The real world is a lot more complex than what I can capture in my model, but I hope captured some of the main features of the regulations on the fishery.

The other caveat to mention is that this simulation model uses logbook data from years 2005-2008. These are real pieces of information submitted by fishermen to the federal government and to the logbook program. I think that is really a good thing because what it does is capture all of the heterogeneity in the fishery. It's trips with good luck, bad luck, trips over here, trips over there, trips this time of year, trips that time of year. We can capture a lot of the heterogeneity in the fishery by doing that.

It also has a disadvantage and that is it is using historical fishing patterns; and we do know that when we have regulation, people will react to the regulation by changing their fishing pattern. This model basically is a simulation model using fishing practices as reflected in the existing data base, and it does not try to predict how those fishing practices might change due to the regulation. With that, if you have any questions, I'll try to answer them.

DR. CHEUVRONT: I noticed you were still calling this preliminary; you're just basically waiting until we give you final parameters for what we're wanting to do to make it final; or, is it because you're waiting on some other data sets or refinements to modeling before you'll be able to have a final product?

DR. WATERS: Actually a good question but neither of your hypotheses is correct. I have learned over time that there is a very high probability of a change in the alternatives from one council meeting to the next; and so between now and when we get to the final version of this amendment, we could have changes to this analysis.

MR. HARTIG: Jim, the main driver for Georgia and Northeast Florida is that those fishermen, that is mainly what they catch and that's why it drives their economics down so much?

DR. WATERS: That is correct.

MR. ROBSON: All right, any other questions for Dr. Waters? If not, thank you very much for that review. The next item on the agenda is going to be a presentation by Tony Lamberte to go over some of the recreational economic impacts.

MR. LAMBERTE: My name is Tony Lamberte. I work with the Social Science Branch of the Regional Office at the St. Petersburg National Marine Fisheries Services. I did make a presentation last June about 17A. At that time there were still a lot of things that were not settled from my standpoint, but since the last presentation I did make some changes.

Let me backtrack a little. The first bullet there is that I'm analyzing the same six alternatives that Jim Waters just presented. I haven't written it down here because I feared I might be adding more alternatives than what is there; so with the same alternatives, one through six, that I'm looking at in this analysis.

The first one is the difference between what was presented in June and what was in the briefing book for the September meeting. The first one is that it does include 2008 data now. More importantly, we did a lot of estimations for what we call target trips, a very important component for analyzing the effects of regulations in the recreational fishery for the three fishing modes, charterboat, headboat and the private mode.

Over that we used more recent data on consumer surplus and net operating revenue – I'll explain these two terms in a bit – using data that was I think collected a year ago in North Carolina, which is kind of around this area. Now, there is also a difference in what was contained in the September briefing book and this presentation because between the time I submitted that document for the briefing book I did some additional estimations mainly to address two things.

The first one is to try to minimize as much as possible double counting of target trips. I noted that several areas where there were cases of double counting of trips, and that would result into overestimation of the effects. In addition, the first analysis just implicitly assumed that anglers per trip would catch only one fish.

This time we estimated the average fish landed per angler trip, and that is an important component for this type of analysis. Then we generated new tables to address these changes. Let me discuss a little bit on the kind of modeling approach that we have done for the recreational fishery. It is almost akin but a little different from the commercial side.

In estimating economic effects in the recreational fishery we look at two important factors that we call the consumer surplus and the other one is the net operating revenue. The consumer surplus essentially is what the angler derives as a net benefit. It is a monetized value of that particular benefit less the cost that is incurred for that fishing trip.

The net operating revenue is the usual net operating revenue concept for the charter and headboat, and we calculated that as the revenue less cost for fuel, ice, bait and other supplies. In essence, it is the return to a crew, captain and boat owners. Then let me emphasize here too that we are not estimating regional economic impacts for essentially a couple of reasons.

The first is that according to the regulatory guidance that we work with we have to focus on what is called the net economic benefit and consumer surplus and net operating revenues as the appropriate way to handle that. Now, we acknowledge, of course, that regional impacts as impacts on support industries and coastal communities are also important.

The National Marine Fisheries Service Science and Technology Division Headquarters is developing the type of model; that once it is completed we'll probably evaluate for its use here in the southeast. Then the economic values that I will be presenting are all in 2009 dollars.

This is just a summary of effects by area. The first, for Alternative 2 we have CS, which is consumer surplus, and NOR is net operating revenue. The essence of doing consumer surplus and net operating revenue is it belongs to the same species, sort of, so that we can add them together to come up with the total economic effect.

You can see the progression of effects in ascending order, of course, from Alternative 2 to 3 and 4 and 6. Now, in terms of quantifying the effects, we cannot distinguish between Alternative 3 and Alternative 5 because we cannot assign the appropriate target trips to the value depths. As discussed by Dr. Waters a while ago, Alternative 5 would close four grids in addition to the red snapper ban.

Alternative 3 will do the same thing, but it opens up certain depths in those particular grids. It is the same thing to compare 4 and 6. In here we are just estimating these two pairs of alternatives – 3/5, 4/6 – as about the same. Conceptually, however, 3 would have less impact than 5, and 4 would have less impact than 6.

Now, it is a little bit surprising that I see here is that – usually the center of the fishery is supposed to be Northeast Florida and Georgia, but here is an entry of Southeast Florida. I tried to minimize the double counting and eliminate some of the target trips in that area, but I still come up with this.

I noticed that in the estimation of the target trips for headboats, the southeast would be definitely an overestimation in terms target trips, but the southeast also has a relatively – I'm not sure why this is the case and maybe some of you can explain – is the relatively level of target trips for charter and private.

Okay, here is the one. Look at the column TC red, that's a target trip for red snapper, charter and private. This is based on the average 2005-2008 data from MRFSS. You can take a look at the component. Southeast Florida still has relatively high target trips for red snapper, especially for the private mode relative to the other areas except, of course, Northeast Florida.

In reality, however, if you look at – I don't have the table here, but if you look at the landings by area, the southeast accounts on average for a lot less fish than some other areas. That is one of the explanations I can think of in terms of having a higher economic effect on Southeast Florida relative to Georgia and South Carolina.

Now, the next slide will show the economic effects by fishing mode, charter, headboat and private. You can see the distribution of effects by mode. In all alternatives it would look like the headboat sector dominates the charter sector. From my standpoint I think it is most likely because of overestimation in the target trips for headboats and the way we estimated it. The problem with headboats is that we don't have – unlike MRFSS there is no information at the angler level and there is no information on targeting intent.

We just used all trips, in other words, that caught red snapper and then make use of that to estimate the angler trips. Again, the distribution of effects across various alternatives follow closely the ones that were shown by area, and that is a necessary result of that. Now, there are some limitations for this type of analysis. The first one that I can think of is the MRFSS target trips.

In the MRFSS there are many alternatives you can think of in using what is called a target trip. The first is target trip; there is a catch trip; there is a directed trip. The target trips are those trips made by anglers who specified a primary and secondary target. In this particular case you see the target there is specified either as a secondary or a primary species red snapper, we include that as a target trip.

Now, catch trip are those trips that definitely caught these species and some other ways of doing that. Well, we thought that target trips in this particular case because it specifies a certain type of expectation on the part of the anglers, and expectations are closely tied to a demand for a fishing trip and for the particular species. From an economic standpoint that is closer to what we call a demand function that can provide us information on what the benefit is to the angler.

Now the second one is the target trips for headboat. As I said, there are several alternatives also you can think of, but we all used all trips landing the species, either red snapper or snapper grouper. This type of assumption would likely lead to an estimation of target trips, and that's part of the reason I think why the headboat sector would have higher impacts than say the charter sector.

The other one is consumer surplus. We assumed this one to be just constant across the species, areas and modes. It's probably not entirely correct. An angler using a private mode would probably have a different valuation of red snapper than somebody going through a headboat or somebody that goes through a charterboat. But in our particular case we are limited by the information available so we just assumed this to be constant across species, areas and modes.

The net operating revenues is another one that we assumed to be constant across the species and areas. As partly indicated by Jim and somebody else who made the comment that there are variations by areas in terms of the importance of the species; for example, red snapper might be very important in the areas in Florida northeast than in the southeast area, so it's possible that the net operating revenue for charter and headboats operating out of Northeast Florida would differ from those in other areas.

Then the other one is the trip cancellation. What we assume here is that the red snapper ban would result in cancellation of all trips for red snapper. There is, of course, the possibility that if that were the only regulation that will be imposed, some other fishermen or anglers might opt to pursue other species, and some charter and headboats might come up with some probably innovative type of trip that will not target red snapper.

Of course, that type of assumption might be a little bit more correct when you look at the ban on those various areas because the ban is for snapper grouper species. The period of analysis, we only have a one-year analysis although this type of measure might last more than one year. What we can say here is if that were the case, then all these estimates, which is just one year, will reoccur in subsequent years. I think that is all I have.

MR. HARTIG: Tony, what is your definition of Southeast Florida? I mean what counties do you start at in your analysis? What area do you use?

MR. LAMBERTE: Probably Miami I think downward is the southeast or it could be north of Miami.

MR. HARTIG: Well, West Palm Beach is normally Southeast Florida. I don't know how far north you go. Certainly, in the red snapper if you go any farther north than St. Lucie County of south of St. Lucie County you're not going to have any interactions with red snapper until you get back around towards west of Key West and then you will.

I'm just wondering why so many people reported red snapper in an area where they don't occur that it was their target species. I mean, it may actually go back to what the data workshop said and why those old data sets weren't used because red snapper would include snappers that are red, vermilion, mangrove, mutton. There are several snappers that are actually red.

I see it in the public when I deal with them that they'll call a lot of the snappers red snappers. Experienced fishermen don't, but the ones in between I don't know. It may point to some of the problems we had in the earlier data set, also. It is interesting that it persists today for me.

MR. LAMBERTE: Yes, that is a possible answer to think of that question why we have a higher target intent for that particular area of Southeast Florida. I need to take a look at how far north I went with that. I think Cape Canaveral is probably the northern most area.

MR. HARTIG: Yes, if it is Cape Canaveral it would take care of some of, for sure.

MR. GEIGER: That was going to be my comment. I mean when we talk in terms of the east coast of Florida, we talk in terms of northeast, central and southeast Florida. You're characterizing it as northeast and southeast, and that division line would be probably Sebastian or Cape Canaveral and logically it would be Cape Canaveral because that's the end of the closed area.

If you look at the number of red snapper trips directed and trips made that encounter red snapper, they're huge all the way down to Stuart, which is just north of Palm Beach, which is where you would normally – that Stuart area south would normally be considered I think Southeast Florida; and from Stuart north to Canaveral would be Central Florida and north of that would be Northeast Florida.

MR. LAMBERTE: In the case of the headboat data base we have that refined delineation of areas; not as much I think as with respect to MRFSS data base. Although we have done what they call post sample stratification with the Type 2, look at the various areas and they're more refined in the resolute definitions according to what is Central Florida, southeast and the Keys. In headboat you can identify those particular areas. In MRFSS it is not just as easy to identify those particular areas.

MR. SWATZEL: I just wanted to make that this presentation represents Appendix Q; is that correct, the data that is in Appendix Q?

MR. LAMBERTE: That's right, but I sent an abated version of that. I'm not sure if Rick has distributed it.

MR. ROBSON: Any other questions? Mr. Chairman, we're at a point where we can continue getting into the alternatives for 17A or we break it off here. What is our timeframe for finishing today?

MR. HARRIS: I think we ought to recess for today. We'll come back at 8:00 a.m. tomorrow morning.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in The Charleston Marriott Hotel, Charleston, South Carolina, Wednesday morning, September 16, 2009, and was called to order at 8:00 o'clock a.m. by Vice-Chairman Mark Robson.

MR. ROBSON: Let's go ahead and we'll reconvene the Snapper Grouper Committee where we left off yesterday evening. We've had a request for a very presentation from Mr. Harry Lowe regarding one of the proposals that had been submitted previously to the council for management alternatives, representing some folks from Georgia. Mr. Lowe, if you want to come forward and just very briefly give your remarks.

MR. LOWE: I appreciate you all giving me a chance to say a few things. A couple of things that I wanted to do was to point out there were questions on the proposal that we had sent in, and I wanted to clarify a couple of points. One of the points was where we were suggesting that we do some habitat construction.

I know there were a couple of comments made that those artificial reefs attract fishermen as well as fish, but in our proposal we were actually proposing that habitat be constructed in areas where fishermen are not allowed to go, so in a closed area to help speed up the recovery of the fishery. One of the questions that have come up since some of the documents have flowed back to us is that we had a 72 percent/28 percent split on recreational versus commercial.

After the advisory panel met, that changed from 72/28 to a 60/40 split. We were certainly concerned about that because we felt like that if anything it should stay at that level and that 12 percent could make a significant difference down the road. We did want to question that. One of the other points that was questioned was about the for-hire sector where we were recommending that the captains and crew not have any catch limits themselves and they give that up.

I believe there was a comment made to the effect that really didn't have that – but yet just in Georgia we have 27 licensed boats and each boat is going to have a captain and a crew member so that's a potential 54 less fish per day. Then you add to that actually – I'm not sorry, it is not 54 fish; it is 108 fish per day potential plus the reduction where we are recommending that we go to a one-fish limit would cut the catch in half as well.

There are many of the for-hire folks that go out on a consistent basis and catch their limit because there are fish still out there. We really feel like that one of the things that must be done is we must eliminate, if there is going to be and if the council decides that we can have some open areas to fish, that one of the key factors is to eliminate size so that we no longer have any non-kept mortality; so if someone catches a six-inch fish, it is their fish for the day; if they catch a 28-inch fish, and that people would not be allowed to cull.

One of the points that we wanted question was on some of the documents that have come out since our proposal. In the original six alternatives it was said that Georgia had the most fish concentration off its coast and therefore most of the proposals was based on closure of the coastline off the shore of Georgia.

If that's the case, then we take a look at some of the things that are now being suggested and what we find is that if Georgia has – we understand that Georgia has the least reported catch – in Florida continue to have higher reported catches, but then if we have the most fish we feel like that it would only be right for us to have a higher allocation than a state such as South Carolina that does not have as many fish.

The last thing I have is I want to tell you about a gentleman by the name of Marshall Hughes. Marshall Hughes lives just west of Valdosta, and Marshall Hughes, on an annual basis – I happen to know this gentleman – he comes to Savannah twice a year to go fishing. When they leave Valdosta, their favorite thing is to stop in Darien and eat at a restaurant on the way to Savannah.

They check into a hotel in Savannah. They get up the next morning. There are three couples that come. They go out and go fishing. They come back. They go back to a hotel room for the

second night. They go out to dinner. The third day they go out and they go shopping in Savannah and they eat in restaurants.

They spend a lot of money when they come to Savannah. That scenario happens many times all the way from St. Mary's to Savannah. What we are asking for your consideration is that you do everything in your power and use all your resources to try to help us keep a portion of the Georgia coast available for a partial time of the year when people are going to be wanting to come to the coast.

Most people don't want to come to the Georgia coast in November, December and January. They want to come in the summer months. They want to come when the weather is warm, when they're having a chance of going out with some of the folks who I've been working with on these different ideas, to go out with them to go fishing.

We just would like for your consideration for those people because we don't consider – Marshall Hughes does not own a boat; and so when he comes to Savannah he uses one of the for-hire boats. It's his only access to being able to go and use the resources offshore of Georgia. There are many people like him and we would just like to make sure that along with trying to do the right thing from a conservation level, that you also consider that there are many people that if we do close our coast to fishing, then the economic impact is going to be very severe, and those people are not going to have the privilege of coming down and fishing.

MR. HARRIS: This is not a question for Harry. This is just a comment as to how this came about. Susan and I received a call from Harry and a couple of other folks in Georgia. They had another proposed alternative that they wanted the council to consider. As I've said many, many times, it is incumbent upon the fishing public to come to the council with alternatives as well as the council to develop alternatives. We are not the only ones that who have good ideas, and so Harry and his folks crafted an alternative. We took a look at it.

We said, you know, we don't know whether this is going to fly or not, but the least that we can do is you come to us with an alternative that we can analyze and we can see where it takes us. If there is anything about this alternative that can fly, we'll do our best to try to move it forward. That's what we've done.

With respect to Harry being allowed to address the council this morning, he requested this over a week ago. I requested it through the chairman, Mac Currin, and Mac agreed to let him have five minutes, and then Mark did so as well this morning. That's how this came about. The alternatives that the Georgia folks have put forward are in the alternatives for us to consider.

There are ten alternatives right now, and you can mix and match alternatives, obviously, but we've got to end overfishing; that's the number one goal. If we allow some harvest and still end overfishing, that is basically what their request is. They want us to build artificial reefs as well, but we don't really have the wherewithal to do that at the council level. I just wanted you to know how this came about and why Harry is here this morning.

MR. ROBSON: Thank you, Mr. Lowe. Just for the committee's benefit, we're going to go through the alternatives that are in Amendment 17A and then there was an additional ten alternatives that are in a separate review document that we'll be going through after we've gone through the original six in Amendment 17A. We'll be covering this alternative and others later in the day.

MR. LOWE: May I say just one more thing on what Duane was talking about how this thing got started. I walked into a for-hire captain's house on our very first meeting, and I saw a group of for-hire captains as they progressed go out to their vehicles, bring out charts, bring out logbooks, and come in and sit down and work together to not question the council's science, to not fuss at the council, but to try to come together and offer a different method of how we could accomplish both keeping the coast open to fishing as well as the recovery of the fishery. I want to commend the for-hire captains off the coast of Georgia. Thank you.

MR. GEIGER: Thank you, Mr. Lowe, for coming here and especially thank you for preparing a suite of alternatives for our consideration. Just to carry on with Duane's comments a bit, though, there has been a tremendous behind-the-scenes brouhaha associated with this effort. We do request and really would like to almost require the public to weigh in with potential alternatives and help us in our attempts to do the right thing for both the resource and the fishermen.

The big problem we have, Mr. Lowe, is that when we saw the original alternative, actually I was the one who requested that the staff and the regional office review it the first time. We got a review back. We can ask Dr. McGovern, who is at the table here, to characterize the review. The bottom-line question that I had was do the measures that were proposed in the Georgia Number 7 Alternative contribute or, in fact, end the requirements for overfishing that we have to address under Magnuson. The answer to that was no.

That was provided back, I believe, to you, but there was a persistence on the part to not accept that information and carry it further and carry it further, which I guess is okay, but I just have a problem that at some point – you know, we have a tremendous amount of staff effort that is going into working on a number of issues; and to do things repeatedly I have a problem with that.

I think at some point when somebody comes in with an alternative – and I've had people in Florida come to me with alternatives. Some I've requested staff to provide me information on, and others I've been able to provide myself. Quite frankly, let me tell you one thing that did happen to me. All the council members received an e-mail from Mr. Earl Kerr from Jacksonville.

Mr. Kerr had a very serious e-mail that started off as the chain of events. Our chairman responded to him, and responded very well, and I sent Mr. Kerr an e-mail and said, "As a council member from Florida, I don't necessarily want to conduct this conversation via e-mail. I prefer to do it face to face or on a telephone call so we can have a repartee, if you will, back and forth; and as things come to mind you can discuss them and it doesn't get lost in the e-mail."

That very night, after I sent the e-mail, I spoke with Mr. Kerr for two hours and twenty minutes; a very reasonable gentleman, very understanding; didn't know a lot of the things that I conveyed to him. During the conversation, he says, "Well, what is this Georgia alternative I've heard about?" I relayed to him the Georgia alternative right off the document that's in our briefing book that contains the other nine alternatives that came from the AP.

His response to that was, "Heck," he says, "that's not going to solve your problem." So even Mr. Kerr, at his level, you know, an entry level just during this conversation understood what we had to achieve based on my conversation with him. I may be wrong; maybe I don't understand, but he understood that those alternatives that you all proposed weren't going to achieve ending the overfishing or contributing to ending overfishing that is required by this council.

I just want to go on record and encourage the public to participate, but the public also has to understand just because they propose an alternative doesn't mean that the council is necessarily going to adopt that or move forward with it. It seems to me that once somebody makes a determination that it is not going to be that we ought to live with it so we can move on and attack the work that needs to be done. Thank you, Mr. Chairman.

MR. ROBSON: Again, I think we all recognize that. As we said, we've got ten additional alternatives that have come forward either through the AP or through other sources, and this is the opportunity at this council meeting for us as a council and as a committee to carefully look at those additional ideas to see if they will allow us to meet our objective for getting this fishery back in shape. That's why we're all here, and that's what we're going to do I think today and through the council meeting.

MR. HARRIS: Just to follow up with what George said, we told Harry and his folks, when we first met with them, that it was late in the game, and there is a tremendous amount of work that takes place at the Southeast Region and the Fisheries Science Center and the Council staff office to analyze alternatives and to bring them to us to where the analysis is complete enough to where this council can make a decision regarding those alternatives. They knew that going in.

We told them we didn't know whether we have time to analyze these alternatives or not, but thanks to the efforts of the folks at those three offices, those alternatives were analyzed. They are there for the council to consider, and that's what we're getting ready to do. I would argue that, yes, some of those alternatives we can make work. If we knuckle down we can make some of these alternatives work that recover this stock, end overfishing and allow some very limited harvest of red snapper. Thank you, Mr. Chairman.

MR. ROBSON: Again, thank you, Mr. Lowe. The committee will get started now in going through the alternatives in 17A. I'm going to turn this over to Rick who is going to walk us through each of these in turn and we'll discussions, including additional information about any AP or other recommendations related to each alternative.

MR. DeVICTOR: We'll provide how we normally do where we go through action by action, alternative by alternative. As you recall, there was a Snapper Grouper AP meeting as well as the Law Enforcement AP met, too, and so I'll be highlighting as we get to that action their

recommendations. The Snapper Grouper AP had 41 motions; 18 had to do with 17A, so I'll try to highlight all of those recommendations from the APs as we get to those actions.

Attachment 15 contains Amendment 17A, Snapper Grouper AP motions are Attachment 19, and the Law Enforcement AP motions are Attachment 20, if you want to follow along with those. Then those ten alternatives that we have received since June from the AP and public, that is Attachment 30, that went out in the second Briefing Book I believe.

So with that, I'll proceed, so the first action has to do with maximum sustainable yield for red snapper. Just to mention, with all the alternatives with the exception of two actions, there are preferred alternatives. There are currently are no preferred alternatives for the management measures, the closure alternative. Also, the last action has to do with specifying a red snapper monitoring program, and there currently are not preferreds for that action.

Again, the first one, Alternative 1 is a no action alternative. This is where msy equals to yield produced by Fmsy where F 30 percent SPR is used as an Fmsy proxy. Again, for red snapper they're using the Fmsy proxy to specify msy. And you can see the msy value affiliated with that, which is around 2.4 million pounds whole weight.

Then Alternative 2, which is your current preferred, is msy equals yield produced by Fmsy or the Fmsy proxy where msy and Fmsy are defined by the most recent SEDAR/SSC. And if you follow Footnote Number 4, the SSCs recommendation, well, they felt that F 40 percent was a more appropriate proxy to use, so their recommendation is to use F 40 percent SPR as an Fmsy proxy. And you can see the value affiliated with that; and again it is around 2.3 million pounds. So, again, two alternatives and you have a preferred.

MR. HARRIS: Well, this goes back to the question I asked yesterday with respect to the Gulf Council. There is a difference I believe in the F proxies that the Gulf Council used for red snapper and the proxy that has been recommended by our SSC. I'm just always interested in knowing why another council for the same species of fish, knowing it's in a different part of the world, why they choose one and our SSC recommends one that is a good bit different, if you will. I would just like some discussion about that.

MR. ROBSON: Is there somebody here that can revisit that issue of why the 30 percent SPR proxy has been used in the Gulf? I did want to have a discussion about this myself, and I had questions about – you know, the amendment has the SSC debate and discussion about whether the 30 percent or 40 percent to use relating to steepness. I want to make sure we all understand that because I think it does have implications for at least in the short term what we might be able to do, understanding that there may be down the road impacts depending on the choice we make, but to consider what we can do in the short term.

MR. GEIGER: I don't know that the SSC in the Gulf what they recommended, but we do know what council adopted, and that is the 26 percent that has been addressed before for red snapper. One of the things I would hesitate to consider is just doing something arbitrarily based on what the Gulf Council does.

The history of management between the two different councils I think is different and has been different in the past. Certainly, we have a number of people who have sat on this council prior and have sat on it for a long duration. The methodologies used by this council differ especially in species like mackerel in the past that have been considerably different.

This council has always taken a precautionary approach and has been proud of that and has always proffered it forth as one of our staunch positions that we take a precautionary approach to management and have done so in the past. In this particular case I think our SSC made their recommendations irrespective of what the Gulf Council did because – I hate to put words in Erik's – he is here and I would like to have him come to the table because there have been discussions in the past concerning the potential differences in how you would manage the same species in a different geographic region. There are considerations to it; I've heard him address it in the past, and I would yield him at this time and let Erik possibly discuss this.

DR. WILLIAMS: One thing to keep in mind is that the choice of the proxy has more to do with the fishery than the fish because this is ultimately a harvest schedule that we're sort of basing this in as to what is the appropriate harvest level dependent on how the fish is being harvested. So the fact that there is red snapper in the Gulf and red snapper in the South Atlantic is not as important as the fact that the fisheries there are very different.

The fact that the Gulf has a severe shrimp bycatch issue going on, we have none of that on the South Atlantic. They have very different gears harvesting red snapper. As we heard from Roy Crabtree, they are assuming dome-shaped selectivities for some of their fisheries; we are not. So, that fact alone suggests that there should not be a comparable SPR rate for both of these stocks.

MR. GEIGER: To that point, I heard Erik talk about the fishery as opposed to the fish itself. At the last stock assessment what was the SPR for Gulf red snapper results in their last assessment?

DR. CRABTREE: Well, this is a complicated issue. How the Gulf came out with 26 percent SPR is that is the SPR that maximizes the yield. You get in a situation where you have a very high steepness – and Erik can correct me if I say anything technically wrong, but essentially if the steepness is very, very high like that, then it becomes a per recruit kind of thing and whatever maximizes yield per recruit is going to be pretty close to what maximizes the yield.

In the Gulf 26 percent was the SPR that maximizes the yield. I haven't seen an SPR equivalent in the South Atlantic assessment, but we do have runs that actually estimate F_{msy} , and it's a somewhat higher F than $F_{30\text{ percent}}$, so I suspect it is somewhere in that neighborhood at a high 20 SPR that appears to have maximized the yield in the South Atlantic as well.

But that's where the Gulf came down to and that's where the 26 percent SPR came down. That's not a new number. That number has been around since back in the mid-late nineties. They started at a 30 percent SPR for allowing the Gulf. I think they may have been at a 20 percent if you went way back.

But, there were calculations done, as I recall, by Pamela Mace that estimated 26 percent SPR to maximize the yield, and that is what came out with the last assessment that was done. Now, there was a huge discussion about how to address msy in the proxies. They got into the shrimp bycatch issue and selectivities and whether all of these Fs should be linked, and it got very complicated.

But essentially in that case they went with the SPR that maximized the yield, which was around 26 percent. I think it's fairly similar to the SPR that would maximize the yield in the South Atlantic. You see that when you look at the two alternatives we're talking about. The yield at F 30 percent is higher by 130-something thousands pounds and the yield at F 40 percent.

MR. ROBSON: My interest in talking about this is that in looking at the amendment again, it is advice that we have gotten on whether to use 40 percent or 30 percent as an SPR, but ultimately it is a decision that the council could make in terms of how risk averse they want to be, how sure we want to be as meeting the times in the rebuilding schedule within the timeframe we've set up.

But I'm trying to take into account at least in the short term what we have heard about the tendency of the stock to be somewhat resilient. There is high recruitment; people are seeing fish. There is the capability at least in the short term. Whatever we can do to take that into account and still have an opportunity, if we had to correct later – even in the amendment it says “down the road” to make an adjustment – then we would have that capability, but still allow us to at least consider some of the things some of the things that we're hearing and seeing today as we're trying to suddenly make a big change in how we're managing this fishery.

MR. GEIGER: Again, you know, you talk about recruitment and recruitment is the future; and if you want to place your bet, we know we've got a good class recruiting into the fishery, but you don't know what the recruitment is going to be in the future. I remember Louis Daniel in part of my early tutelage when I came on the council and Gregg and others, they cautioned that one of the things that you really need to guard against is placing your bet entirely on future recruitment.

You don't know what that recruitment is going to be, and you're setting yourself up for potential failure in the event that you have light recruitment events, as we have had in the past with this fishery. Now, granted, there is a huge group of fish out there. Let me just get off of that and talk about the fact that beginning on Page 78 of our minutes from the last meeting we had a discussion that went on through Page 90 about this very issue.

If we're going to replot all the old ground, it is a council decision and it determines or depends on how cautionary we as the council desire to be. Again, yes, the SSC is in fact advisory, but that's why we have them here is to advise us on their best judgment what their recommendation is in terms of how we move forward in considering the stock so we can make appropriate management measures.

We had one quote at the very end of the discussions which goes from the bottom of Page 89 to Page 90, which comes from a long-serving council member on this council that talked about the need to be more risk adverse “because we never quite seem to get the result that we anticipated on some of these management actions.”

I say again since 1982 in snapper grouper species we could point to two successes in our amendments; goliath grouper and pinkies; red porgies; both of them involved in a closure. Red porgies have demonstrated a recovery. We have increased the trip limits, the bag limits. And goliath grouper, if you listened to all indications, everybody thinks they're recovered. Certainly, there are too many of them for most fishermen.

I just caution again, without replotting all the comments and discussions that were in the minutes, the history of this council is that we claim to be precautionary, but the history is that we quite haven't achieved the management goals that we expected to achieve or wanted to achieve in previous amendments because of the amelioration of regulations that were necessary but because of short-term economic considerations put in place.

I just think with a stock that is at 3 percent SPR and we have a discussion from the SSC that says any stock I believe where the SPR is below 10 percent, there should be no directed fishery. And when you look at 3 percent as being only 10 percent of the 30 percent management goal that is currently in place; I mean, if not this fishery, when are we going to take the precautionary approach and manage the fishery for an end goal.

The thing that bothers me most – and I won't be on the council when you all have to consider this – down the road if we go with 30 percent and we've put management measures in place based on that proxy and we have to come back and revisit it and put additional closures in place, that is not going to be very good.

MR. HARRIS: I want everybody to understand what I'm saying and what the Georgia Proposal that Susan and I have agreed to is. George said something about no directed fishery. What we have to do is end overfishing. There is a certain amount of fish out there that can be removed from this fishery to end overfishing.

Whether it is 61,000 pounds or 82,000 pounds, that's a certain number of fish. We're not proposing to take more than that number of fish. What we're proposing to do is not count all those fish as dead discards, but allow some limited harvest to where the amount of dead discards and limited harvest do not exceed whatever that number is.

So, I don't think we're not being precautionary; we're proposing to be just as precautionary as this council has decided it needs to be. We're simply saying bring some of those fish back to the dock rather than throwing them back overboard dead. What has been on the table up until now is counting all those fish as dead discards. This new proposal simply would allow some of those fish to be landed but not exceed the total allowable catch that we can take out of this fishery.

MR. ROBSON: And I want to clarify where I was headed in talking about the SPR proxy that you use. We will have a discussion about the additional alternatives. But, again, everything right now in the alternatives for management measures are designed to end overfishing. In looking at the 30 percent versus the 40 percent, in my mind it makes a difference in terms of having a reasonable expectation that selecting any one – particularly when we're looking at Alternatives 3 through 6 on these closed areas – would meet the goal of ending overfishing.

I think the likelihood of that increases if you have a 30 percent SPR versus 40 percent. I may be wrong, and I would welcome being corrected on that if I am wrong technically, but that is where I was looking at it is what would help us to have the most options to select the alternatives we have in place now, not even thinking about the new ones that we'll get to those later, but to have the most opportunity to look at those options and end overfishing and yet minimize the impact in the immediate term on everything that we're talking about in terms of the fishermen and the communities and the economy. That's where I was headed with this discussion. I know right now the preferred is still 40 percent SPR proxy, so I just wanted to clarify why I brought this up.

DR. WILLIAMS: Thank you again for indulging me. I thought as I kind of did yesterday I might lay out sort of the logic that's behind why the SSC ended up with 40 percent. What we had in this stock assessment is a steepness estimate. As Roy mentioned, steepness is a productivity measure and it is very critical in determining – and there is an equivalent SPR that is associated with any steepness value.

What happened in the stock assessment is the steepness value hit the upper bound. Now what happens when that occurs is we don't really start to trust that estimate because it is hitting an upper bound, and it doesn't even necessarily mean that estimate is high. In fact, we have a recent paper that is going to be coming out in the Canadian Journal pretty soon that Paul Kahn, myself and Kyle Shertzer analyzed this problem.

What you find is that when it hits the upper bound you pretty much can't trust the estimate. That being said, the review panel recognized that, and that is when they said F 40 percent is your best proxy. The SSC then reviewed and agreed F 40 percent is the best proxy. That's why we ended up with the 40 percent.

Now I will add one other thing that I caution the council – and this probably me stepping over my bound a little, but this is pretty much a science decision. It is no different from a choice of natural mortality, no different from a choice of a growth curve. This is not a precautionary choice. This is what is the best proxy for Fmsy, and in this case both the review panel and the SSC and the stock assessment panel arrived at F 40 percent.

MR. GEIGER: Mr. Chairman, I find myself in the unenviable position of debating now with my council chair, and, Duane, I understand, I really do, and I appreciate the Georgia comments. The Georgia alternatives are great tools that this council – some of them are great tools that the council can use to manage this fishery when it reopens, and that's from my perspective. You mentioned 61,000 pounds of landed fish.

The problem is if you take that 61,000 pounds and you divide it by state in terms of by sector, and in the Georgia proposal it is proposed to having three sectors, the for-hire sector, a recreational and a commercial sector. Rick, help me here if I stray. I'm not going to be able to give direct numbers, but when you divided the poundage up, it seemed like the recreational sector in Georgia got, let's say, 2,800 pounds of fish, somewhere around there. If you divide that 2,800 pounds by a five-pound average, which is what we're looking at in terms of the average weight, you're talking about 400 and some odd fish I think that you're looking to manage.

We've already discussed trying to manage 523 I think snowy groupers and the impossibility of that and how we wouldn't go into the future in terms of managing a stock with allowable landings that low. I might add that the for-hire sector I believe got a little higher number than the recreational sector, but it was still in that high 400 numbers of fish to be managed.

How would you manage – I mean you're talking 400 and some odd fish in the for-hire sector; how many days would it take them to catch that many fish? I think the estimate that was provided, and you'll see it in our alternatives – what?

MR. ROBSON: George, I'm not trying to cut off, but you're getting into that –

MR. GEIGER: But you are.

MR. ROBSON: -- discussion of managed –

MR. GEIGER: But Duane took us into that discussion; I'm sorry, Mr. Chairman. Why can't I respond to his response?

MR. ROBSON: Go ahead and finish your response and then we get back to the SPR discussion.

MR. GEIGER: I mean, when you get into the analysis of the ten alternatives, I think David talked about the short period of time in which those fish would be caught, and it would be probably less than two weeks or something. It's crazy! I mean, how do you determine within the for-hire sector, for example, or in the recreational sector who is going to get a TAC, how are we going to manage it, how are you going to monitor when the 451st fish is caught?

We've talked about a tag program. We've agreed to go down that road and look at the establishment of a tag program in the future, but I just don't know how we could even consider it at this particular juncture, at the late date we are in this amendment. Then you get to the commercial sector. Well, every commercial boat has landings.

So what we would be creating in fact is a de facto catch share program for each of the three sectors that have four or five hundred pounds of fish that they're allowed to land in Georgia. Now if we talked about Florida the numbers go up, which is what created some of the furor.

MR. ROBSON: And, again, that's all the discussion we will have to have when we go through that particular alternative and the other ten. We're right now on the first alternative, and what we have been about talking is the msy. Roy.

DR. CRABTREE: I guess I would be interested in Erik's comments, but I think part of what – you know, we're in a situation where we don't really know what msy is for red snapper. If you look at all the sensitivity runs, I think the msy estimates range from something over 500,000 pounds to something just under 4 million pounds. That all comes back, as Erik talked about, to lack of understanding of the spawner/recruitment relationship.

But I think part of what is confusing and hard to get around and creates issues in the document is the choice of we're using a base run that uses the high steepness yet at the same time it uses the 40 percent SPR reference point, and that created issues. I know that you and the SSC talked about different ways, but it is using the base run with a high steepness that results an analysis that shows that 30 percent produces higher yields than 40 percent.

Now, there may not be much reality to that type of analysis, and I think you could argue that we'd be better off in the document in terms of characterizing msy to characterize it as a pretty broad range because we don't really know what it is in the past. I don't know if Erik wants to comment on – because there is a little bit of an internal discrepancy between the steepness and the reference point that I think we need to do a better job of characterizing.

That's one thing and then, Mark, you said something about it might be easier to end the overfishing if we used 30 percent, but I really wouldn't look at it that way because somewhere along the way we're going to come up with a new estimate of what the overfishing level is. It is probably not going to be 30 percent and it's probably not going to be 40 percent. It is probably going to be somewhere else.

I really think that the right way to think about the risks involved with this is like we talked about at the last meeting, the risk of either you may cut too much or you may not cut enough, and where is that going to leave you? But I would be interested in Erik's comments on this discrepancy because you could see it coming at the SSC meeting that 30 percent is going to estimate obviously higher yields than 40 percent.

I don't really think there is much reality to that, and so what it seems to me we're talking about here are what are the short-term reference points that we're going to use in terms of the rebuilding target and the overfishing level, and that's the real discussion now. Erik, if you have anything to add to that, I would welcome it.

DR. WILLIAMS: Let me, again like I did before, try to explain the logical path that ended up where we are. Going back to the assessment, we had this problem where the steepness was hitting this upper bound, so we didn't want to trust it. Then you fall back on a proxy. And when you choose that 40 percent, there is actually a sort of one-to-one correspondent between the percent SPR and a steepness value.

What we did initially then was say, okay, if we're going to choose an 40 percent as the proxy, what is the corresponding steepness value? Well, we did that and it turned out to be about 0.67, if I recall. Well, when you put that into the model then and do projections, the problem is because it is a low productivity curve, lower than the 0.95 upper bound, what we were seeing was in the immediate future recruitment, for the first few years we were seeing very low recruitment projections, and they were unrealistically low, and we realized that.

So we were like, well, how can we fix that? Then we decided, well, let's use the 0.95 in projections so that we can forecast higher recruitment. So in a sense we're actually being quite optimistic about all those projections that we've done because we're assuming the highest steepness value, but we're still using the F 40 percent proxy as the benchmark. When you do the

sort of equilibrium yield calculations that Roy is talking about, of course, you're going to see that F 30 percent gives you a higher yield.

In fact, the maximum yield would be something around the F 20 percent because the maximum steepness value corresponds to an SPR that is somewhere in the high 20s. That sort of explains how we ended up where we are. Something to keep in mind is we are already being a little on the optimistic side about future recruitment, but kind of rightfully so because we have this one large year class event coming through. We don't know how large, but there is a suggestion that there is above average recruitment occurring.

MR. PHILIPS: Being new up here, I was reading through my documents the other day and I was looking at the eco-based stuff, and I'm afraid that all of these alternatives are going to put us at odds with what I read as being eco-based because when we do these things, we're going to throw so many people into so many other fisheries, it is going to make shambles out of all the other models, on sea bass and mackerel and anything else.

That being said, I would be inclined to try to stay with an F 30 and try to leave a little more – so you've got a little more wiggle room. We're going to be looking at this. We've got another assessment coming next year, I guess, and it's probably going to change F all over again. As for today, I would be inclined to stay with the F 30 knowing the harder this stuff hits the harder it's going to be on every other management plan you've got, and try to think about it more in a whole sense, an eco-based sense.

Are we going to have a total shipwreck now if we just close this huge chunk of ocean, which are some of the alternatives? Are we going to have a controlled wreck where we can slowly, maybe over a year or two, work through this stuff; and as we get better numbers, then change them as we need to. We've got to conserve; we've got to do what we've got to do but I would encourage us to stay – control the shipwreck as best we can.

MR. ROBSON: Just to clarify, right now the preferred alternative for msy is the 40 percent SPR, so the committee and the council would have to change that preferred to do what you're – it's not saying you would have to go to that.

DR. CHEUVRONT: I guess I'm falling more along the lines of right now when we're doing these reference points, we're talking pure science. We're not the scientists here on this council. We have people who have given us their best scientific recommendation. I think where our point comes in is when we deal with management measures after we've used the best scientific advice that we have been given.

I'm sitting here listening to all this discussion going off on different tangents and all this, and I'm thinking what is happening in Georgia and Florida right now is mirroring exactly what we went through in North Carolina with snowy groupers. It sucks; it's hard to deal with the phone calls and all the things that you get, but you know what, we ended up having to go with the science. It's still really painful for us in North Carolina.

We're going to consider a deep water fishery closure in North Carolina that is going to make it even worse. It's bad all around, but I'm thinking what we need to do is stick with the science that we've been given. I sat through the SEDAR Review Workshop on this. The CIE agreed that the 40 percent SPR – we've heard from Erik again. We've heard from our SSC that they think this is where we need to be. I can't help but feel we're trying to find some wiggle room because we have some difficult management measures that we have to deal with. Let's get the science down right and then let's deal with the management. Obviously, I'm going to suggest that we stick with our preferred.

MR. HARTIG: Erik, in calculating msy based on long-term average catches over time, if those surveys are incorrect in the early days, would msy change?

DR. WILLIAMS: MSY isn't really based on average catches. It is pretty much based on that stock/recruit curve, and then your stock status determines whether your catches were too high or too low relative to that curve. Really, you can't look at average catches and determine whether msy is appropriate or not.

MR. HARTIG: The other part of this is that when I was a council member before and we discussed 30 percent SPR and 40 percent SPR, we looked at the mackerels, you know, faster growth, early maturing, and we said, well, F 30 percent was appropriate for those and F 40 percent would be appropriate for a bottom fish species, longer lived, late maturing, slower growing.

Red snapper no longer fits the F 40 percent definition that we used to use for those species. It is more like a mackerel now. It matures at age one. Their growth is almost incredible now compared with what we used to see in the older days. The fecundity at size; I mean, you're talking now an 11-year-old fish at 28 pounds is really unprecedented for growth that I've ever seen in any reef fish.

This fish has actually been forced by fishing pressure to change. An F 30 percent I believe would fit this fishery for now. The other thing is we don't have – we're in a box. This is the only thing we can do almost to change this assessment by a small increment. There is not a whole lot else we can do. **To end this discussion, I would make a motion to change our preferred alternative from F 40 to F 30 percent.**

MR. ROBSON: There is a motion; is there a second?

MR. HARRIS: I will second it for discussion.

MR. ROBSON: Duane seconds.

MR. GEIGER: Ben, you make a good case. We've learned a lot in terms of the life history of this particular animal, but one thing that we do know, that they also live to be 53 years old. We have a truncated age structure, and we've now got a fishery fishing for a five-pound fish, basically. When you look in terms of landings and recruitment into the fishery, it occurs at,

what, four years old, Rick, four years, five pounds, so we have created a five-pound fishery for red snapper.

MR. WAUGH: One of the fundamental changes that we've been telling the public that was made in the Reauthorized Act was to take some scientific determinations out of the policy arena and move them into the science arena. I think this is one of them. We apparently thought that this was a scientific determination because we've made our position clear I think in Amendment 15A, definitely 15B and Amendment 16.

The wording for the msy in Amendment 16 is what was up for our preferred alternative for our msy proxy. In the future it wouldn't even be an action item that came before the council for consideration it was so basic a scientific determination. It would be whatever came out of the SEDAR Review, the SEDAR Assessment.

This is a policy change. You are changing the recent amendments. Amendment 16 is currently under litigation as well. I would just urge some caution; and if you are going to change your policy and you're going to start voting on scientific determinations, we need to build a very strong case to go against the case we built in Amendment 16.

DR. PONWITH: Mr. Chairman, I'm not a member of the committee, but I think this is a good discussion. I raised my hand some time earlier in the discussion and much has been said since then. What I will do is just recap. When you look at the table that we've got up on whatever page it is that shows what the preferred alternatives look like under the different scenarios, that matrix – it's 138 or something – that it is almost a little deceptive because it creates a visual perception that there is shopping across that matrix when in fact the proxy for msy is the science decision that the SSC has had that decision.

They've had many discussions on this, actually have gone back and had the discussions a second time to make sure that there was clarity within the SSC and put these forward as the combination of the status quo and preferred alternative; that they should not be mixed up as being part of the management measures like some of the other management measures in the alternatives, that there is a separation. One is science and it's just how those management measures stack up within those two science alternatives.

MR. CUPKA: Mr. Chairman, I just want to go back to some comments that Erik gave when he again reminded us of the fact that this proxy Fmsy came out not only at the review panel but also the SSC the fact that it wasn't based on being the most conservative but on the science, but nevertheless in this case it is more conservative. It happens to be more conservative.

I have sat on this council since 1991 – that's 18 years – and I've seen a lot of times when we've tried to wiggle some of these things. They never come out quite the way we think they're going to because there are a lot of other factors operating. I think in this case we need to be conservative. We need to follow the science and therefore I am not going to support the motion.

MR. HARRIS: First of all, I apologize to the council for helping us with my friend, George Geiger, get off track on this issue to begin with. I seconded the motion for discussion because I

think this is the kind of discussion this council needs to have. We have got to understand the ramifications for the decisions that we make.

We finally got around to Gregg telling us that this was a science decision. Tell me if the science decision is not in the hands of the council to make a decision on, I am going to go with that. I am not going to vote in favor of the motion, but I want to make sure that the council understands what it is we're doing and what it is we're able to vote on and not able to vote on because it is a science decision. Just help me understand those things and I'm pretty easy to deal with.

DR. CRABTREE: Well, Monica can chime in with me, but I want touch on this. Number one, I want to start off by saying that you ought to very carefully listen to the advice of your SSC, and you ought to be very reluctant to not follow it. But, in this case you're not voting on msy; let's be clear about that. MSY, we can't estimate it at this point. It's somewhere between half a million and 4 million pounds based on what we have seen in terms of sensitivity runs, but that's not what we're voting on here.

I think we ought to probably restructure this a little bit to be clear about that. What you're voting on is a proxy that we're going to use. In this case I don't agree that this is entirely a science decision. There are elements of policy in this, and that you cannot get around. There have been different policy decisions made obviously in the Gulf. They went with a lower SPR target.

You have got something here that has elements of science, but it has elements of policy because it does entail what are the various risks about choosing one proxy versus the other and what if you're wrong? We talked about that at the last council meeting. I don't think you can just paint this as just a science call.

Now you have advice from your scientists, and again you would be well advised to listen very carefully to that, but I cannot and do not believe – and I'd like Monica to comment – and I think if you look through the guidelines on this, this is not a pure science call. We don't have science that is telling you that 40 percent SPR is msy and coincides with the F that maximizes the yield. We don't have that right now.

We're unable to estimate that because of the reasons Erik talked about, and so that's why you're having this discussion. That's why seven years ago the Gulf Council went through a number of these types of alternatives in their fishery management plan, and they dealt with it. I would like to hear if Monica has anything she can shed on this, if I could.

MS. SMIT-BRUNELLO: In the new guidelines out for National Standard 1 there is a section that discusses just what is going on here. I thought it may be helpful to read part of that to you: "Section 302H6 of the Magnuson Act provides that each council is required to develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its Scientific and Statistical Committee or the peer review process established under Subsection G."

Then it goes on to talk about how the Magnuson-Stevens Act didn't define what fishing level recommendations are, and it goes on to say, "In Section 302G1B of the Magnuson Act states that

an SSC shall provide recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield and achieving rebuilding target and other scientific advice.”

The guidelines go on “NMFS does not believe that the Magnuson-Stevens Act requires the fishing level recommendation to be equated to the OFL or the msy. The Magnuson Act specifies a number of things that SSCs to their councils. Of all these things, ABC is the most directly relevant to ACLs as both ABC and ACL are levels of annual catch.”

MR. GEIGER: I appreciate what Roy said in terms of this not being a total science decision, but there again the question that begs for me is why would you go against the recommendation of your SSC? For years we’ve prided ourselves in the fact that we’ve used our SSC and we understand what they’re there for and have followed pretty much their recommendations where in fact other councils haven’t even had a fully constituted SSC.

In some councils their SSCs never meet and in other councils they may not even follow the recommendations of their SSC and have drawn the ire of obviously congress to strengthen Magnuson-Stevens in terms of scientific input and the importance of the councils understanding and following the advice of that SSC.

I understand that we’re not determining msy here, but in Monica’s comments, when she was talking about what the SSC provides guidance to the council on, the last thing that she said was other things or other issues, the very last portion when you went on the litany of what the SCC recommends and it says “other issues”. I haven’t really heard any discussion or why we would even vote to not go with the recommendation of our SSC.

MR. HARRIS: I’m reluctant to ever go against the recommendations of the SSC unless there is some really, really reason that I think that they may have erred, and I’m not going to in this case. The reason I started this discussion and helped to get us off track was because of what Ben talked about when he said this species exhibits different characteristics as far as life history than what we used to think about this species, and it’s more of an F 30 percent than an F 40 percent SPR species, it appears. But given that, having said all that, I’m going to go with the recommendations of the SSC.

MR. HARTIG: I’ve reviewed every assessment that has ever gone through this council. I’ve done some papers on king mackerel. I’ve looked at the science versus the actual management decisions. In Atlantic King Mackerel I’ve got a paper that shows that the science has been significantly over the catches through the whole time series.

Now, that has been problematic in management. We would come to the council and come to these stock assessment people and tell them your quota is too high. We’re not seeing the fish on the water. We’ve got a certain gear that is really impacting this fishery. I lost 60 percent of my catches over a three-year period in one particular fishery.

So the beauty of Magnuson was we came to the council and in time the council listened to the anecdotal information from us. We were able to get rid of the gear. We put in restrictive bag and trip limits and we rebuilt the Atlantic King Mackerel Fishery to where it is today, which is a

very healthy fishery, in the face of the science that said that we had a healthy stock through the whole time.

Now, that is not the only example. Greater amberjack is another example. Greater amberjacks, I started in that fishery when we first started in 1986. I was in full swing in that fishery. Within the first three years we approached the council and asked them for a 1,500 pound trip limit. Well, that fell on deaf ears. The fishery progressed.

I was catching 1,500 pounds a day and I was happy with that. The fishery progressed with the fishermen catching 7,000 pounds a day. I tried to compete with them. I would catch my 2,500 pounds, I would take them to the dock and then I would go king mackerel in the afternoon. The science, through the whole amberjack scenario, never showed any real declines in the stock.

Well, the fishery crashed in about '96, and for several years I couldn't catch enough legal amberjacks to make a trip. Now, I mean there were plenty coming up of the smaller sizes, but that is another case where the science did not follow what happened in the stock, but we were able to manage that fish. We came in with a spawning season closure. The fishermen brought it to the council and we were able to come in with a 36-inch size limit that brought in, and we have brought the amberjack fishery back to maybe not quite 40 percent, which I would envision, but I would say at least 30 percent.

I mean, I still fish these fish and they have made a good comeback, and we see fish in the hundred pound range again. Everything looks good again in amberjack and what we did there did work to help bring this fishery back. That again was in the face of science that said the stock was healthy through the whole time.

Some of the reasons why the science can be suspect in some cases in the South Atlantic is we have never had the investment in fishery-independent data that we've needed to make the necessary contrast between the fishery-dependent data to have a much better assessment, and the scientists have been begging over the years from when we started to have this kind of information included in the process.

Hopefully, we will get more independent data future, but that is a long-term addition to our management system. I mean, even if we do add the new fishery-independent data collection systems in place, it is going to be a number of years before those bear any fruit in the management process.

So here we have a situation where we have in red snapper one of our only ways to get any relief for the fishermen is to change it to 30 percent. Fisheries don't operate in a vacuum, and this is one of the things that have bothered me since I weighed in on red snapper. The United States and the world is in the worse economic position that we've been in since the Great Depression.

Every job in America is crucial at this point. I have respect for what everybody said about the science all down the line, but we don't operate in a vacuum. If we can keep people in business by going to an F 30 percent and having a bycatch fishery in this red snapper fishery, I think it would go a long way to helping the people.

I've looked at the assessment and I see the mortality just slaps you in the face. If you look at all the different ways that you can compare and change the assessment sensitivities, there is nothing there, there is really nothing there that jumps out at you and change in any way to get us off of what this fishery looks like.

But there are bits and crumbs, there are crumbs, and you may at the end of the day – you know, with the different things that I'm working on, you may get a piece of the crust at the end of the day, and you may have a bycatch fishery at the end of the day is what I've been trying to work for. This is part of it. This is one way where we could possibly have a crumb in this fishery. That was why I put the 30 percent forward.

MR. GEIGER: Call the question, Mr. Chairman.

MR. ROBSON: Do you want to hear what Roy has to say? Is there any objection to calling the question?

MS. SHIPMAN: Yes, I object.

MR. CRABTREE: Well, I want to come back to what Ben just said because I understand what you're saying, Ben, but in this case I don't think it is relevant to this discussion. This isn't about finding relief for fishermen. This is about what is the appropriate proxy at this time for msy, and that really has more to do with the various risks involved and advice about the biology of the stock.

I don't think a rationale that relief for the fishermen really addresses the issue here. I think what you need to think about here, well, what is the risk if you choose one proxy and find you're wrong? We talked about that the last time. If you go with 30 percent and find out six, seven and eight years down the road it's 40 percent, 45 percent when the stock/recruitment curve is better understood, you're going to have to come in and make some deep reductions at that point in face of the largest standing stock of red snapper that most people out there have seen, and it is going to be extraordinarily difficult.

If you go with 40 percent and find out down the road that it is really something closer to 30 percent, well, the consequence there is you're ahead of the game, and you can back off a little bit. Now, part of this touches on what Ben is getting at. You may have also put in place more strict regulations than you needed, and you may in fact force some people out of business that you might otherwise not have. But, I think those are the ways that you need to think about this. I just wanted to say that.

MR. ROBSON: Okay, there has been a call for the question. Is there any objection to that? The question has been called. **We'll have a show of hands for all in favor of the motion to change the current preferred alternative from 40 percent SPR to F 30 percent SPR; all opposed to the motion. The motion failed.** All right, Rick, let's go to the next alternative.

DR. CRABTREE: Before we leave this alternative, though, I do think we ought to recouch how this is put out, because I think there ought to be some discussion in here, and I think there is later

in document about the problems with the spawner/recruitment and the uncertainty about msy, but I would like to see the actual title of this and all – I want it to be clear we’re not voting on msy.

MSY is somewhere with a big range. What we’re really talking about here is a proxy and we’re selecting what will become the rebuilding target at least at this time and what is effectively the fishing level limit at this time, which is the 40 percent SPR. Also, we need to be careful about discussions about equilibrium situations.

I know I’m getting technical now, but there are places in the document, I think in Section 4 where it talks about “because both of the alternative msy specifications exceed average annual harvest, neither specification would imply or necessitate harvest reductions,” and I just don’t think that is a true statement.

I mean, Ben, we just had a discussion here about the impact of this. We’re not just selecting an equilibrium msy estimate that is going to happen 30 years down the road. We’re talking about something that does affect the decisions we’re making now in terms of what we’re going to rebuild to and how much reduction has to be had.

So, I think we need some restructuring in here where we clearly distinguish between the equilibrium-type aspects of msy, which I would agree don’t have much impact on what we’re doing right now, but the selection of the target that we’re going to rebuild to. It seems to me this is kind of intimately tied into the rebuilding strategy section that comes up later because part of the strategy has to be, it seems to me, is what is the proxy you’re going to rebuild to and how you’re going to get there is affected by the decision you make here.

I’ll bring this up again in the next alternative, which is oy because I think that’s meshed in. I talked to Rick and Gregg a little bit about this, and I know they’ve thought about it some, but I think some kind of restructuring in here would make this more clear in terms of what we’re getting at.

MR. WAUGH: I’m confused on one point. One of the requirements of the Magnuson Act is that we specify msy. We had certainly been intending to use 2.304 million pounds as the msy. If that is not the msy, then we need to know what value to put in there in place for msy.

DR. CRABTREE: Well, as I said, though, we don’t know what msy is. Now you could say that is the proxy that results from this choice now, and that’s one way to do it, and I don’t think anybody is going to have any issues with that. I think another way to do is say msy is somewhere between 500,000 and 4 million pounds.

I mean we don’t have a credible estimate of msy, so what we’re talking about is a proxy right now. But when you look at the way this is laid out, it looks like we’re voting on msy and we’re not voting on msy. We’re voting on what is the proxy we’re going to use from right now. That may be subtle difference but I think it’s a significance difference particularly when you think about the discussion we had.

No one is going to argue that the councils ought to vote on msy. MSY is a biological determination. The problem that comes in is when you don't what msy is and can't estimate it and you've start selecting proxies. Then it gets a whole lot more complicated. That's what I'm getting it. I think there are different ways to get at this.

I think you could do this that has a discussion about these are the range of the msy estimates we have so msy is somewhere here. Now, in order to have a rebuilding plan we've got to choose the proxies that we're going to operate on until such time that we can better determine what msy is, and so to determine what those proxies are we're looking at 30 percent and 40 percent SPR. I think there different ways you could do this, but that's my point.

MR. WAUGH: Maybe it's still a little too subtle for me because I'm still confused. I don't know what value to put in, Roy. Now you're talking about now using a range from F 30 to F 40 percent. I think we need some clear guidance to staff here what are we putting in for msy.

MR. GEIGER: Thank you, Gregg, for making my argument. It says msy equals the yield based on the proxy. I mean, I think we are voting on msy. My question originally, when I raised my hand before we went to Gregg, was, well, what do we use for an msy value other than what is listed in that block?

MR. HARRIS: Is it just not explained well enough for you, Roy, because –

DR. CRABTREE: Yes, this is just a matter of explanation. The bottom line is we do not know what msy is in this fishery except we can say not with much certainty, I would argue, but probably it's the case that it's between 500,000 and 4 million pounds. If you look at all 40 sensitivity runs, I think the lowest estimate is close to 500,000 and the highest is to 4 million.

I think it's quite likely that the real msy value is in there. What we're voting on here is not on msy; it's on a proxy for msy, which is different. It's very different to vote on a proxy. You don't vote on msy; you do vote on proxies. That's different. The way it's written now, all I'm asking is that it be explained more clearly that msy is a factor that we can't estimate now for a variety of reasons, and it could be much lower or higher than the proxy we have.

We are voting on a proxy; yes, you're right, the value that results in fishing at that proxy at equilibrium is this number, but this is all just about discussion and laying it out and explaining it all in a clear way. But it does leave the statement in the document that basically says there is no economic impact from this decision, and clearly this decision does have immediate economic implications. That's the kind of thing somebody will call us on and we need to get very clear about it.

MR. HARRIS: It just seems to me that a very simple way of doing this, you need to explain it in the document, but under Item 5, the values for msy and F 40 percent SPR, maybe the values for msy and in parentheses "proxy". Just explain that it's a proxy, explain it in the document, and will that satisfy that concern?

DR. CRABTREE: Yes, I think if it is all explained properly and then we're careful about how it's analyzed, that is really all I'm getting at.

MR. WAUGH: I mean that's what it says; it says msy is the yield produced either by Fmsy, if you know what Fmsy is; and if you don't, then it is yield produced by the Fmsy proxy, and so the msy using the Fmsy proxy is 2.304 million pounds. I mean this is where I'm unclear. To me it's explained right there with how you worded your action; and as soon as we get an estimate – the value for msy will change in 2010 when we get the red snapper stock assessment.

That SEDAR assessment and the SSC review will either produce an Fmsy or a proxy for Fmsy, and this number 2.304 million pounds will likely change, but that is not going to be an action item for you all in the future. That number will just change based on how you've told us to calculate it, and that is calculated by using either the Fmsy, the yield from Fmsy, or the yield from the Fmsy proxy.

MR. ROBSON: It seems like it is some nuance of how we write it out in either the table or in the text, and maybe we can work with staff offline and get this addressed so it's clear that we're talking about a proxy here. All right, moving on.

MR. DeVICTOR: Moving on to optimum yield, this is on PDF Page 163 or 139 in the hard copy. Okay, we have a series of alternatives and we have a preferred alternative. The no action alternative is oy equals the yield produced by Foy where F 45 percent SPR is used Foy proxy. Just as we with the 15s and Amendment 16, we have a series of stepping-down Fmsy for the Foy, so there are alternatives for 65 percent of Fmsy, 75 percent of Fmsy and 85 percent of Fmsy.

We have a separate table there showing what those values would be at the F 40 percent proxy and at the F 30 percent proxy. This maybe this is where Roy – because we are deciding here on 75 percent of Fmsy by the current preferred alternative. If you flip ahead to the rebuilding strategy, you're also voting on Frebuild there. Maybe we do not need to have a rebuilding strategy alternative or action. We could add a column here stating what the ACL would be from the 75 percent of Fmsy strategy. Perhaps that is one way to deal with it.

DR. CRABTREE: That might be a good way to deal with it, but what did jump out to me is when you get to the rebuilding strategy section we go through all these same choices all over again. Unless you view optimum yield here as just some equilibrium number that doesn't have any meaning for now, which seems kind of an awkward thing to do to me, it seems to me that by choosing optimum yield we're choosing a target F, and that is tied into choosing the strategy so the two are really – maybe one way to get at it is optimum yield and rebuilding strategy for red snapper.

It would be weird to me if you chose a strategy that had a higher F than what you choose for optimum yield because it would seem like then you're saying that because we're overfished we're going to fish at a higher F until we're rebuilt and then we're going to fish at a lower F from there forward, and that seems counterintuitive.

I think you guys will just going to have to figure out, Rick, about how to make sense out of this and mesh it together. And, again, the way it is laid out gets into some of the issues that I raised with msy because there are statements later in the social impacts in some parts of the document that essentially say that the choice here doesn't necessitate any harvest reductions and doesn't have any adverse social impacts. If you think about it the way I'm saying, it clearly does have impacts on what kind of reductions are going to be required, and I think we need to address that.

MR. ROBSON: Right now we have a preferred alternative selected at 75 percent of the Fmsy proxy at 40 percent SPR. Is there any discussion about changing or do we move on? Is there any other discussion to bring before the committee on that particular alternative? Rick.

MR. DeVICTOR: And just to clarify, jumping ahead to the rebuilding strategy, what we talked about were your preferred, and we'll go through these at 75 percent of Fmsy; and that's your oy so we'll meld those two actions together, and that's where you get your ACL from, and currently it is 61,000 pounds whole weight. We'll add either a column or the discussion under this new oy/rebuilding strategy alternative; just to be clear.

MR. ROBSON: So we're ready to move on to the next alternative discussion.

MR. DeVICTOR: The next one is the rebuilding plan, and this also brings up the question of what do we do with this action? We have a range of alternatives here. We use Tmax of 35 as the preferred alternative now. If you look at the projections, actually those alternatives rebuild faster than 35 years, so it gets a little bit confusing. Now as we're bringing oy and rebuilding strategy into one action, the question is should we retain this in the document?

MS. SMIT-BRUNELLO: Rick, why would you not retain rebuilding schedules in the document?

MR. DeVICTOR: Well, we state 35 years, but as I said the rebuilding strategies, as we go through them they actually rebuild in 22 years. Well, actually the preferred rebuilds in 22 years. I think we may be giving a wrong message to the public where is our preferred is 35 years, but actually we are projected to rebuild sooner. Maybe we can clarify that in the language. This is how we have proceeded in the past with the rebuilding plans. We first pick a schedule to rebuild in and then we move on to the strategy.

MR. GEIGER: Rick, is there any disadvantage to leaving a 35-year rebuilding plan in there and if we rebuild sooner, we take whatever actions we can and just cut off the rebuilding – I mean, the stock is then rebuilt so does it really matter whether we have listed 35 or 25? It would seem to me that if you had the longer time period you would have a tendency to stay on track better and not fail in your rebuilding plan.

MR. DeVICTOR: Yes, I think that is a good way to approach it, but I think we should have language in there of what it's projected to rebuild to according to those but add exactly what you said.

MR. HARRIS: One of my major concerns with these fishery management plan amendments is that they're virtually impossible for the public to understand. When you have language like this in there, unless it's thoroughly explained, what the public is feeling right now is that they're not going to be able to fish on red snapper for 35 years, and that is very confusing and very disheartening to people, and obviously it is to me as well.

Like George, I won't be around by that time, but I think as long as we explain what does this mean for fishing, then I'm happy with it like it is, but somewhere in here we need to explain that this fishery could rebuild much, much faster than that. It could be rebuilt faster than what we're projecting at 22 years, but somewhere in the document, so that it is clear to the public what it is that they can expect out of this.

DR. CRABTREE: One thing that I think Rick brought up was that some of the strategies actually recover ahead of these rebuilding plans in here, and that gets at one of the things that I think needs to be better addressed probably in the strategy section, and that is what is the probability of recovery.

That's something the courts have focused on in the past, and it obviously has to be greater than 50 percent. That was determined in a court decision somewhere along the way. I think, Rick, we do have some explicit estimates of probabilities of recovery. But when you think about if you recover ahead of time, and I think some of our strategies get you there five or six years ahead of the end of rebuilding, what that means is your probability of rebuilding is greater than 50 percent.

So if you're supposed to rebuild by 2035 and your strategy says you're going to get there by 2030, then you've got better than a 50 percent chance of getting you there, and that's good because you need to be able to make the case that you've better than 50 percent probability of getting there.

I can't tell you what the probability of success has to be, and that's something you have discretion over, but we do need to be able to make a case in here that the probability of recovery is greater than 50 percent. That gets into some of the issues raised in our management measures. Nick has talked about compliance and there is that field in the spreadsheet about what is compliance?

Well, if our rebuilding strategy has a good probability that is significantly better than 50 percent at getting us there, then you can be less concerned about some of the things like that that are hard to control, but if you're setting something up that just barely meets the 50 percent probability test, well, now you've got to be more concerned about some of those other things, because just a little loss of compliance may keep you from rebuilding on time.

That's something, Rick, I think we need to be more direct about. I guess it's in the document and in the tables right now, but probably in the discussion there, when we talk about the various strategies we ought to talk about the time to rebuild, when we rebuild, what the probability is.

MR. HARRIS: Roy, I agree with you and I agree we need to be concerned about what the courts are going to find if we do end up in a lawsuit over this, which we probably will. But what the fishermen are concerned about is when can they start fishing again. If we shut this fishery down, when is it likely that we can begin to fish on a limited basis on this fishery again? They're not concerned about when the fishery is going to be rebuilt; they're concerned about when they're going to be able to fish. Some way or another we need to be able to try to explain that.

DR. CRABTREE: I've struggled with that one myself, and I've asked the folks with the projections that question but have never really gotten an answer. When you look at these projections – and I can't tell what columns, but one of those is removals, right? And so they go up as the stock rebuilds, and so obviously down the road the numbers of removals we can have goes up a lot.

Then the question becomes and the problem is we've got to figure out how to have removals without all of the discards. I think that's the key – once we get all of this in place, that is the real key question is, okay, now how are we going to go out and take some of these removals without creating so many discards? I guess when we get to the management measures, I think that is inherent Georgia plans and all these things. That is really what this comes down to, you can have removals.

The problem is how can you have the removals without creating more discards? That's just something we're going to figure out and maybe there ought to be a discussion of that somewhere in here about reopening the fishery at some point or another, because, you're right, boy, that is what the fishermen are going to want to know, how long is this for and we better have a decent answer for that one.

MR. PHILIPS: Well, are we going to revisit this rebuilding schedule when we do the next assessment? I mean, when we do the next assessment obviously some numbers are going to change more than likely, so do we look at this again and is that when the discussion comes up of even if we can't catch the fish when the discard levels change, so you maybe can open up some closed boxes. I'm almost more concerned about the closed boxes than the other effects that this thing is going cause with the other fisheries as almost more so than American Reds. Will we look at it again and when?

DR. CRABTREE: Well, the Act requires you to review rebuilding progress every two years, but I would think we almost certainly will relook at this when we have the new assessment. Unless it comes out pretty much identical to what we've just done, I would think there will be a need to come in and make some modifications of some of these things. The council can come in and revisit this really at any time as long as you have good rationale for coming in and making changes.

MR. GEIGER: And that's one of the difficulties of trying to look at a schedule without looking at the strategy that goes along with it. In the strategy it talks about that under the preferred alternative where we're going to take the next assessment into account. The strategy is also a constant catch strategy which addresses the issue with the potential for having a 50 percent chance.

Rick, correct me if I'm wrong here, but when you look at our rebuilding strategy and keeping your constant catch when in that strategy you could increase the catch periodically each year, incrementally each year, that that helps recover the stock quicker and in fact gives us a better than a 50 percent chance of maintaining our recovery schedule, correct?

MR. DeVICTOR: Yes, that's right. As Roy pointed out, your removals are increasing through the various years. However, as the biomass increases it is expected that people are going to interact more with red snapper, possibly more discarded, too, so you have to take that into account, but you are right that it is a constant catch. This was what we've done in the past with snowy grouper and black sea bass where you're holding the catch until the results of the next stock assessment.

MR. GEIGER: And to that point that Rick was talking about the potential interactions, of course, that's the thought behind having the block closures to preclude bycatch interactions as much as possible.

MR. DeVICTOR: Yes, I'm talking about outside of that block closure certainly people are going to be running into.

MR. GEIGER: Areas north and south of the closed areas?

MR. DeVICTOR: Yes. And here we've been talking about the probability of recovery, and the council has received letters over the last couple of days, one from Pew talking about this. I just wanted to point this out. This is from Red Snapper Projection 5. This is in your June Briefing Book material and you can see the column right here, and this is 75 percent of F 40 percent.

We can go through as we go through each of the rebuilding strategies, but there is a column for recovery; and if you go down to 2045; again, that is with the 35-year rebuilding and you have an 84 percent chance of recovering to SSB MSY. You can see what is the percent chance of recovery with each of these rebuilding strategies.

MR. ROBSON: So we currently have a preferred alternative for the rebuilding schedule. If there is no wish to change that or discuss it further, we'll move on. That is currently the Alternative 4 with a 35-year rebuilding schedule. All right, we'll go on to the next alternative and that is the rebuilding strategy.

MR. DeVICTOR: Right, and here we get into the strategies on what is going to be the F rate to rebuild this stock. Alternative 2 sets it at Fmsy, and then you have corresponding ACL in 2010. Again, that is the first year that rebuilding would occur, so that is 82,000 pounds. Alternative 3 is setting it at 85 percent of F 40 percent or Fmsy, and your ACL is 69,000 pounds whole weight in 2010.

Then you have your current preferred which is to set that at 75 percent of F 40 percent and your ACL would be 61,000 pounds. Alternative 5 is 65 percent and that is 54,000 pounds whole weight. Then the committee made a motion when you met last to, well, what would be if you rebuild exactly in 35 years, so this is something that the Science Center put together, and what

that would equate to is at 96 percent of F 40 percent. Again, that would rebuild in exactly 35 years.

The rest above here, two through five, actually rebuilds sooner. I could show you those values if you want to in a table of when it would be expected to reach SSB MSY. So for Alternative 6 that would set the ACL at 78,000 pounds whole weight. Then Alternative 7 is the one that we talked about the last time of setting ACL equal to zero.

This is what we're looking at doing for speckled and warsaw grouper, too, where zero would just be the landings only. Then you would set up an AM through there by tracking the CPUE. Again, there is a concern of setting up an ACL that would be total removals and you would have self-reporting for those. This would sort of get around that problem where you would only set your ACL according to the landings and track the landings.

MR. HARRIS: I don't follow that, Rick. You set your ACL according only to the landings; explain that to me. Something doesn't compute.

MR. DeVICTOR: What that is saying is that you would achieve your ACLs, you prohibit harvest of red snapper. If you totally prohibit any landings from occurring of red snapper, then you would achieve that ACL of zero. That is how I read it, but the question is how do you monitor the discards associated with that? Perhaps Roy can explain it better.

DR. CRABTREE: If you think about it, most of the catch limits that we set in terms of quotas and things like that are landed catch, and they're not total removals. Now if we've had lots of discussions particularly in the Gulf about trying to set things as total removals, but it always comes back to, well, how are you monitor it.

It seems to me a choice that you need to make as the council is are you going to set an ACL that are total removals or are you going to set an ACL that's landed catch only but factors in what you think the discards would be. It has implications in terms of triggering accountability mechanisms because if you set an ACL – and in most of our fisheries when you say total removals, that means the ACL would be landed catch and discards, but in this case the fishery is closed so you're setting an ACL up that is nothing but discards.

That means you're going to then potentially come in and trigger accountability mechanisms because the discards are too high. It is going to be mostly commercial logbooks and I guess we do have some observer coverage maybe in the fishery, and then it is going to come out of the MRFSS B-2 estimates, and those are all the issues that we talked about yesterday about incentives to discourage reporting that would come out of that kind of thing, and are you going to want to be in a situation where you maybe come in and say we have got to close another 300 square miles down because MRFSS reported too many discards.

You all know that we're going to hear a lot of complaints about that. So what is the alternative then if we just set the ACL at zero? Well, that would seem to me that there is no accountability mechanism needed for an ACL of zero, but we still need to have some accountability to see if the rebuilding plan is working.

That than leads you, like it says in this alternative, to somehow tracking improvements in stock status through a fishery-independent monitoring program. Well, that has a whole lot of difficulties in terms of being able to fund it and what is the baseline going to be and all of that kind of thing. There are no good ways to go here there aren't full of a lot of problems, but you need figure out what you want to do with that one.

MR. GEIGER: I agree with Roy and he's right about the discards, but I'd take it a step further and talk about landings. I mean how do you monitor landings? The same reporting incentives are there for the person who catches the last fish to report that they caught the last fish even if you had a tag program. Monitoring becomes problematic in terms of landings and discards and not just discards.

MR. HARRIS: I'm going to make a motion that we adopt Alternative 2, which is the ACL in 2010 would be 82,000 pounds whole weight.

MR. ROBSON: We have a motion; is there a second?

MS. SHIPMAN: I'll second it for discussion.

MR. ROBSON: Susan seconds. Roy.

DR. CRABTREE: Well, now this gets back into a comment I made earlier because when you look through these strategies you'd see the resemblance to the choices you just made in the section about optimum yield. Now, if you chose a fishing mortality level at 75 percent of Fmsy for optimum yield but now you're going to choose to set your fishing mortality rate right at the F 40 percent level, then what were you choosing when you chose the target level for optimum yield, and that gets at what I brought up earlier.

Somehow we've got to explain what we're doing here because if what we chose for the optimum yield target rate is not rate we're going to try to apply now, then my question to you is, well, what is it then? And if it is the fishing mortality rate that we're going to apply now, then didn't you already choose your rebuilding strategy when you chose your optimum yield mortality rate?

I think this section and the optimum yield section are intermeshed and they need to be combined with each other somehow or something. Otherwise, all I can think of is when you chose optimum yield you were choosing an equilibrium number and an equilibrium yield that doesn't have any impact until after recovery has occurred, so 35 years out in the future. If that is the case then it seems to me in the rebuilding period you're defining optimum yield by your choice of rebuilding strategies.

I guess you could lay it out that way. It's a little awkward but I don't think there is a real reason you couldn't, but it's not laid out that way in the document right and that potentially gets you into – if this motion passed I see just an inconsistency in what we're doing. On the one hand we said optimum yield is 75 percent of Fmsy, but then we're going to choose a rebuilding strategy that sets the F at Fmsy, and that somehow we've got to resolve.

MR. HARRIS: Thank you, Roy, and that's why I made that motion because I wanted to have this motion. I want to make sure we all understand what choices we really have. We really didn't have this choice based on a previous decision that we made. You're right, we have got to somehow incorporate that into the earlier discussion of oy so that we know what choices we have.

When you put in here that we have these other choices, we really don't. We really made the choice, so this is not even an option we can consider based on a previous decision that we've made; is that correct?

DR. CRABTREE: Well, to me if you want to choose something different here you need to either redefine oy and revisit that decision or you need to be clear that you're two different specifications of oy; one that is after recovery and one that is rebuilding. I can tell you it is a tough argument to make to choose a more conservative fishing mortality target after recovery than the one you're choosing during the overfished period. Yes, you've got a problem here to figure out.

MR. GEIGER: Herein lies the problem that I tried to get to before the last meeting where every decision we make going down line, they're inextricably linked together. Once you go off and make your first decision and your second decision, you now are almost locked in as you move forward. There was some discussion I had with Rick about putting together a little chart that shows if this, then that, then that, and then what.

The problem is it gives you the end result before anybody has an opportunity to debate on it. And if you have an end agenda of trying to decide that you want to have X at the end, you can look and find out what you have to do to get to X, which is not necessarily the best thing for the animal.

MR. ROBSON: Well, right now with the motion on the floor what would have to happen is a clarification of how we're going to use or define oy as terms of equilibrium or current oy.

MR. WAUGH: This comes back to Ben's discussions when we were talking about msy. If you want to say in the long term your goal is an optimum yield of 75 percent of Fmsy, but given where the stock is now the impacts from that are so severe that you want to take a different approach during rebuilding, which is what Roy was talking about.

The most you can do to address severe social and economic impacts is end overfishing, so that would be setting the ACL based on the Fmsy. And as you see from Table 4-7, each year we could allow the total mortality to increase, but what you would be doing is calculating your management based on ending overfishing at the 82,000 pound level and keeping that in place until we get the next stock assessment change to see what we wanted to adjust.

So, here is where you have some flexibility to address the social and economic impacts. We have to end overfishing. This ends overfishing. And if your management in place based on the 82,000 pounds, then you can see that the projections increase each year. We do rebuild within the rebuilding time period, so I think you can make a strong case for this, but you do have to

address Roy's concern and differentiate your – if you want to call it your long-term oy and your oy during rebuilding.

DR. CRABTREE: I agree with Gregg on that. You can clearly argue what is optimal for the next few years is different than what is optimal when this stock is rebuilt and everything. You do have discretion there. We just need to explain it; and if the decision is what is optimal for now is different, then that's fine, but it's just the way the document is laid out it doesn't address that and we're going to have to. We need to be careful about it, though, because this is the sort of thing that people are going to really look at.

MR. ROBSON: From my perspective that's certainly what I would like to try to do in recognition of the impacts that all of these decisions are having. George.

MR. GEIGER: Rick, at 82,000 pounds what does that do to our rebuilding strategy in terms of success percentage; does that put us right at 50 percent chance of rebuilding?

MR. DeVICTOR: This is Table 4.7 in that Red Snapper Projection 5. This is setting an F equals F 40 percent; again by 2045 it is a 44 percent chance of recovery to SSB MSY.

MR. GEIGER: Okay, say that one more time a little bit louder.

MR. DeVICTOR: Okay, this is Table 4.7 in Red Snapper Projection Number 5. This is where F equals F 40 percent, which is your Fmsy value – if you look on the recovery column that gives you your chance of recovery to SSB MSY; and if you go to 35 years, which is 2045, it is a 44 percent chance of recovery.

MR. HARRIS: George makes a good point, but I thought what we were talking about was a strategy for rebuilding early on. That strategy is not going to stay the same strategy. It is going to change for the long term, so what we're talking about now is addressing the social and economic impacts of the decision we make.

It is not a big change from 61,000 to 82,000 pounds, but it does allow us some way of addressing social and economic impacts right now. I don't see anything that allows us to do that. I'm concerned about that because I do think we have an obligation to address those. If there is a way to address them right now by giving them a little bit more fish in 2011, until we get the new assessment done and we're going all this at that time, anyway.

I'm not willing to adopt a strategy that doesn't give us at least a 50 percent of rebuilding, but early on, for the first couple of years at least, I'd like to give them a few more fish. If it's closed down, it doesn't really matter how many fish we're giving them, but if we give them a few more fish early on, then I would be in favor of doing that.

MR. GEIGER: My question is to Monica. Monica, can we adopt this as a rebuilding strategy if it doesn't have a 50 percent chance of success?

MS. SMIT-BRUNELLO: No, and here is a comment.

DR. CRABTREE: Could I comment? This table and the rebuilding strategy in Alternative 2 that I think was your motion, right, Duane –

MR. HARRIS: Right.

DR. CRABTREE: -- they are not the same. What Alternative 2 does is it sets the fishing mortality rate at F 40 percent in Year One. It then holds the ACL constant at 82,000 pounds the way I read it for the remainder of the rebuilding period, which means the Fs are going to go down every year. According to this alternative, it rebuilds ahead of time.

Now, I don't think that's a viable strategy, but this is effectively a constant catch – it's just not landed catch – kind of strategy which isn't going to be sustainable. That's what you said up here, and so probably these need some tweaking or modification. I think maybe you could set this up in a way that is how you're going to set it in Year One until we get the updated assessment, and then you're going to transition to a constant F strategy that would set the F targets at this and hold them out. I'm pretty surer when we do the analysis on this we'd have to analyze it based on holding that ACL constant the whole way out, and I suspect that's virtually impossible to try and do.

MR. ROBSON: All right, we have a motion on the floor to select Alternative 2 as the preferred alternative. Is there any further discussion on the motion? **All right, all in favor of the motion which would be to change our preferred alternative from Alternative 4 to Alternative 2; all in favor of that motion to change the preferred signify by raising your hand; all opposed. Okay, it is a tie vote. In the case of a tie I would vote in favor of changing the preferred alternative to Alternative 2.**

DR. CRABTREE: Okay, so that motion is passed, but what I would tell you is that I don't think these are realistic in the way they're set up. I mean you can't really think you're going to come in and hold the ACL constant at 82,000 pounds until the stock is rebuilt. What that means is you're going to have to increase the size of the closed areas you put in place every year to account for the discards going up because there are more fish out there.

I don't think that's what you mean and what you want to do, so I don't think you want to do that. Now, I think you could modify it in a way to be clear that you're specifying the ACL for Year One and that we've got an update coming, and then you're going to proceed along a constant fishing mortality trajectory fishing at F 40 percent or some fraction of that. That we could probably look at and work through, but that is not what you have as an alternative now, so I think you need on this some more.

MR. HARRIS: And, Roy, that's exactly what I want to do. Like I said, I'm not going to vote for something that doesn't give us at least a 50 percent chance of recovering the stock. If we can adopt this as an ACL early on – well, Rick has got it right here. Rick is going to explain it to us.

MR. DeVICTOR: Well, Roy, if you read the wording of the alternative rebuilding strategy, it says the ACL for 2010 would be 82,000 pounds whole weight. The council will review ACL

and management measures following the next scheduled assessment for red snapper. I think the intent was to hold this until modified.

DR. CRABTREE: Okay, but how do we analyze it then? We have to analyze it right now and we've got to analyze it until recovery, so how are we going to analyze it. I think you're going to analyze it that it just stays in place. We just need to be more clear. I agree, I don't think that – the trouble with this one, Duane, is if you say what you mean is set the ACL for 2010 at the 82,000 pounds, then fish at F 40 percent for the rest of the way through, then I don't think that recovers by 2045.

At least the table we looked at a minute ago showed that it only had, what was it, a 40 percent probability of recovering –

MS. SMIT-BRUNELLO: Forty-four.

DR. CRABTREE: -- if we fish at 40 percent, so that doesn't really work and the agency just can't approve something that doesn't have at least a 50 percent probability of getting there. We just need to be more clear about what we mean because the way it's written up it's not clear what happens after we get there. It can't just be fish at F 40 percent because that's not going to get you where you need to. Do you follow what I'm saying, Rick, it just needs to be laid out a little differently.

MR. DeVICTOR: As staff we talked about also you could set it at Fmsy in the first year and then transition in Year Two down to Foy. You would still get a bump in allowable take. I think that is one option that probably would get you there, but we'd have to ask the Science Center for that projection.

DR. CRABTREE: Well, the trouble with that one means you're going to put some closed areas in place; and then when you go to Foy, you're going to have to put bigger closed areas in place. To me this is kind of like pulling a tooth; let's not ease it out over the next two years. If we've got to do this, let's do it one time.

I don't think you want to come in and really set ourselves up in a position when we are going to get the new assessment and now we're going to have to expand these closed areas. It seems to me if you did it that way, Rick, you would have to, right, because you'd have to lower Fs about 25 percent after the first year.

MR. HARRIS: What I don't understand I guess is these tables – you know, you've got the 61,000 pounds for 2010 or the 82,000 pounds in 2010 or any of these other alternatives. There is such a difference in when you rebuild to msy. Based on those tables, I have a hard time understanding that – 61,000 versus 82,000 pounds in 2010. Why is there such a difference in the tables as to when you're going to rebuild this stock?

Why is there 44 percent by 2035 or 2045 and then over 50 percent – you know, I just don't understand that. We're talking about just the first couple of years at trying to keep it at a constant catch so we can address some of the social and economic impacts. We're going to

readdress this again next year, the end of 2010, whenever we get that assessment done, and we're going to make some other decisions.

I guess what I want to do is craft a strategy so that we can give the fishermen a few more fish now, but then go back and still rebuild or have at least a greater 50 percent chance of rebuilding by 2045 and probably than that. I guess I don't understand. Alternative 2 says the fishery would be rebuilt to SSB MSY before 2037. I'm just not understanding I guess the tables and why one table says that we've got a 44 percent chance of rebuilding and then this alternative says we'll be rebuilt before 2037. Explain that to me.

MR. DeVICTOR: All I can offer is one has to do with the probability and then one has to do with what year you would – I'm not sure when we say rebuilt by 2037 what the probability is around that. That's the only way I can think of maybe explaining the discrepancy between why is it 27 years. But if you look at it, yes, actually I think with Alternative 2, that would – and I'll check this out – that it would actually be more than 2037. The numbers I have is that would rebuild to SSB in 45 years, but I'll check with the person that did the projections on that.

DR. CRABTREE: I think the tables are a little confusing to me just looking at them, but if you set your reference point at F 40 percent so you're going to rebuild to the biomass that corresponds with F 40 percent and say, okay, and we're going to set our fishing mortality rate at F 40 percent, I believe what happens is that you get infinitely close but you never quite get there doing that.

I think when you find the right tables it will show that this one doesn't get you there with a 50 percent probability. It probably gets you real close, but I'm not sure where the 2037 comes from because that doesn't seem right to me.

MR. HARRIS: Mr. Chairman, I would not have moved to adopt this alternative if it hadn't had that language of rebuilding by 2037 in it. That's what this alternative that I made this motion for says, so if it's wrong then I'll be glad to withdraw the motion. We've already had a vote, so I can't do that.

DR. CRABTREE: The appropriate action then would be for you or someone on the prevailing side to make a motion to reconsider, but I do not believe this alternative – and maybe we need to take a break and figure it out, but I don't believe it has a 50 percent probability of recovery. You can't withdraw it, Duane, but you can make a motion to reconsider.

MR. ROBSON: Rick, you had some explanation.

MR. DeVICTOR: I'll check this on the break, but, yes, I do believe that statement that rebuilding to SSB MSY before 2037 is not right. If you go through the tables, you have two levels. One is going to MSST and that is officially not overfished, but then your target is SSB MSY and that is one minus M times Bmsy, so there are two different targets you're going to.

When you're rebuilding you're going to SSB MSY, so that should state that you would get to MSST in 2037. I believe you get to Bmsy much later than that, over 50 years, so that statement

is wrong. You can see this in the table where you see the bolded where you get to MSST and where you would get to Bmsy.

MR. GEIGER: Mr. Chairman, I apologize if this moves the train further off the track, but we've already heard that there is a desire to get more fish for the fishermen, to allow them to catch or turn a discard fishery into a landing fishery. I'm not sure we can even do that. Maybe we should have the discussion as to whether we can even have a directed fishery of any type, come to that conclusion, and then return back to here once we know whether we can have a directed fishery or not and then begin to debate this; you know, where we go in terms of a rebuilding plan or a rebuilding strategy at nauseam. I just don't know; it seems like maybe we're – you know, there is an end goal, and I don't know if we can achieve that end goal. Perhaps we need to make that determination before we can go forward.

MR. HARTIG: I agree with George; there are some things that I've seen in the data workshop. I mean we can reduce bycatch mortality in the red snapper fishery by 53 percent by going to circle hooks. There are some real gains we can have in this fishery if we did an interim rule to go to circle hooks immediately or whenever it was implemented that would have a dramatic impact on the bycatch of this fishery. That's something I think we maybe ought to do.

If we could incorporate it in the next assessment it would give a different picture at least in the mortality, although it doesn't – you know, I don't know how much that would give us, but it is another crumb basically. I think there are a couple of things that I bring up in the data workshop where in the next benchmark assessment there would be significant changes to the data workshop having fishermen with the knowledge in this fishery in attendance.

It would change. It has when I attend other assessments at the data workshop. When our fishermen with a long-history in the fishery are at the data workshop, the parameters that are introduced in the assessment change based on your input into the assessment. That is a very important part of it.

We didn't have any fishermen at the red snapper assessment with any knowledge of the fishery. There was no participation. Basically that was because the fishermen thought we had a healthy fishery going into it and why give up the time to attend an assessment when you think that the fishery is in great shape. Well, we find out that it is not based on the new assessment. And a new benchmark assessment in the future, some of these parameters will change and the values will change. I think what George said that we may have a discussion early on some of what I was going to bring up and it may change the discussion.

MR. ROBSON: I think it may be the right thing to step back and look at this a little bit more carefully after some of that discussion.

MS. MERRITT: Mr. Chairman, I'm wondering if it's feasible to use some of the words from Alternative 7 where we'd be able to have an AM to track CPUE and then have adjustments made by framework according to the results.

MR. ROBSON: You're suggesting applying that to Alternative 2 in terms of monitoring; is that what you're discussing?

MS. MERRITT: Yes.

MR. DeVICTOR: We do talk about monitoring in the last action and that is to develop a monitoring program to monitor the recovery of red snapper. Now we have bits and pieces in the rebuilding strategy for one alternative, and then we have it at the very end. I was thinking that we would talk about that at the very end; how are we going to monitor recovery of these species. Is it a separate action or is it pieces so maybe we should save that towards the end and talk about that.

MS. SHIPMAN: I think George's suggestion has merit, and I would like to reconsider the motion.

MR. ROBSON: **Move to reconsider; we need a second.**

MR. HARRIS: Second.

MR. ROBSON: We need to take a look at this and we'll have some more discussion later. I think we need to take a short break.

MR. ROBSON: All right, we're going to get back to the business of the committee. What we have now is we had an approved motion to reconsider the original motion, which was to select Alternative 2 as the preferred. Before the break the discussion was that there may be a number of things to talk about that might have a bearing on whether we select Alternative 2 as the preferred or not later in the meeting.

In that case, since we have an approved motion to reconsider the original motion, what we really need to do now is table the original motion until we've had some discussions later in the meeting. Robert.

MR. BOYLES: Mr. Chairman, I would **move that we table the motion that was to approve Alternative 2 as the preferred.**

DR. CRABTREE: I'm confused. We passed a motion to reconsider. That is done; there is no motion on the floor to table right now. What are we tabling? We have a current preferred that was chosen at the last meeting. The only way you can change that is to pass a motion to not have a preferred or have some other preferred, but I'm not sure what we're tabling.

MR. ROBSON: Well, I'm admittedly rusty on Roberts Rules of Order, but I thought the motion to reconsider meant that we were at a point of reconsidering the original motion.

MS. SHIPMAN: Well, I'm certainly rusty on Roberts Rules, but it seems once you move to reconsider your motion is still active again.

DR. CRABTREE: I think you're right.

DR. CHEUVRONT: Right, you have to go back to the original motion.

MS. SHIPMAN: Yes, and so I think Robert's motion is to table that motion until we have this other discussion.

MR. ROBSON: That's what I thought we were going to try to do.

MR. BOYLES: There are some other things I think we need to discuss before we go back to this issue on making Alternative 2 the preferred, and I think I'd enjoy some further discussion on some of these other issues. That is my intention is let's revisit this at a later time.

MR. ROBSON: And that is tabling?

MR. BOYLES: Yes.

MR. HARRIS: What if we just withdraw the original motion; can we do that now? The reason I say that is because the motion that I made for that alternative is not a correct alternative. It had wrong numbers in it, and I would not have made the motion had I known that. Can we just withdraw that motion at this point in time; are we legal under Roberts' Rules?

MR. ROBSON: We voted on that motion and approved it.

MR. HARRIS: Yes, but then it was reconsidered. The table motion confuses me. I know that I can move to withdraw. After the reconsideration was voted on, I can withdraw that original motion, but I'm just confused about the tabling right now.

MR. BOYLES: Mr. Chairman, I will withdraw the motion to table if that will clarify things.

MR. SWATZEL: You seem like you just simply want an up or down vote now on the motion.

MR. HARRIS: Well, no, I'm just going to withdraw it because it was not a correct alternative. The numbers were in it were not correct, and so I would not have made that motion had I known that, so I want to withdraw that motion. Then we can either stay with this subject matter or we can move on to a different subject matter and come back to this. **I move to withdraw the original motion.**

MR. ROBSON: And the seconder has agreed to that? Vince.

MR. O'SHEA: In view of what the maker of the motion said, you might – there is some issue about who owns the motion and at what point does it become the maker's motion and at what point does it become the body's motion, so you might want to ensure that you have the concurrence of the body to withdraw the motion other than just the maker and the seconder.

MR. ROBSON: And that might be the way to do it since there was a vote on that motion. What we have is a request to withdraw that original motion. All in favor of doing that signify by raising your hand. **Okay, the committee has voted to withdraw that original action or motion based on the incorrect number in the alternative in the document.** Okay, we can move on. Rick, the next alternative.

MR. DeVICTOR: Your current preferred alternative with the rebuilding strategy is Alternative 4, which is 75 percent of Fmsy, ACL equals 61,000 pounds whole weight. As someone brought up, that number could change if you reconsider the recruitment levels. We had a presentation yesterday from the Science Center to high, very high, extremely high, and I have table I can show here, too, on how that ACL would change if you'd like to look at it. Jack may want to comment on this because he sent it to me.

If you follow the F 40 percent proxy which you decided on as your preferred alternative and you follow your Alternative 4, which is 75 percent of Fmsy your current preferred, you can see what the increase in ACL would be along with the high, very high and extremely high numbers.

MR. HARRIS: When we're talking recruitment, are we talking about one-year recruitment, two-year recruitment, four-year recruitment; what are we talking about, explain that to me?

DR. CRABTREE: Well, that's what I just asked Jack to confirm with Erik, but this is a one-year one-time spike in recruitment basically to explain the year class that we have pretty good evidence that is out here, and then recruitment for the rest of the way returns to the same recruitment level it is in all the others.

As you can see, the net effect of that is that the initial ACLs that you would put in place in this amendment are substantially higher because there is a bunch of more fish out there, and in my view those are more realistic expectations of what we're likely to see is some varying of those high recruitments. I've seen enough; I'm convinced there is a big year class and there was a high recruitment. Then you're going to get the new assessment, which is going to come in, and it will redefine all of this, anyway, so it is just really a very short time, one-year kind of thing in terms of the ACLs that would be in this document.

MR. HARRIS: And we've been talking about 2006 as a year class with high recruitment, but in effect hasn't there been two previous year classes, the two previous years '05 and '04, that were also high? I mean, one of those years may have been extremely high, but there are three-year-old, four-year-old fish in the fishery that make up the bulk of the catch right now as far as what we've seen. When did those fish enter the fishery; what year class are they?

DR. CRABTREE: Well, I think those big year classes are like age 12s or so approximately now, but remember you have the assessment that estimated recruitments in the past. The problem becomes when you project forward you have to assume recruitment, and so it assumed some average level of recruitment. Erik can give you the details; I can't.

But then we see evidence that we had an abnormally high year class that happened but was not picked up by the assessment because the fish were too young, so how do you factor that in?

Well, Erik told us the best way is to update the assessment. We're going to do that, but we can't do that right now because we don't have the data and all those other things.

So then the question comes, all right, is there a way to factor that into the projections that we think we had this spike and we put it in there and that's what you're looking at here. But I think those last high recruitment years were back in the late nineties, '98, '99, and 2000, so those fish should be 11-12 years old right now.

MR. HARRIS: Is that what this is based on is those –

DR. CRABTREE: No, those –

MR. HARRIS: I didn't think so.

DR. CRABTREE: This is just based on that one year class that happened because those other ones were already factored into the assessment.

MR. WAUGH: Given the importance of this, and there is no doubt that we've had a year class or two move in, the question is what are the other year classes around those year classes doing? Are they average; are they below average? What is the recommendation from the Science Center on which of these we should use, whether we should stay with the base, the high, the very high or the extremely high?

DR. PONWITH: Correct me if I'm wrong, but I believe that we have put together these alternatives because they represent what is possible out there. Right now we don't have specific knowledge as to which of these is precisely what is happening out there. They're put out as an envelope of choices that can be made. We don't have specific knowledge as to which one is correct.

MR. WAUGH: Just very briefly, so then realistically the recommendation for the council's consideration is an ACL range of 69,000 to 104,000; and as long as we stay within that range, then we would be meeting the best available science as the Center has just laid out for us – sorry, 61 to 92, but that would be your ACL range based on the best available science.

MR. GEIGER: Gregg addressed the first portion of my question, but the second portion I have is that we talked about recruitment, and the one-year recruitment we're talking about is the recruitment class that was not considered in the stock assessment. It is based on the anecdotal information that we're convinced that the fish are in fact there.

But in the stock assessment there were one or two years of strong recruitment classes that they characterized as being there with nothing behind it, which we now we find out there is this other successful recruitment class behind. But the question now is what happened to those strong recruitment classes in '99 and 2000, and I've asked Erik if they could draw any conclusions based on the otolith sampling that we did over the summer. My concern is based on the current landings' rate being at an all-time high as to whether or not those original classes that were there are still strong or not.

DR. WILLIAMS: John Carmichael mentioned this yesterday, I believe, when he talked about, I think it was the '96, '97, '98 or somewhere in the last nineties year classes that now are currently showing up in this year's age structure as age 10, 11 and 12. Those were I guess you'd characterize them as above average year classes.

The problem, though, is keep in mind that the issue here with this fishery is overfishing. Those entered the fishery and got fished down rapidly. In fact, the decay of those very year classes is probably what is driving our current fishing mortality estimates for this fishery. It is how rapidly those year classes were depleted.

MR. CUPKA: I have a question for Bonnie and this is just clarification, but can you refresh my memory again on when we say high recruitment, that's the average recruitment for the years that went into the assessment? The high is based on the average value and then very high is the extreme recruitment year and then extremely high is 150 percent of the highest recruitment year; is that correct?

DR. WILLIAMS: Yes, that is correct.

DR. PONWITH: It is just to this point. We had Erik run some projections and we looked at those projections in a past meeting. Then the question came up we're seeing this recruitment spike; what would happen if we incorporated a recruitment spike into the projection; can we see what has happened to the stock under suite of scenarios?

That what this table basically captures is under a range of possible sizes of recruitment spikes what happens to this stock. What I wanted to say is that as you make your decisions and ponder your decisions, we're looking at these alternatives basically sequentially, which is a logical way to approach, but as we've already discovered the decision you make on one alternative impacts what suite of other alternatives are available to you and appropriate to you.

The one thing that I'd like to put in your mind from the standpoint of the science side and how you make a difficult decision in the absence of complete knowledge is that there is always a position within the range of risks that you're going to land and how you make that decision. If as you're viewing risk in terms of scientific uncertainty, you always land consistently on one side of that range of risks, whether that side be – well, my concern is if you land consistently on the high side.

So what I would say that as you evaluate these alternatives, if you take a decision that is on the optimistic side, that you make a note of that and have that influence how you make decisions that are farther downstream. What we want to do is make sure that if there are decisions that sort of have cumulative risks, that that is taken into consideration in how you weigh future decisions that we will be making farther down the road.

DR. CRABTREE: A couple of things, and, Bonnie, it doesn't seem to me there is much risk involved in this decision because we're going to update the assessment next year. So this is going to go into this document right now, but within a year or two from now we're going to have

a new assessment that looks at all this. I don't think this has any long-term implications so much in terms of risk like that because it is such a short-term decision.

The other point I would make is that I don't think it's as simple as Gregg's idea about just choosing a range because it affects the projections a little for a few years because this year class persists, and so it affects the reduction that is required to end the overfishing. Then it makes it some subtle changes in the projections that we've used to analyze things.

I also would argue if you set an ACL up as a range; aren't you effectively saying it is the high end of the range? I assume that the AM would only be triggered if you went over the range of the ACL. That is a couple of things because it doesn't seem to me – but it does seem to me we need to make some decision about which one of these scenarios we want to use.

I regard it as a very interim number, that if you're going to go through with setting up an ACL that discards that might have an impact at least only in the first year or so, but you'd probably get the new assessment before you triggered things, so I think we do need to make some sort of decision about how we want to proceed on that so we can get the numbers done.

MR. ROBSON: And, Gregg, correct me if I'm wrong, but this would actually – this decision about an ACL would be factored into the current preferred Alternative 4 even for the rebuilding strategy because right now we're referring to the 61,000 so we do need to come to some terms as to what we're comfortable with.

MR. WAUGH: And I wasn't suggesting that you specify the ACL as a range, but based on what Bonnie has said you could specify the ACL anywhere between the base now of 61,000, where you have it, and go as high as 92,000. But, yes, you need to pick what your ACL is and that should be a single value.

MR. PHILIPS: Okay, so now we're back to so technically the 82,000, Alternative 2, may go back to being a good number; is that what I'm hearing, because it's in this range?

MS. SHIPMAN: Correct me if I'm wrong, what I'm hearing you say is we could select – if we want to go with a very high estimate at 79,000, then that would be as close I think that would get us to the 82 as an interim thing, and we'd still adhere to Alternative 4, which was our preferred alternative.

MR. ROBSON: Getting back to all the confusion earlier, this is why we decided we needed to have some further discussion later on, and this is what we're getting to.

MR. HARRIS: Just to follow up with what Susan said, so if we were to move to accept the F 40 percent proxy based on recruitment is 79,000 pounds right now; that does not adversely impact anything else that we've done previous to this; is that a correct statement? Does that change anything we've done previous to any decisions that we've made? Well, if that is the case then I would recommend that we select, because of high recruitment, very high recruitment, at this point 79,000.

DR. CRABTREE: So what you would be doing then is saying we're going to base these projections and everything in the document on the very high recruitment scenario? I mean, we heard some cautionary words from Bonnie; and I want to just ask her, Bonnie, given that we're going to update the assessment year, do you have a problem with that decision, because it does seem to be it is a very – a decision is to have very narrow impacts in the long run because it would be addressed in the new assessment.

DR. PONWITH: And that is a decision for the very high? Yes, I'm comfortable with that.

DR. CRABTREE: I think that's a reasonable thing to do now. I mean, it's in the middle of those scenarios. It goes beyond anecdotal information. We've got a report from the Science Center on all of the ages, and they clearly reflect high recruitment.

MR. HARRIS: Then I would make a motion that we accept Alternative 4, 75 percent Fmsy, at the very high recruitment level, which is 79,000 pounds.

MR. ROBSON: Second by Ben. Discussion.

DR. CHEUVRONT: Repeat the motion, please.

MR. GEIGER: Just as a question; did the SSC recommend an ABC level?

MR. DeVICTOR: Their recommendation for red snapper ABC is according to the rebuilding plan.

MR. ROBSON: Okay, we have a motion on the floor and it was seconded. This is the motion: To set Alternative 4 as the preferred, and this is for the rebuilding strategy, Alternative 4 as preferred, and we would use the very high recruitment for establishing the ACL level in 2010 in that preferred alternative at 79,000 pounds. Roy.

DR. CRABTREE: It is not clear to me why – if we believe the very high recruitment scenario is the most supportable scenario based on what we're seeing, it is not clear to me why everything in the document then wouldn't be based on the very high recruitment scenario. Why would we only apply it to Alternative 4 and none of the other alternatives in the document? It seems it should be consistent throughout.

MR. HARRIS: That's why I asked that question earlier does this impact anything else that we've selected previously, and I thought I heard that the answer to that was no. I'm not sure I understand what you're asking, Roy.

DR. CRABTREE: Well, I guess I didn't understand what you mean by "selected previously". We're going to have a whole series of things in this document that are based on a rebuilding projection. It seems to me we're making a decision about the rebuilding projections and so that is going to affect everything in the document.

Clearly, this is something that the SSC is going to review this document, and we ought to get their view on it. I don't know how we do on that, but it doesn't make sense to me that it would only apply to one alternative, and then the other alternatives would be based on a different recruitment scenario.

DR. CHEUVRONT: Okay, I just want to make sure that I'm understanding this correctly, because what we're saying here is that based on a good year recruitment we feel that we could set this at a very high level. Instead of being the 61,000 pounds, we could go to 79,000 pounds; so instead of banking the benefit of having a very high level year of recruitment, we in effect could be affecting the rate at which this fishery will recover in the long run. So get a few fish up front, we're willing to make the pain last longer? I mean, am I understanding that correctly?

MS. SHIPMAN: Well, I think you really have to look closely at the way the motion is worded. It talks about this is the ACL for 2010, and it would remain in effect until modified, and what we know is we're getting back either a new full assessment benchmark, whatever that assessment is going to be, and then we would be responding to that for those subsequent years.

In that regard I think it is well based to take this course. I agree with Roy, I think it will affect future motions, but I don't believe – and correct me if I'm wrong – I don't think it affects anything we've done up to this point; with the msy proxy, with oy. I mean this is our first ACL motion.

DR CRABTREE: Yes, I don't think it changes the estimates of msy and those kinds of things. It will change all of the ACL estimates in all of these and it will change all of the projection tables in the document. Getting to Brian, I think the way to think about this is Alternative 4 says we're going to fish at 75 percent of Fmsy. That's the fishing mortality rate.

Now the question is, all right, how many discards do we expect to see at that rate? Because we're pretty sure there is this big year class, the document currently doesn't take that into account, so it is estimating lower numbers of discards than what is actually likely to occur. But the recovery rate is more determined by the F that you set, and that doesn't change with any of these kinds of projections.

I don't think this has any implications in terms of probability to recover and any of those kinds of things because this is just assuming one high year class. Putting aside that we're going to do another assessment, even if you weren't, the influence of that year class is going to diminish over time, so I don't think it would greatly change things.

DR. CHEUVRONT: I guess I'm looking at it instead of allowing 61,000 pounds to be killed one way or the other, you're willing to allow 79,000 pounds to be killed, so you're losing a net – you have a net loss of 18,000 pounds that could be used to help rebuild the stock in the future. That's the way I'm seeing it, because you're –

DR. CRABTREE: Well, I think you're thinking about it backwards, though. We're not allowing it. This is what do we think will happen with what we're going to put in place.

Whatever is killed will be killed, and we will learn that after the fact, because we won't have any estimate of discards until all the commercial logbooks come in and all of that is dealt with.

So you're going to get an estimate of what did you do with respect to your ACL at least on the commercial sector, Erik, four or five months after the fact before you would have all the logbooks at least. Now with MRFSS you'll be able to look at it wave by wave. I mean this is a retrospective kind of thing and not real time.

Realistically, if this goes in place – well, let's just think about the timing of this – if this goes in place in 2010 sometime, you'll get these estimates sometime in 2011, but you'll already have the updated assessment in your hands by the time you get these estimates all given to you, and you will at that point have an estimate of what all of this really means.

So, I really think this is a bookkeeping paper exercise that I think we have to go through, but in terms of its impact on the biology and what is going to happen, I don't think it has much impact because it is going to all be rendered moot once the new assessment comes out and you take a look at it; it seems to me, anyway.

MR. ROBSON: All right, that helps to clarify some things, I think. Is there any other discussion on the motion as presented on the screen?

DR. CRABTREE: Well, if I could, I think the motion needs wordsmithing because clearly the discussion we had is not just that we're – so we're clear that we're going to apply the higher recruitment throughout. Now the question is what is going to be our preferred alternative? I'm trying to be clear.

When I look at this motion it seems to imply that we're just changing the ACL in that one alternative, but that's not what we're doing. So if we're adopting the high recruitment scenario, Alternative 4 is already our preferred, and we've already decided we're going to change it and I'm not sure we need this motion; do we, or we need a broader motion that says that is the scenario we're going to base things on.

MR. ROBSON: We're not changing Alternative 4 as the preferred alternative, but we are changing the way it is currently crafted to show that we're going to account for the very high recruitment.

DR. CRABTREE: But I thought we agreed we were changing everything to the very high recruitment.

MS. SHIPMAN: I think Roy's question is do we need a motion that almost precedes this one to adopt the very high recruitment as the scenario on which we will base Alternative 4 as well as the others; is that what you're saying?

DR. CRABTREE: Yes, and if you pass that motion, then I don't think you need this one because Alternative 4 is already your preferred.

MR. ROBSON: So we may want to withdraw this motion. Duane.

MR. HARRIS: I think we can just amend the motion to adopt a very high recruitment in the calculations of 75 percent Fmsy throughout the document. That is what I said, all alternatives throughout the document. I knew you would help me out, Gregg.

MR. ROBSON: Okay, we have a request to amend the motion. Do we need a second?

MS. SHIPMAN: I'll second it.

MR. ROBSON: Okay, second from Susan. So we're amending the motion to go ahead and adopt that very high recruitment level in the calculations for all alternatives in the document. Does that change anything? The amendment has been seconded. Are we ready to vote on the amendment? **All in favor signify by raising your hand. Okay, the amendment has been approved by the committee.**

MR. HARRIS: Then that becomes the main motion.

MR. ROBSON: **That becomes the main motion. That's the main motion now, so we call for the vote. Any discussion? All in favor of the main motion raise your hand. The motion passes.** All right, I think we have gotten through that. Now, that gets us through the rebuilding – Roy.

DR. CRABTREE: Well, I want to talk a little bit more about the preferred we've chosen because I think it has ominous implications in terms of the way we're structuring the ACL. We're setting up an ACL that will be discards. Now, I know we going to have a discussion, but for the sake of my discussion right now I would like to assume the fishery is going to be closed and this is going to be just discards.

So we've got an ACL that is somewhere on the order of 100,000 pounds of discarded fish, which if you assume about three or four pounds a fish is something on the order of 30,000 fish, and of that around 70 percent of that is going to be recreational or 60 percent, something in there, but it is a pretty small amount of fish.

So, you're look at the B-2s to gauge whether you're over it or not, and we haven't even talked about are we going to have sector-specific ACLs here? I assume not so it is one ACL. What that means is if MRFSS goes through the roof, which it will – make no mistake, it will spike and I wouldn't be surprised if instead of showing 20,000 fish discarded it may show 200,000 fish discarded with a CV as 80 percent.

Now, you don't have any accountability mechanisms do you, Rick, in the document, so you need accountability mechanism, and you have to add another action here for accountability. What are you going to do if it goes over? Well, it appears to me your only recourse is to increase the size of the closed area.

Now, if MRFSS spikes over by that much, what are you going to do at that point? Then everyone is going to be closed down with a much a bigger area; commercial, too; headboats, too, because MRFSS spiked over. I think that you can almost count on MRFSS will spike over one of these years; and if it goes over by five or six times, in order to have an accountability measure that takes that into account and adjust, you're going to close the entire EEZ down.

Do you really want to do this? You need to think hard about this because this ACL in my opinion, given the current data collection systems we have, is really not trackable in any kind of reliable way. Then you've got the whole issue of disincentives to report and all of that that you're going to have to deal with. I really think this is something you need to think hard about because it will – we've all looked at MRFSS estimates for things that have relatively small numbers of fish and particular discarded.

They do tend to have fairly CVs. They are going to bounce around. Now I know we've got MRIP coming and a new system in the chute for us, but I don't think it's going to become much more easy to track discards and that kind of thing. We need to really think about whether we want to go down that path of an ACL that's discards or do we want to come up with some out-of-the-box way to try and deal with this that doesn't require us to trigger things based on discard estimates. I think you ought to think about this.

MR. HARRIS: Roy, I was going to ask you what you would suggest in the alternative, but you did at the end and that's what we've been trying to suggest is an alternative that is out of the box. We'll discuss that in a little while so I'll just leave it at that for now.

MR. WAUGH: Following up on this idea of sector-specific ACLs, this is certainly the approach we've taken in our other amendments. In Amendment 16 for gag and vermilion each sector paid a price according to their share of the mortality. If you look in 17A, Appendix M has the data to look at the percent shares using 2007 data. I don't have the page number, but we can get it. Rick, can you look at Appendix M. It is the red snapper analysis.

The commercial sector was responsible for 23 percent of the harvest; the private recreational for 68 percent of the harvest and the headboat for 9 percent of the harvest. The approach we've taken up to now is to have those sectors pay their share according to their harvest; and yet what we've done now in terms of looking at the closures is you've got one closure for everybody lumped together, so the headboat sector that is responsible for 9 percent is paying the same price in terms of the area of closure as the private recreational that is responsible for 68 percent of the mortality. The commercial is in between at 23 percent.

I think this is why you saw the AP come up with their recommendation to do an allocation, so you allocate your ACL, you would allocate this 79,000 pounds according to some allocation mechanism and then each sector would have – if you just follow our closure approach, each sector would have its own closure according to its ACL and the desire to limit them to that portion of their mortality.

MR. PHILIPS: That's exactly where I was going to go. If you go ahead and give their sectors their share of discard mortality or whatever you want to call it, they'll take care of their house

much better than if you just throw it out in the pie. It's just more fishing and it's probably more fair, and you're going to have different rules for commercial versus headboat versus, you know, anyway. So, yes, I think we need to have that discussion. The AP voted 60/40. I think we need to have that discussion so everybody can know what their rules are, where they need to be and see if they can figure how they can get there.

MR. ROBSON: And this discussion, again, is part of looking at the alternatives later that have been surfaced, and they include sector. I am not sure, Roy, if that – your concern is a little different in that it is talking about how we're going to track the ACL relative to the discards.

DR. CRABTREE: I mean I probably won't vote in favor of any of these alternatives that set an ACL up that's all discards. I think it's going to kill us, and now you talk about dividing it up by sector numbers. I mean at some point you've got to have an ACL that you can actually track and actually gauge are you over it or under it, and we're not going to have that.

I mean you're going to give the commercial fishery, okay, you get this many discards, and you report them in your logbooks. Well, that's a big incentive not to report them. I just think it sounds good in theory and I know the guidelines are trying to encourage doing that kind of thing, but at some place you've got to think about what does the data allow us to do? I don't believe that the data collection programs we have support setting up ACLs that are discards.

I just don't think they do, so my preference would be to set up a system where the ACL is based on landed catch, which assuming if we close the fishery down – I understand we're going to have that discussion. It might not be that way, but at least if it's closed down, that ACL is zero. Okay, that's taken care of.

Now we've got a problem of how are we going to judge if it's working, and that's the accountability part of it. I don't think you can judge if it's working based on the current level of discard reporting. I think it's going to have to be some kind of independent monitoring program or some sort of experimental fishery or something like that. I mean, I just don't want to be sitting here with you folks three or four years from now and here is the MRFSS B-2 estimates and we're over by 500 percent so let's shut the whole EEZ down. I don't think that could happen, but it's just, okay, well, how long will it take before it happens? We don't want to put ourselves in that position. That's my point.

MR. PHILIPS: And to that point, I agree, but somehow each house has got to be accountable, and how can we be accountable with not having the MRFSS problem bite us in the butt down the road? We're going to have to set some allocations somehow some way, and I don't know how to skin this cat. I'd like to know that we're making each house accountable somehow. Tell me how to do this?

DR. CRABTREE: Well, I don't have a good answer for you. If we were allocating catch, yes, that's one thing, but right now – because I believe that the fishery is going to end up probably being closed, but we're allocating discards and I don't have good solutions to that. Now, I think we're going to want to reopen this fishery somehow in the not too distant future, and to do that we're going to need to think of new ways to fish.

We're probably going to want to look at fish tags and things like that, and those are going to entail a different reporting system so we can track things. The discard issue is really very difficult. When you go to the North Pacific and places, well, they have 100 or 200 percent observer coverage, and then you know exactly what is happening. That is not going to happen down here.

I can't think of how in the private boat recreational sector you get beyond just recall, how many did you discard? There is going to be some variance of that. That becomes a problem when they know we're tracking all of that; and if you go over we going to do things. So the way to me that you get to is all this working kind of thing is you get a fishery-independent monitoring program in place and you track what you're seeing in these research vessels out on the water. How you get to the different sectors accountable if it's just discards I don't know. I don't have good answers for that.

MR. PHILIPS: Well, we may end up with some video monitoring on a part of the fleet, all of the fleet, roll it around between the fleet so you can see what the discards are. The commercial guys, they're not going to like it but it's better than having the red snapper close vermilion close pinkies, close everything else. It's an important part of our fishery but it's not as important as the other stuff that it's also going to close.

What is going to happen is I'm afraid if we don't set up some kind of allocation, then the commercial fisheries are going to lose big time because we're under limited entry. I mean, we're getting less and less all the time. We'd like to see a light at the end of the tunnel, and I think that setting up an allocation or something is the only way we're ever going to see it.

We're pretty regulated. Everybody knows what they do. And even if we did the video monitoring or something, got that on the boats and worked toward a LAPP or whatever we end up doing, I think they can be responsible if you tell them what they need to catch, but you've got to tell them what they need to catch.

MR. HARRIS: Charlie alluded to this before and I'm going to bring it up again. What we're talking about is ecosystem management. Congress pulled the wool out from under us with respect to that when they reauthorized the Act, and now we've got to set up these ACLs for these individual species, and we can't take into account very well what happens with other fisheries when we develop a management plan for red snapper.

If we could do ecosystem management I think we could take this into account. I think we were moving down that road, and now we're stuck with what we're stuck with, and it really inhibits our ability to develop these management plans the way we all know and think they should be developed to take into account what is going to happen with shifts in fishing pressure into other species when we do what we do with red snapper. I don't know how we deal with that; that's my unsolicited political announcement, but that's the way I feel about it.

DR. CRABTREE: Well, I'd like to make a motion, Mr. Chairman, to change the preferred alternative for this action, and I would move that we establish Alternative 7C as the preferred alternative. If I have a second, I'll give my rational.

MR. ROBSON: Okay, in the written document it's Page 149. We're still in the alternatives for the rebuilding strategies. This would be Alternative 7, and it basically sets the ACL at zero; and you said 7C?

DR. CRABTREE: Correct.

MR. ROBSON: And that's the rebuilding strategy based on 75 percent Fmsy. I haven't heard a second to this motion. This would be to establish that as the preferred over Alternative 4, which is currently the preferred. Seconded by Robert. All right, discussion, Roy.

DR. CRABTREE: My rationale is basically what I've laid out. This gets us off the hook of having to define accountability based on these discard estimates and trying to allocate discards. Now, if we come back and decide we're going to have some sort of a fishery, then we would set up – we have to change the ACL, obviously, to reflect what we thought that fishery is going to land, and in that case you would have to allocate it.

If you decided we're going to allow 20,000 pounds of red snapper to be caught, then you would have to decide, okay, we're going to give this much to the recreational and this much to private and this much to the headboats, and then each sector would get an ACL on that. How we'd exactly track that I don't know, but we'd have to talk about that, so that would have to change.

But, this would shift the accountability mechanism away from trying to use these discard estimates into a fishery-independent monitoring program where we would track improvements in the catch rates and average size of fish and ages and all those kinds of things that come from that program. Then at some point, as I said, when we got to where we could have some fishery landing fish we would revisit the ACL. I'm trying to avoid having accountability measures that are based on self-reported discard issues.

MR. ROBSON: I guess a concern that I've had is how can we continue to track this fishery and have enough information to gauge whether we're getting where we want to go. So what you're talking about I need to understand that is part of it.

DR. CRABTREE: That's the problem under any of these scenarios because I don't think you're going to be able to use the discard data you have to track what is going on because I don't think that data is going to be reliable enough to do it. So without a fishery-independent monitoring program, I'm not sure how we're going to track the fishery in the short term.

Now, if we're able to reopen this fishery a few years down the road and have enough fish landed that we can get information enough to do an assessment, that's okay, but in the short term at least we're going to update this assessment next year; and then if the fishery is closed, without some sort of fishery-independent program I don't know how we would do a new stock assessment because those are based on landings.

There is no fishery-independent index in this assessment right now, so I think we have to have a fishery-independent monitoring program, and I would like us to be able to say that's critical to our rebuilding strategy that we have this; our accountability mechanism is this fishery-

independent monitoring program, and maybe that helps us to leverage to get the funds for it. But I'm not sure how we're going to successfully track this because I don't think the Center is going to be able to come in four years from now and update the assessment if all we have are discards.

MR. HARRIS: I can't vote for this motion at this point in time until we have this discussion later on about some other alternatives. We may well end up with an ACL of zero, but I'm not willing to vote for that now until we've discussed these other alternatives. I wish we could just hold off on this until we have these other discussions, but I'll vote against it at this point in time if we have to vote.

MR. PHILIPS: Is there anything in this motion that would encourage any of the fishermen for not interacting with the fish?

DR. CRABTREE: No. And, look, I'll tell you what I'll do, I will withdraw the motion at this time because I would rather not have it fail now and I couldn't make it again. If my seconder is okay with it, I'll withdraw it at this time, but I would like to, after we have the discussion about can we have fishery, if where we come down to the end as, no, we're not going to be able to have a fishery, then I think we need to return to this part of it and rethink it.

MR. ROBSON: Okay, so the motion has been withdrawn and the seconder agreed to that. All right, the easy part is over. Now we go to the management measures.

MR. DeVICTOR: Okay, management measures, these are the area closure alternatives. First of all, I'll just show what the target reduction in removals is, and this is from Nick's presentation. You can see the table with the various recruitment levels. At very high was Alternative 4; you're looking for an 87 percent reduction in total removals to end overfishing.

Now that you have changed to very high recruitment at F 40 percent, with Alternative 4 you're looking for an 87 percent reduction in total removals. It changes as you change the various variables. Then I could show you, also, from his report which closures get you there; and, again, it depends on which scenario you choose or you feel is most correct.

As you recall, in his presentation he has six different variables that change throughout; and by changing those you change the percent reduction achieved through the various closures. Let me first go through the various closures and make sure we're all talking about the same. Again, now getting back to the document, this is 190 again. So here are the alternatives and you have seen these before.

Alternative to prohibit all commercial and recreational harvest, possession and retention of red snapper year round in the South Atlantic EEZ; that by itself will not end the overfishing of red snapper. Alternative 3 closes four boxes – well, first of all, totally prohibits red snapper harvest for all sectors, but then in addition to that closes snapper grouper harvest in these four boxes between the depths of 98 feet and 240 foot depth.

I'll point out there that was the preferred from the Law Enforcement AP as long as we straighten the lines. They said that's the smallest one; that's in terms of enforcement, but straighten the

lines. We do have maps showing more straightened lines from their recommendations. Then there is Alternative 4 which, again, uses that 98 foot depth to 240 foot depth, but closes seven boxes. Then Alternative 5 is a four-grid closure, and you can see those grid numbers. Alternative 6 is seven grid closures.

Again, if you scroll further on in the document you can actually see maps of what Alternatives 3 to 6 look like. And, again, this is total prohibition of snapper grouper species in these area closures; red snapper prohibition all sectors year round throughout the entire EEZ.

MR. HARRIS: Rick, did the Law Enforcement AP have any guidance with respect to the wording of this, because you say it closes if from snapper grouper fishing, but really it closes it to bottom fishing with hook-and-line gear. Depending on how the regulations are written, that is a pretty strong distinction, so I don't know whether they had a recommendation on that or not.

MR. DeVICTOR: They would have to come forward. I don't recall and it wasn't in their motions to change the wording. They did have a recommendation that wasn't in the motions to not specify the depth in the wording of the alternative. I know that's something separate.

MR. HARRIS: Because it does allow trap fishing for black sea bass and it allows golden tilefishing and those kinds of things, so I just want to make sure that if we adopt any of these, we are very clear as to what it is we are proposing to do. To me this is not as clear as it needs to be at this point in time.

MR. DeVICTOR: Their Motion 6 was do not allow spearfishing for snapper grouper complex species in the closed area. That was one of their motions that they had, so I believe their recommendation would allow black sea bass to be harvested and golden tilefish. I don't believe that they had an issue with that, but they did have it with spearfishing.

MR. HARRIS: Are we proposing to allow bottom fishing for black sea bass or is it just trap fishing for black sea bass? That is why I think bottom fishing is what is precluded within these closed area; bottom fishing with hook-and-line gear whereas you run the risk of harvesting red snapper in those areas, so you can't allow bottom fishing for black sea bass even though you can allow trap fishing for them since those species don't go in the traps. That is why I want to make sure we get this clear. For the public hearing document maybe this is not so important, but long term this is extremely important.

MR. ROBSON: Well, we need to make sure we're clear between what are currently the alternatives in the amendment and the additional motions that were made to modify those for three through six, because Alternative 3 in the current document pretty clearly spells out the black sea bass pot issue and it does allow for spearfishing and so forth. There are some additional recommendations that you're talking about based on the LEAP.

MR. WAUGH: And we've got members of the Law Enforcement AP here and, Bob, too, if I get this wrong. My understanding of their Motion Number 5, which was to specify an allowance golden tilefishing area, was that they recognized there would be lots of enforcement issues if you

allow people to be out there targeting golden tile in this whole snapper grouper closed area. That would make it very hard to enforce.

They recommended that instead of doing that, you go back to the alternative that we considered in the past where you create an allowable golden tilefishing area so that then they knew that is the only area that people could be fishing for golden tile. Otha is shaking his head yes.

MR. EASLEY: Gregg is right, we were under the impression that tilefish fishing was done in a muddy bottom area, if I remember right, versus where most of the red snapper fishing was occurring, so we would like to amend that tilefishing area to the muddy bottom areas exactly as Gregg said so there is no confusion or minimize the confusion out there.

MR. PHILIPS: I really don't understand the problem because if you're tilefishing you're longlining, and you've got total –

MR. EASLEY: Not necessarily.

MR. HARRIS: What is the recreational?

MR. PHILIPS: Oh, recreational tilefishing, okay. Well, I guess you could also say if you had tilefish on the boat, you don't have anything else on the boat. You might just make it simple like that. If you're going tilefishing, then catch tilefish and go home, don't catch anything else, and then you can just go and come with tilefish as you like, but just make sure it's a dedicated trip.

MS. MERRITT: Just a question; does tilefish have any bycatch species that are either in or out of the snapper grouper management unit; do you know? I was asking the question if tilefishing, be it commercial or recreational, if it has any bycatch that is associated with it that might be in the snapper grouper species complex; or, if there are some that are actually out of the complex that may need to be accounted for on board.

MR. PHILIPS: When I was tilefishing, the only thing we caught was golden. If we got on the inshore side of the bottom, we'd catch a few gray tiles. There were snowies out there if you got around a snowy wreck or a rock pile, so you will interact with snowies and gray tiles.

MR. HARRIS: We don't have a preferred here; do we? Okay, does staff think that we need to have a preferred to go out to public hearing on this one? I'm not sure I can select a preferred at this point in time on these alternatives.

MR. ROBSON: I don't see any strong will or desire to try to select a preferred for these right now.

MR. DeVICTOR: Something you could do is separate out as a separate alternative, allow golden tilefish and black sea bass, so that would be a separate choice to be made so you could take it out to public hearing, allowing that and not allowing that, just to have an option. If you go with what the LEAP said, you would take out the line "allow golden tilefish harvest, possession and

retention in the closed area,” because their recommendation is to have that 100 to 300 meter allowable golden tilefish.

MR. ROBSON: Is that a suggestion to – Duane.

MR. HARRIS: Yes, I would recommend that we do separate those out because I think it is going to be clearer for the public to understand that there is a separate action for black sea bass, a separate action for golden tilefish and it is not mixed in with these. I think it would be easier to understand and I would recommend that we do that.

MR. WAUGH: Since we’ve changed our ACL now, I wonder – and Rick or Jack may be able to answer this – whether we can drop some of these closure alternatives, because all we need to do is make sure we’re not exceeding our ACL. I don’t think you have put the issue to rest yet of are we subdividing that such that you’d have sector-specific closures. This now looks at it all lumped together. Are there any of these alternatives that we no longer need given the new ACL?

DR. CHEUVRONT: I guess to help us make that decision I would just like to clarify that in the black sea bass pot fishery and the golden tilefish, we’re assuming that there was zero bycatch of red snapper in those fisheries? If there was at least a little bit of bycatch in those fisheries, it would adjust those numbers on the different alternatives.

MR. WAUGH: Brian, part of this is if you look at catch data when people within the commercial fishery, when they’re targeting golden tile, there is very little bycatch other than as Charlie indicated if sometimes you get up near the rocks you’ll pick up some snowies and you get some grayline.

The issue is if this whole area is closed except that you’re going to allow anybody who wants to go in there, recreational and commercial, and claim they’re fishing for golden tilefish you’re going to generate a lot of discards. That was the idea before of creating, okay, if you’re going to allow golden tile, let’s create an area that only includes the mud bottom where if anybody goes in there and fishes in there, there is a less chance of bycatch. That’s the difference.

MR. ROBSON: Is there enough direction to staff to do that in the alternatives? I think it would probably be good to have a motion on this.

DR. CHEUVRONT: Okay, if you’re all right with that, I’ll go ahead and make the motion that we separate out the black sea bass and golden tilefish from all the alternatives and create new separate alternatives for each of those two species.

MS. SHIPMAN: Just for clarification, Brian, are you suggesting, you know, and I guess it’s Alternatives 3, 4, 5 and several, it’s got the language, just taking that language out making it a separate one? Are you saying having black sea bass separate and then tile separate?

DR. CHEUVRONT: I am suggesting that we treat each species separately in their own alternative.

MS. SHIPMAN: Okay, so it would be like the allowable black sea bass harvest, that sentence would be one alternative?

DR. CHEUVRONT: Yes.

MS. SHIPMAN: Okay, thank you, I just wanted to make sure of what you were doing.

DR. CHEUVRONT: Did somebody second it?

MR. ROBSON: There was a second. We'll get the motion up there and then we'll have discussion. All right, this is the motion, which would be to pull out the black sea bass and golden tilefish from those existing alternatives in the document and put each of those species into their alternative. Now there was also in the existing alternatives references to spearfishing, so I don't know how we want to deal with that, but this is currently the motion. If we want to have the spearfishing issue addressed or make it a separate alternative as well, I don't know.

MR. GEIGER: Again, this is a public hearing document. Let's take it out and hear what the public has to say about it.

MR. HARRIS: And the spearfishing provision was for the other species of snapper grouper and not for golden tilefish and black sea bass, so I think it could stay in the existing alternatives.

MR. GEIGER: My comment was not meant to be flippant and disparage or in any way ignore the recommendation from the Law Enforcement AP because they recommended that it not be. But, again, this is a public hearing document and I think we should hear it.

MR. ROBSON: Is there any other discussion on this motion. There is a motion on the floor; it has been seconded. This would, again, add alternatives to the document going out for public hearing. **All in favor of the motion signify by raising your hand. The motion carries.** I think we had already decided we were – Gregg.

MR. WAUGH: The issue of spearfishing was mentioned, and what we don't have in here is an alternative that would not allow spearfishing. I think in order to analyze a complete range of alternatives we should.

MR. HARRIS: Mr. Chairman, I would move that we add a motion that would also prohibit spearfishing so that the complete suite of alternatives with respect to that gear is in the document.

MR. ROBSON: Seconded by David. Again, this would include a whole range of alternatives for the public hearing document. Roy.

DR. CRABTREE: Rick, is it addressed in here somewhere – we've got these alternatives that have these depths on them. Have we drawn lines to correspond, because really we're not going to be in the regulations basing it on depth? It's going to be a line we've drawn. Is that addressed in here somewhere?

MR. DeVICTOR: I have maps that we could project based upon LEAP recommendations, and we can look at those, especially those straighter lines.

DR. CRABTREE: Yes, and make sure the text reflects that it's going to be a line that approximates that depth contour.

MR. ROBSON: I have a question about the LEAP discussions. Did they talk about the relative enforceability of a depth-defined zone versus a grid-defined zone just in general? In terms of out on the water, is it easier to enforce somebody at a given depth as opposed to within a given grid?

MR. WAUGH: They definitely want lines. Bob can expand on this but they definitely want lines and they want them with as few waypoints as possible. I think that captures the input.

MR. ROBSON: Otha, did you want to say something? I just asked that question; it's just a question, but I was just asking that based on the notion that if you're out on the water and you encounter a fisherman, is it easier to say, well, you're fishing in a certain depth as opposed to trying to define whether you're over or not over a certain line.

MR. EASLEY: The significant issue with going by just a depth determination is because the fisherman will have one type of depth finder versus what we have versus going by a chart and lat and long, so there is some discrepancy right there right off the bat. That answers that question. As far as straight grid lines as proposed in some of the presentations with the big squares and big boxes, we looked at those straight lines and thought that those would be the easiest to enforce.

It's easiest for the fishermen and therefore less chance for making mistakes in navigation. But then we also looked at Amendment 3 and that the smaller areas it is more likely – I mean, I'm sorry, Alternative 3 which is more like the contour lines, which makes it a little bit more of an issue for enforcement, not a great issue, but we thought if we can increase the areas that folks can fish in it would be worth the compromise, so we'll go through the little bit of hardship of straighter lines closer to the contours than large boxes.

MR. ROBSON: Thank you, that helps answer that question for me. We still have a motion and we had a second for this motion. David seconded, yes. Any discussion on adding this alternative?

DR. CRABTREE: And the reasoning for prohibiting spearfishing would be enforcement, ease of enforcement; is that what I'm getting?

MR. WAUGH: I think there are several. The law enforcement issue is one; the concern about effort shifts would be the other; that if you have this large reserved area for spearfishing, it would induce a lot of fishermen to become spear fishermen or add spear fishermen to their vessels. You would target the larger, older fish; not red snapper but the others, and that would have an additional negative biological impact. Other fisheries would close sooner.

MR. GEIGER: And one other that I've heard is fairness in that if you're going to have closed area it should be a closed area to everybody.

MR. ROBSON: All right, any other discussion on the motion? **All right, we'll have a vote. All in favor of this motion signify by raising your hand. The motion carries.** At this point it is 11:59. I think it's time to take a break for lunch.

MR. HARRIS: We've got a lot more work to do. I don't know whether we can have lunch and get back here at one o'clock. If we can, we should try to do that. Let's just go ahead and say we'll reconvene at one o'clock.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in The Charleston Marriott Hotel, Charleston, South Carolina, Wednesday afternoon, September 16, 2009, and was called to order at 1:03 o'clock p.m. by Vice-Chairman Mark Robson.

MR. ROBSON: We'll go ahead and get started. Recall that in looking at the management alternatives and considering the amount of reduction we're looking for, that magic number was 87 percent. That is based on the assumption of the middle range of the high recruitment assessment for what we had up there before. Rick is going to go through the alternatives and fill us in on whether those meet that reduction goal.

MR. DeVICTOR: Again, what I have on the screen here is from what Dr. Farmer put together, and this is outlined in his report. You don't have this table in your briefing book materials, but this is a summary of his report. During his presentation, if you recall, there are different scenarios based upon compliance for an example or how would release mortality change with these regulations and regulations in 17B and how would 13C and 15 affect the actions in 17A.

There are seven scenarios is what he calls it, and you can see here is Alternative 2, so that's to prohibit red snapper harvest and possession throughout the entire EEZ. Then you have Alternative 3, Alternative 4, 5 and 6. What I just did is put down the percent reduction in total removals that are expected and the ones in green are 87 percent or greater and 86 or lower are in red, so you can see whether or not we get the percent reductions depends on the scenario chosen.

The team on a recent conference call said, well, do you have a preferred scenario on what you think would most likely occur? The team wasn't willing to choose one of these, so in the document what we do is we specify, well, Alternative 3, for example, is anticipated to get us between a 79 percent and an 88 percent reduction in total removals. There is uncertainty around these and it's hard to come up with just one number. I just wanted to show you so you're probably best keeping the block alternatives as they are in the amendment and not removing some. I believe Gregg had that question.

MR. PHILIPS: Are you going to track the removals after the change in fishing effort and people shuffle around and they quit even bottom fishing and try to go king mackerel fishing? Are you going to keep tracking these removals after the initial – whatever happens? How were you going to keep tracking the removals with changes of fishing effort?

MR. DeVICTOR: Well, I believe it's going to be tracked as best as we can. You know, that's a tough nut to crack. This is just a snapshot and they didn't really take into account, for example,

fishing in the area versus not fishing the area; but the fishing in different fisheries, that's really hard to account for. In the future we're going to have to.

MR. PHILIPS: So in followup, you're going to try to figure out some way to figure out what is going on? Then if we need to close more boxes or possibly could open more boxes, then that comes back up on the table, I suppose.

MR. DeVICTOR: And, again, we'll talk about this more when we get to the monitoring, monitoring discards of red snapper, and that's what we're talking about. Sure, people may move into a different fishery, but it all comes back to what is going to be thrown back and what is going to live and what is not going to live. That's our main tracking device that we have right now.

MR. ROBSON: Any other questions about this information on those alternatives? We're moving now into the next set of alternatives; is that the transit? Do you want to go over that?

MR. DeVICTOR: Okay, again, this is part of the management measure actions, so it's PDF Page 190 or 166 in your hard copy. It begins at Alternative 7. Alternative 7A would allow transit with snapper grouper species if gear is properly stowed; and, again, we provide a definition there or I think SERO did, law enforcement, of what transit means: "direct nonstop or progression through any snapper grouper closed area."

I think that this was what was used when we set up the MPAs, for an example, the deep water MPAs. Also, what is gear appropriately stowed; that is defined under those alternatives. So, again, you're allowed transit through this closed area with snapper grouper species if gear is properly stowed.

Then 7B would allow transit with snapper grouper species, so it doesn't say "if gear is properly stowed," so you could transit even if your gear is not stowed. Then Subalternative 7C is the last one, and this would allow transit with just wreckfish; just looking ahead and seeing what species would be caught past this closed area, and certainly wreckfish is one of those.

That was actually the LEAP's recommendation is 7C; however, they – and I'll look at the motion, but they said allow golden tilefish, black sea bass caught with pots and wreckfish-only species. So they took that further and said "allow golden tilefish and black sea bass" as per their motion.

MR. GEIGER: Rick, there is a whole page in Amendment 14 MPA regulations on transit. Does it match what is here in the document? I have not compared them one on one.

MR. DeVICTOR: Correct me if I'm wrong, I believe Amendment 14 allowed transit if gear is properly stowed, so, yes, that would match 7A, you could transit with snapper grouper species if the gear is properly stowed.

MR. GEIGER: Well, it I'm not mistaken 14 says more than that; you can transit with the gear properly stowed, but I think it goes into a lot more detail than that. There is a brochure that

we've published that has – and it seemed to me, as I recall looking at it, it had a half a page or almost three-quarters of a page of transit. Well, maybe at some point we need to just make sure our language is consistent.

MR. ROBSON: Again, right now you don't have a preferred for any of these, so are we satisfied with each of those subalternatives? Rita.

MS. MERRITT: Here again I have a question regarding non-snapper grouper species that might be on board. I guess this implies that you can have it. I'm just concerned as to whether or not we need to do anything with the wording to make sure that is available especially if it's a bycatch that's outside of the snapper grouper species.

MR. ROBSON: Yes, and I'm not sure. It may depend on which subalternative we're talking about; wouldn't it?

MS. MERRITT: I'm looking at 7C, and then under that it is has some proposed language that says they may transit through the snapper grouper closed area with snapper grouper species and/or wreckfish on board. Well, I know that at least in the wreckfish fishery you can sometimes have bycatch that is non-snapper grouper species, and I just wanted to make sure that we're addressing that correctly so that we don't wind with a law enforcement problem with non-snapper grouper species on board.

MR. ROBSON: We would have to have staff take a look at that I think to make sure they've got it right. Again, one of the Law Enforcement AP recommendations was to include black sea bass and golden tilefish along with the wreckfish reference. Rick, I don't know if we need to just look at this language to make sure we've got it right as far as Rita's concern about – I guess it's really more or less silent about having non-snapper grouper species on board and whether that's legal or illegal. That's kind of what you're asking, Rita?

MS. MERRITT: Yes, that's right, Mr. Chairman, but it's pointed in the motions that were presented by the Law Enforcement AP. I believe there was one there that said that wreckfish and only wreckfish could be on board, and that's where I ran into the problem of, well, do they have a problem with identification of non-snapper grouper species, which is a possibility because I think everybody does at some point.

Then the other thing would be perhaps it could be resolved by saying that there could be a bycatch of some small percentage, say, 5 or 10 percent of the catch that is not in the snapper grouper species. Here again I need some help with the wording if that is something that may present a problem for law enforcement.

MR. ROBSON: Well, maybe we need to get it clarified with somebody from the LEAP as to what – I don't know where to go with this. Do we want to go to either Otha or somebody to talk about how to clarify this? What would you recommend?

MR. DeVICTOR: Yes, we'll see if the LEAP members have any comment on this as far as what is going to be caught out there. You see blackbelly rosefish but that is not managed by us. It's

not in the Snapper Grouper FMU, so I would assume that you could go through that area with that species. If you're thinking of an HMS species, again that's something that we don't manage so it would have to be taken by HMS. I just don't see anything we manage being out there, but we can check on the wreckfish fishery.

MR. PHILIPS: Rick, there will be snowy grouper out there around those golden tile, and they are legally – you can have a hundred pounds of whatever when they're open, so that is a legal fishery and they will be out there in that area, in places, so what are you going to do with those?

MR. DeVICTOR: Amendment 17B put a closure on deep water species, including snowy grouper. Where this stops the deep water closure would begin.

MR. GEIGER: One other point for consistency, I think in the previous alternatives we were talking about a prohibition of spearfishing gear and allowing spearfishing gear, and in this we only allow spearfishing gear in 7B and 7C. For consistency do we need to have provisions for no spearfishing gear? Maybe we ought to break spearfishing out and have allowable spearfishing gear – in the event that spearfishing is allowed is exempt from transit provisions; and in the event that spearfishing not allowed, spearfishing equipment should be stowed along with all of the fishing equipment.

MR. ROBSON: If I'm following you, you're saying take the reference to spearfishing out –

MR. GEIGER: However it is easiest so we cover whether we allow spearfishing or not. If we allow spearfishing, they would be allowed to have the gear while in the area; but if we do not allow spearfishing, that gear should be stowed along with all other gear.

DR. CRABTREE: Maybe it would work if we just said if prohibited fishing gear is appropriately stowed; and then if we allowed spearfishing gear, it wouldn't have to be stowed; and if we do, then it wouldn't.

MR. GEIGER: Much better.

MR. ROBSON: That sounds good. Staff has got that so we'll clear that up. Are there any other issues related to the transit alternatives or subalternatives that we need to cover? Again, we don't have a preferred and I don't think there is any compelling reason to have a preferred. If there is no other discussion, I think we would move on then. We've got direction to staff to do some clarification. Charlie.

MR. PHILIPS: Just a small technical thing; I'm looking at the proposed transit language, "constant heading, continuous straight course, making waves by means of the source power at all times." After spending a right much time on the water, there are times when you just need to stop and do stuff, tend to a broken pump or whatever. I'm a little bit concerned on how are they going – I'm a little concerned at just how nitpicky they're going to be. I could see somebody stopping easily and with no malice intended, and I'd hate for the coast guard to fly by and say, oops, they stopped for ten minutes and send a cutter and write a ticket or something.

LT. SULLIVAN: Charlie, I can understand, but that's going to be all under officer discretion on that. If go up there and they're working on the boat or whatever, that's understandable. But if they're working on the boat and half of the other guys are fishing, that's a different story. It will be officer discretion and that will be put out to our folks down the line.

MR. PHILIPS: Okay, I personally, for the most part, have never had a problem, but I know a few people that have, and just as long it's – I just wanted it noted.

LT. SULLIVAN: And, also, too, if there is an emergency of some kind and it's a real emergency we would expect you to call the coast guard and say you need some assistance, anyway.

MR. ROBSON: George has provided the transit language that is in 14 for the MPAs, and I think that's also in 17, so we just need to double-check for consistency on that. All right, are we done with transit? If so, what is next, Rick?

MR. DeVICTOR: There are two things I can of. One are the new alternatives that are proposed and now may be a good time to go through those. Then we have the Red Snapper Monitoring Program. Now may be a good time to go through those alternatives.

MR. ROBSON: I think it would be.

MR. DeVICTOR: It's Attachment 30 that was sent out in the briefing material. As you all know, ten alternatives were received either by council members or council staff. Some came from the Snapper Grouper Advisory Panel. What we have in this document – what staff did, and Jack helped out, too, was to first make a list of the alternatives and then look at the data and see how much we could analyze these alternatives to help you this week.

What we were thinking is to go through these alternatives one by one. I'll do a brief presentation on each one and what we came up with. Then if you can give direction to staff, if you want us to look at these further, should they go in the rejected alternative appendix, should they go in the document, so that's how I propose we go through these.

MR. ROBSON: That sounds good.

MR. GEIGER: Mr. Chairman, I noticed that in this document it discusses the Snapper Grouper AP motions, and I just wanted to bring to your attention and possibly other council members who were not here, if you have not looked at the AP motions, it is very curious to note that the large – that was an unfortunate characterization – the number of abstentions that were voted for on the majority of the alternatives.

It really didn't dawn on me until the end and I saw all the motions, how many yes votes and how many no votes and how many abstentions there were, but when I attended my Mackerel AP and the Law Enforcement AP and the Dolphin/Wahoo AP, I made it a point to say that, you know, we didn't bring people to an AP meeting to abstain on motions and discussions that were made within those advisory panels.

People were selected based on their knowledge of a fishery or the confidence that a council member had in that individual to bring that knowledge to an advisory panel to make recommendations to us. From my perspective, an abstention doesn't provide me anything. In some cases it looks like one-third of the members abstained on some of these.

When I talked to some members in other APs who on the first vote started this abstention business, they were under the impression that if what they were talking really didn't affect them economically, they weren't going to vote on it because it was the old, well, I don't have a dog in that race or in that fight or whatever. I just think in the future we need to really make sure and give the APs direction that we're looking for guidance from them and an abstention doesn't really give it to us.

MR. ROBSON: Your comments are noted. Go ahead, Rick, we'll start with Proposed Alternative 1.

MR. DeVICTOR: Okay, Proposed Alternative 1 – and this is a common theme through a couple of them where this one would split the Red Snapper ACL by state and by sector. That's what Alternative 1 would do. You have an ACL for the commercial fishery, for-hire fishery and private recreational fishery for the states.

This one would take off the top of the ACL expected mortality fishing inshore of 98 feet, so this would allow some fishing in shallower water. Here is a table that is repeated throughout. What we did was we looked at two different allocation alternatives; one at 60/40, 60 percent recreational and 40 percent commercial. This came as a recommendation from the advisory panel to use that percentage split.

Then this is the equation that we talked about a lot where it's 50 percent of the longer time series, historical harvest; and 50 percent of the most recent. You can see in the top row right here what the percentages would be from that. Then we looked at a starting point of an ACL of 61,000 and then the 82,000.

So your current preferred alternative right now is 79,000 so you can expect that to be somewhere in between these two numbers. What we tried to show is, okay, if you split it by sector – again, three sectors, commercial, private recreational and for-hire, and for-hire is headboat and charter – and using the starting point of the ACLs, what would be the poundage that would be attributed to each sector and each state. That's basically what you have in this table.

Just note Florida and Georgia were combined here for the commercial because that is confidential data, so we just combined those two. I guess what to do is evaluate the numbers in the table and then expect that these would have to be lowered to account for less than 98 feet the discards that would occur there.

Then in the following tables you can look at the monthly landings historically that have been occurring and you can see that a lot of these would be met quite quickly or early in the year. And, again, just to note that this is ACL total mortality in this table; and when you get to the landings, that's just landings. We have tables showing landings, but we actually do show

discards, and you can see for some of these sectors discards are actually higher than the landings. Just something to keep in mind as you go through these.

DR. CHEUVRONT: Does this take into account any potential set-aside or anything that we had talked about?

MR. DeVICTOR: No, it doesn't.

DR. CHEUVRONT: Okay, because that should come out of whatever the allowable landings are, too, right?

MR. DeVICTOR: Yes, and that's something we'll talk about after this. We just don't know what that number should be as a research set-aside.

MR. HARRIS: I can't remember if any of the following alternatives also – this one proposes to take off the discards that are captured inside of 98 feet, but one of the things that we also talked about was allowing continued fishing in North Carolina but take those discards off the top, as well as some area of South Florida/Cape Canaveral south or whatever, take those projected discards off the top.

Then we come up with a total allowable catch, if you will, for the three states and then we divide it by sector. I don't remember whether there is another alternative down here that does that or whether – ten does, okay, thank you. We may have to actually, if we decided to go down this road, pick and choose.

And the other question I have, this one does include eliminating the 20-inch minimum size, and I think there are pros and cons about that. John Carmichael said at the AP meeting that he thought maybe the 20-inch minimum size is one of the reasons for the good year classes that we've had. I don't know whether that's the case or what it is. If that is the case, I don't see eliminating the 20-inch minimum size.

The only real reason for that is to eliminate some of the discard mortality because if you catch a fish you keep it; if it's 15 inches you keep it; you don't get to throw it back and catch another one. We have to have to an awful lot of trust in the fishing public for something like that to work, but I just wanted to get that on the table and just have people consider that as we're going through these alternatives.

MR. ROBSON: So where we're at, when we go through each of these, is to consider whether we want to add this to our list of alternatives that we go out to public workshop or reject them.

MR. GEIGER: Mr. Chairman, I guess I would direct a question to Rick or Jack. Does this alternative help us end overfishing or does it achieve the overfishing requirements that we have to meet in terms of reductions?

MR. DeVICTOR: If you keep red snapper mortality below the ACL, the sector and state ACL, and you implement the monitoring components, which I didn't go through, but there are specific

monitoring components – if you keep the mortality to those ACLs, you will end overfishing. That's the bottom line. Another question is can you get these monitoring components put into place? Something else, that once you meet that ACL, hooks must come out of the water.

MR. ROBSON: Could you just briefly the monitoring components you've referred to.

MR. DeVICTOR: The monitoring components that this alternative would implement would be electronic logbooks. Further on there is video monitoring that is highlighted that would have to go into place. Again, some of that is based upon discard data, so this would be a lot of self-reporting going on, and there are concerns with that, too, where self-reporting would be used to trigger a closed area. There are some concerns with that, too, but basically video monitoring and electronic logbooks. Dealer reporting we've also talked about and VMS.

DR. CRABTREE: Is the idea that the states would implement a tag system or the federal government would implement a tag system? How would we monitor these commercial quotas because those numbers are too small for us to monitor with the current way we do things, I think. Well, we have to give fishermen notice so we have to project – with these sorts of quotas we would have to project the closure date before the fishery opened.

Some of these you're talking a thousand pounds of fish. Well, that could be one trip by one guy could go out and catch that, and I assume he would make the trip the day the fishery opens, and so what we do, close it down eight hours after it opened? There would be no way you could wait until you had quota reports come from the dealers.

That's every two weeks at best, sometimes every 30 days, and then you've got to put together a closure notice. The tag program, that would all get into how is that going to work and who would get tags. Then what are we going to do with the state water side of this, particularly Florida? What is Florida going to do because if Florida doesn't close – I think there have potentially been some red snapper caught in state waters. There are all kinds of issues here.

In theory, if Rick is right, if you could do this and stay under the ACLs, I guess it would work, but the problem becomes in practice how could this actually work in operation. It wasn't clear to me who would be monitoring these things; if the idea is that the states would develop the tag program and implement them, the states would monitor the quotas, and all those kinds of things. It's just not clear to me.

MR. ROBSON: Regarding the tagging at least for the recreational fishing, you know, again, if the state was going to be responsible, let's say Florida and I'm not sure how we would implement it and what form it would take, but I would assume that if the state was responsible, then tags would be issued, and they would be issued for harvest. Whether you're in state or federal waters, it wouldn't matter. That's the only way I think it would work, but the details of how we would actually implement that I don't have the answer for that right now.

MR. GEIGER: I guess it's called discussion, it's not really analysis, but the last paragraph talks about the fact that if we were to implement this, that the fish that were available would probably be caught in less than one month and that the discard – in conjunction with what Dr. Crabtree

said, the discarded snapper would have to be closely tracked. In addition to harvest and release, mortality rates would need to be applied to the discards to ensure total removals allocated to state and sector is not exceed, which would entail the rather I think pretty extensive – because we’ve talked about just every one of these monitoring programs in the past on one amendment or another.

The expense aside, just the implementation procedures of going through with one of these things is difficult. How do we want handle this? Do we want to make a motion?

MS. SHIPMAN: Before we do anything with it, I think we need clarification as to really what Proposed Alternative 1 is. It starts out somewhat as a Georgia option, but then as you go to sort of that third paragraph it talks about once the catch limits are reached in Georgia, South Carolina and Florida, so I think it really is a Georgia/South Carolina/Florida option, and that needs to be clarified depending on where we go with this. We’re not going to be the proxy for the other two states, which if you read it, that’s what it is suggesting.

MR. HARRIS: To Susan’s point and to Roy’s point, Roy, we did envision that the state of Georgia would operate the tag system for the recreational component of the fishery. I think one of the reasons, to Susan’s point, that Georgia is listed up there and not the other states is a state could opt out of this.

They could say we don’t want any harvest of red snapper; we want to just count the discard mortality that is projected for our state off the top, leave bottom fishing opened in that state just like I was proposing to do in North Carolina and south of Cape Canaveral or wherever in Florida. I think Georgia would like to go with an option like this and allow some harvest, but that doesn’t mean another state might say we don’t want to do that.

If the other two states do want to do that, then this option as it’s listed below, if we just change the Proposed Alternative 1 language, it would accommodate that. But to Roy’s other point about tracking the commercial catch, we might have to, as part of a alternative, have a certain month where the fishery is opened for commercial fishing, project what is going to be caught in that month and track it, come up with a way to track it on a real-time basis. I think that is doable.

It seems to me that one of the things that we’re proposing to do here is something that we might end up with in the future. If we go down this road, this may be the way we manage this fishery and maybe some other fisheries in the future. It kind of gives a way of initiating the program, if you will.

MR. BOYLES: Duane, I appreciate your comment about not wanting to – or Susan’s comment for not wanting to speak for South Carolina. This is not going to be very well received. I don’t think we’ve got the capacity to deal with it, quite honestly, from a practical perspective. That coupled with the kind of severe reductions we’re talking about, I think we’d be offering folks false hope, to be honest with you, to take this out to public hearings from a South Carolina perspective. I’ll defer to my colleagues, David and Tom, if they’ve got a different perspective on it, but from just the prospect of administering such a program, I think we would be misleading folks.

MR. GEIGER: My question is if in fact Georgia were to go with this option and designed some type of a fishery, how does it impact or would it impact the other states in terms of increasing the requirements for a closed area size if they were to exceed or even by having it open, but then with the discards associated – what I’m trying to ensure is that the other states don’t get penalized by having to have larger closed areas for what happens in Georgia.

MR. HARRIS: Well, again, we’re going to take the discards off the top before we even figure out what the allocation is, the total allocation for the state and then we split it by sector. So, you’re going to have to calculate to the best we can, if we can calculate those discards, take those off the top. I don’t see why this would end up increasing the closed areas for other states. I mean, if you do it the way I’m envisioning it be done, it shouldn’t do that unless you screw it up.

DR. CHEUVRONT: People are asking about and having concerns about monitoring the commercial catch. In North Carolina we already do this with quota monitoring for some species from the Mid-Atlantic Council. What we do is very similar to what you’ve talked about. We open the season for a very short period of time. We require the permitted dealers to fax daily the landings. We wait for the trip tickets. We confirm everything.

Well, we may actually not always have the trip tickets always on time, but what we do is we figure out – we deduct the landings from the amount of the quota, so we may have I believe – and, Red, jump in and help me if I don’t get some this straight because I’m stepping on your toes here – but we will like open black sea bass for two weeks or summer flounder.

Then we’ll close it for a defined period of time until we can figure out how much of the quota we have left and then we open it again. Now the director of North Carolina has proclamation authority to open and close seasons, so we can do it pretty quickly, within a matter of a day or two, and give people notice.

It can be done, but looking at this the amount of quota that you have is so small. I am very sensitive to the issue of are folks going to have the capacity to be able to deal with this? I mean, we already have a person whose full-time job is to manage our quotas. In North Carolina we’re set, but we’re not even part of this argument here at this point.

MR. ROBSON: Red, was your comment directly to Brian’s point?

MR. MUNDEN: Yes, Mr. Chairman. As a followup to what Brian was saying, we do monitor the quotas very closely. In some cases we require dealers to provide daily reports and in some cases weekly reports. The whole object is to avoid going over the quota. However, just taking summer flounder as an example, our commercial quota for the upcoming fishing year is going to over 3 million pounds, and the number of participants – and vessels cannot participate in that fishery unless they have a license based on catch history, and we have upwards of 90 vessels that are participating in the fishery. It takes a lot of effort on the part of our data management people, but it can be done, but it is at a significant cost to the division.

MR. SWATZEL: I'm just trying to get a little bit of clarity about what is being proposed because if it's an optional issue for the states, then, for example, if South Carolina didn't opt in would the issue of bottom fishing being prohibited beyond 98 feet apply if we opted out?

MR. HARRIS: Well, the way this is envisioned if a state opts out, then bottom fishing is not closed off that state. All the red snapper discards are counted against this total allowable catch, so the red snapper discards in South Carolina would be just like the red snapper discards in North Carolina. You'd still be bottom fishing, but all of that weight would be counted as dead discards. What we're trying to do is have some fish landed that are not counted as dead discards.

The reason I would like to see this option left on the table and taking it to public hearing is the fishermen asked us to do this. They came up with this alternative and they said we want you to analyze it. Well, it has been analyzed to a large extent. Maybe the analysis is still rough in some areas like what the discards are inside of 98 feet, but it takes it out to public hearing and they comment on it.

I can perhaps see some of the people that wanted us to do this saying, well, now that we've seen the numbers, we'd rather have bottom fishing open and just have all those red snappers thrown back and counted as dead discards, but we get to continue to bottom fish in those areas. That may be what they choose to do, but that's why I'd like to take this out to public hearing so we get a response back from the fishermen as to what they really want now.

DR. CRABTREE: Well, I guess it's still just not clear to me how this works. I mean we've got these numbers in this table, Table 2, but there is nothing backed out of these. That's the entire ACL. All right, so in order to keep from exceeding these numbers we have to have, based on what was looked at so far, a closure of the fishery and a relatively large – I think it's around a thousand square miles or even more area closed to all bottom fishing.

If you do that then you approximately catch this ACL. What is not clear to me is if we then are going to say, okay, we're going to let someone go out and land some of this ACL; are they going to go into the closed areas and catch it or are they going to catch it outside the closed areas or is this instead of the closed areas. It's just not clear to me how this works.

MR. HARRIS: To that point, Mr. Chairman, the Georgia Proposal had a very large closed area in the center part of the state of Georgia and an open area in the southern part and in the northern part. Those areas would be open until these quotas are reached, and then those areas would be closed to all bottom fishing. The intent is to allow the harvest but not to exceed the ACL for Georgia.

DR. CRABTREE: But every analysis I've see so far says you have to close those areas to all bottom fishing and you have to close red snapper down, and then it's still a struggle to stay within these ACLs. If you going to say that closed area is going to be open and then we don't really know how long it's going to be open, it's just hard for me to see what we back out of this. With the way we've looked at this so far, if you back out the discards it's all of this is expected to be caught and discarded. So it's not clear to me, Duane, what you back out of this.

MR. HARRIS: Well, you back out North Carolina. Those numbers from North Carolina, you back those off because North Carolina's bottom fishing is going to remain open. I assume that's what they're going to choose to do. They're going to choose to remain open, so they're going to have a certain number of dead discards based on these numbers.

Somehow or another we've got to calculate where in Florida we calculate the dead discards from, Cape Canaveral south and whatever. We take that number off this top. What I've been saying all along is this ACL that's up here is not going to be the total allowable catch for the three states because you've got to take the dead discards off the top of that.

Once you take those discards off the top, you're going to recalculate these numbers for these individual states, for these individual sectors. They're not going to look like they do now. They're going to be even less than that. I know that's hard for some people to understand why anybody might want to have a fishery open for a period of time to catch that small number of fish, but I'm saying if we can manage it then we ought to give the fishermen that option and let them tell us do they want it or not.

I mean if the fishermen in Georgia want to leave bottom fishing open and just count all those red snappers as dead discards and not be allowed to land any of them, that's okay with me. But they came to us and said we'd like a chance to land some of these red snapper that we catch and not count all of them as dead discards. That's what this proposal attempts to do.

MR. GEIGER: Duane, I apologize but I'm confused. I thought that we had the block closures and the ACLs that were identified here covered the catch that would occur outside of the closed areas; and that if you didn't have those, you would have to make – or if they were larger, if the landings were larger, the blocks would have to be bigger.

So these numbers already occur or make up for the discards that would be caught outside of the closed blocks that cover areas where red snapper are still encountered. Rick, you're looking at me like that's not – is that correct? But if you're going to take then a chunk of that in Georgia and open it up, then that's why I asked the question earlier does that entail then a larger closure to compensate for a block of fish that are caught in Georgia.

It would seem to me that if all these represent fish that are caught outside of the closed area blocks, that if you opened up a block inside in any degree, the fish that would be taken out of that by a state-apportioned amount would then have to be added back into the total and subsequently the blocks would have to grow in size to accommodate the fish that were going to be intentionally landed in Georgia. That was the genesis of my question earlier that if we allowed this to occur, would that then entail a larger closure to either North Carolina or South Carolina.

MR. HARRIS: My response to that is I don't think so, George, but I'm not saying that these block closures fit perfectly well with this alternative. If you take the total amount of mortality that is allowed and you allow some of that to be landed fish and the rest of it to be counted as dead discards, we may have to recalculate where these closed areas are. These closed areas are not directly related to this table, in my opinion. It's just the total amount of fish –

MR. GEIGER: Can we get a clarification on that?

MR. HARRIS: Yes, sure.

MR. DeVICTOR: The question was about recalculating the closed area. I agree with you; I feel we would have to recalculate the closed area. For example, some of the current alternatives are off South Carolina and some aren't off South Carolina. If this goes through and Georgia has managed it differently, then I would think South Carolina, if they don't put in a similar program, would need a closed area off South Carolina. So, yes, it would have to be configured, the closed area.

MR. HARRIS: And remember that let's say we calculate and Georgia gets 8,000 pounds of fish and we divide it up by the three sectors. Once the commercial quota is reached and once those tags are caught and once the for-hire quota is reached, bottom fishing beyond 98 feet is closed. And so you take discards that are caught inside of 98 feet off the top, you leave 98 feet open and you catch those fish, but that's just the total amount of fish that Georgia would be allocated based on catch histories as is shown in the Alternative 3 equation up there.

So, I don't think you have to extend any closed areas in any other state to accommodate what Georgia would like to see done. We're just saying it simply closes bottom fishing throughout the coast of Georgia and not just in those grid areas, but throughout the coast of Georgia once the Georgia quota is reached.

MR. ROBSON: To that point and the purpose of this exchange is to make sure we all understand exactly what the proposal would do. Go ahead, George.

MR. GEIGER: So what I heard Rick say was he agreed with you, but what we said matched what I said in terms of you would have to recalculate the blocks to accommodate for the landings that were taken out, and you said there might a larger block off of South Carolina; did you say that?

MR. DeVICTOR: Probably, but let me clarify it. This would be state by state, so Georgia would manage theirs the way that they want. Now, South Carolina would have to look at these ACLs and ask themselves what do we need to put into place to ensure that we don't exceed these ACLs.

MR. GEIGER: Not South Carolina; the council would have to look at South Carolina to determine what South Carolina had to do to make sure they didn't exceed the ACL, which would result potentially in a larger closed area for South Carolina – correct me if I'm wrong – or potentially a larger closed area in the state of Florida. And to follow on with that, my second question is legally can Georgia close their EEZ when they achieve something?

DR. CRABTREE: No, I think there would be – the Secretary would but it's not clear to me administratively how we'd do any of this. You know, they do this up in the Mid-Atlantic and up in there, but they have the Atlantic States Marine Fisheries Commission and all that. So, would

the state under this scenario prepare a plan for how they're going to do this, which would then be submitted to the Secretary? I mean how this would all happen I don't know.

MS. SHIPMAN: I mean we'd keep track of it. This sort of responds to Robert as well as to you, Roy, and I certainly appreciate where you're coming from. I think one of the reasons this is potentially workable for Georgia is because it is such a small amount of fish. If you look at that and you take, say, a five-pound average, whatever, and you divide those numbers out, you're talking 300 fish. We can count 300 fish.

We can tag, we can count it. That's something I fully believe the state can do. I think we can handle the for-hire and the private. The commercial will be lumped with Florida, and that is going to have to be worked out. However, we do have trip tickets. We are monitoring our catches. In terms of the way our commercial landings – the statutes are written for red snapper in particular.

It's not for all the bottom fish, but for several of them. It says if the commercial quota has been met, then you revert to the bag limit if there is a bag limit. So I think there is a way we could work this out, but I think we're in an enviable and unique position because our share will be so small we can count these fish.

I think it's a matter of do you want to account for them truly as a removal that you're counting or are you going to deal with them as a discard? Like I said, I think we're in a position we can do that certainly for the recreational and for-hire sector.

MR. BOYLES: Susan, that was a great segue. I look at ours and let's look at the private recreational component, you know, 626 pounds. I was going to make the other suggestion; I don't think we – it's too small to manage. From a practical standpoint we get dealer reports monthly from the commercial sector.

I just don't know that it is practical for us, and that kind of puts us in this dilemma, okay, which way do we move forward. My concern again is going out to the public with what I believe to be a viable option, but I just don't that we in South Carolina are in a position to say this would be viable for us, as regrettable as that is.

MR. HARRIS: Robert addressed taking this to public hearing, and I'm going to go back to what I said earlier. I would like to take it public hearing because we told the fishermen we'd analyze this and we would consider it, and we've done so. Now, I think the next step is to hear what the fishing public has to say about it.

I don't know what Zack and Steve and Judy Helmley and Charlie and those folks are going to say about this. When they see it they're going to see a very small number of fish and they may say we'd rather not have our bottom fishing closed just to catch this small number of red snapper, but at least we've given them that opportunity to tell us, after they see all this in a draft plan that goes to public hearing, what they think. I think we owe them that and I would like to see that happen, but I appreciate your concern, Robert.

MR. PHILIPS: Well, as far as the commercial people go, they would probably much rather use those fish as discards so they could go catch their other fish, their vermilion and everything else. But on the other hand, while I say that, I think – and maybe I'm out on a limb a little bit, but I'm thinking that they would also be more than willing to consider putting some video monitoring on the boat so they could monitor and you could know exactly what your discards were, so they could not only use them for discards but show that they can stay away from this species so they can keep catching the other stuff they need to catch.

And, while doing that, it stops them from having to go into other fisheries and have the collateral damage of overfishing something else, black sea bass, shortening the season; or king mackerel or whatever. I think the true commercial guys would be willing to ante up in some way, shape or form to video monitoring so that you can monitor that.

They're going to get a really small piece of the pie even if you do Alternative 2. I just noticed that Alternative 3, it looked like to me it was double dipping because you're getting '06 and '08, accounting for them on both ends of that equation. I would have thought it would have been like 86 to 0650 and then 06 to 0850 or something. I'm not so sure if that's a typo or they did that on purpose. I wasn't here when that was done. That seems a little – the AP did the 60/40. I haven't seen the other part. The AP did the 60/40 is what they suggested.

MR. DeVICTOR: Yes, I think that was developed by the Allocation Committee. That's not a typo, but, yes, Boyles' Law. It was a long time series and a short time series.

MR. PHILIPS: Okay, well, I just know what we did in the Snapper Grouper AP and that was 60/40. But, yes, I think the commercial guys would be willing to do some video monitoring if they wanted to be in those boxes so it could be verified on what they were doing.

MR. ROBSON: Any other discussion? We don't have a motion relative to this alternative.

MR. HARRIS: Isn't it in there now? Okay.

MR. GEIGER: Mr. Chairman, I make a motion based on the complex nature of trying to accomplish this in a short amount of time period that is available to do it, that this be analyzed as it has been considered and moved to the considered but rejected portion of the document.

MR. ROBSON: Is there a second to the motion? Brian seconds. Duane.

MR. HARRIS: I've said enough; I just want to say I'll speak against the motion. I think we ought to leave it in there.

DR. CRABTREE: I would have a hard time voting to put this in the document just now because there are just so many open end questions it's just not clear to me at all how something like this could work. We've got how many different alternatives, ten things now, and what I'm thinking is maybe out of all of these ten we can pull some pieces out and come up with one alternative that maybe we could put in here.

I mean, are we going to go throw this and vote and vote up and down on every alternative or do we want to look through all of these and see if we can then come up with some sort of a motion to put something in? I don't know procedurally how you want to do this, but it seems to me something along these lines might be the solution we're looking for on this, but I really can't see how in the world it could be done in the timeframe we're on for Amendment 17A.

I just don't see how the states could come up with and design these programs and get approval through their processing and bring it into us so we know it's there and all the details of how this would work. It's just hard for me to understand how that could happen in the timeframe we're looking at with this particular amendment. I hate to just go through here and reject them all. Are we going to go through this one at a time with motions on every one of them, Mark?

MR. ROBSON: That was the original plan. There is some uniqueness to some of these. This was certainly one of the more complicated in terms of getting it implemented. Susan. We do have a motion and a second.

MS. SHIPMAN: Well, regardless of the disposition of this motion, I agree with Roy. I think potentially there are pieces that are in these various alternatives that potentially can be cobbled together as another alternative to take out to public hearing. Regardless of the disposition of this motion, as we work through these others I would just ask everybody to please keep an open mind and if you see something that you think can be coupled with some other aspects that we have put aside, to come forward with that and try to draft something that's going to move forward.

These have largely come forward from fishermen, and I just think to the degree we can explore them analytically, that they can be further evaluated if they need to be. You have done a yeoman's service working this up thus far. Again, I know how I can work in my state, but I certainly cannot speak for the others. I appreciate the positions every other state is in.

MR. ROBSON: And for my part, speaking from the agency's perspective in Florida, it's very appealing to try to consider this kind of an alternative. Particularly in Florida's case we're looking out of all the states the biggest chunk of the possible allowable harvest, but I can't say at this point how we would implement – if it was a state program to implement a tag or some other system, that would in all likelihood require us to go through a legislative process.

It is just not in the timeframe. Unfortunately, I have to agree with you, Roy, I don't know how we would be able to make any commitment, so I guess the challenge then would be if we had it as an actual alternative that goes out to public hearing; once it's out there, then the assumption is that we would be able to implement it if it was in fact selected.

I don't have an answer for that right now at least in terms of the state of Florida. But I very much wish that we could consider this kind of thing to at least take a look at the available use of that discard that is there. I don't see how we can get to that point right now in terms of the state of Florida.

MR. HARRIS: We know and we knew going into this that there would be some additional analysis needed before this could be put in the plan. The problem is if we take it out and put it in

the considered but rejected alternatives there will be no additional analysis. That's the problem I have with it; we won't be considering it in the future. It's going to be put in an appendix and it's basically dead. I mean, we can comment about it and say we want you to bring it back into the considered and acted on alternatives, but that's my problem with putting it into the appendix as it is proposed in this motion.

MR. ROBSON: Well, the discussion we had about looking at the rest of the alternatives; is that possible action still there to pull something out that we can take out to public hearing?

MR. HARRIS: Yes, there are other alternatives in here that would do something similar to this, but I can't tell you right now what they are. Still I'm going to vote against this motion, but it may be that I would come back and reconsider this after we go through the rest of the alternatives.

MR. BOYLES: I don't want the committee to feel like South Carolina or the administrative ability to do this is coloring the discussion in terms of what we take to the public for their consideration. I do think we will be suggesting to folks something that I think is going to be very, very difficult for us to accomplish in South Carolina. Now having said all that, I'm certainly willing, if it's the council's intent and desire, to get some public feedback on that. We can dig down and see what we can do, but I just don't think it's a very practical solution.

DR. CRABTREE: I think the problem in terms of trying to analyze is that right now we have four sentences, and I don't think it's clear to the people who would have to analyze this how the program would actually be implemented. I still would tell you I don't understand how it even works, who would be fishing, who wouldn't, how you would do it, and I think we have to have that before it can be analyzed.

We would need I guess to know the specifics of exactly who would be allowed to fish and those types of things before we could really do – because it's not clear to me is it going to be for the private boat sector, is it everyone who goes fishing off of the state of Georgia is going to have to have a red snapper fish tag; if you don't have a red snapper fish tag you cannot go fishing, period.

Then those who have those fish tags are allowed to catch some number of red snapper; and once they've caught those red snappers, they can no longer go fishing off the state of Georgia for anything, and they're finished. I don't know if that's what we're talking about or not or if it's just the fishery is open off of Georgia, some people are going to have red snapper tags but everybody else is just going to go fishing for whatever. If that's the way it is, then they're going to have red snapper discards.

We can't really analyze it if we don't have a more detailed layout of what this is. I think all of us need to bear in mind of the timelines that we're looking at. If we decide we are going to go to public hearings between now and December, we also need to be developing a draft environmental impact statement. That means we've got to have detailed descriptions of programs, get all the analysis done, and that's a lot of work. That's what we're really up against here.

MR. ROBSON: All right, we have a motion on the table to move this Proposed Alternative 1 to the considered but rejected category. **All in favor of that motion signify by raising your hand; all opposed. The motion carries.** Okay, the second proposed alternative.

MR. DeVICTOR: This is an idea that was brought up on a conference call to allow alleys in the closed area. The alternative states off the coast of Charleston, Savannah and Jacksonville possibly could be looked at. Really, this has to do with what Dr. Farmer put together; again, playing with that spreadsheet and seeing perhaps you can open up a portion of the box, perhaps, part of the year and how would that affect the closure.

There are not a lot of details with this until we work with the spreadsheet. Obviously, the alleys as they're highlighted in this alternative are where red snappers are concentrated, so the fishing mortality off these cities are already high, so you can expect that the closures would have to expand northward and southward and inshore a bit.

MR. ROBSON: Any comments or questions about this proposed alternative? Susan.

MS. SHIPMAN: Well, when we talked about it on the conference, this really appeals to me. We don't have much information to look at, even less than the previous one actually, but this type of concept very much appeals to me if it could be worked out.

DR. CRABTREE: Well, actually the way that spreadsheet that Nick gave us the presentation on, it was set up in part to allow you to look at this. You could go into this and look at what the grids are near these areas, and then you put in partial closures of those grids during some times of the year. Then you could figure out from that, okay, if we let some sort of a fishing area off of these areas open, what do we have to have in the remaining areas to compensate for that.

I think the staff could come up with some alternatives to do that with the analytical tools we have now. I think this we can handle. I agree with you that probably is something that is worth taking a look at. But, we should all be clear that if you do open an alley off of Jacksonville, for example, it is going to mean then other areas are going to have to be closed down. This always gets into all politics is local kind of thing.

MR. GEIGER: Roy got at it; other areas would be closed down. The size of the closed areas would increase. They would expand to the north and they would expand to the south to accommodate the landings and the discards that would occur in the alleys.

DR. CRABTREE: If I could respond, I think particularly since some of these alleys are in the areas of high red snapper abundance, that the overall square footage closed could go up considerably. That is something you will have to look at. I think that we do have the tools to allow you to look at something like this.

DR. CHEUVRONT: Roy just made the point that I was going to make that the amount of real estate that you're going to have to close to allow these alleyways – I mean these are the hot spots where the fishery occurs; so if you allow the fishing to occur in those areas, even if they're just a small sliver – if you allowed the small sliver off of Jacksonville you could close off the entire

state of North Carolina all the way out to the EEZ and you still wouldn't match the amount of red snapper that you could catch just in that alleyway. Somehow I don't think it's terribly fair to the state of North Carolina to allow one small alleyway to be opened off of Jacksonville or Charleston or Savannah.

MR. BOYLES: I'd kind of like to see the analysis. I think it is a little bit different. I'm not sure that I had anticipated this as a twist to it, but I think it would be interesting to see the analysis.

MS. SHIPMAN: I apologize that I didn't get to see that presentation yesterday, so I apologize that I'm not totally grasping the capabilities that has, and that's great. One of the things with alleyways, depending on where they would be positioned, potentially if it were the Jacksonville area or the Hilton Head area or whatever, you're at least allowing some area where fishermen off of those states can fish.

Now, admittedly, you are going to have to take into consideration the real estate, and it could be that the North Carolina discards come off the top and we somehow do a hybrid, if you will, of taking into account for that and then doing the alleyways. I would very much like to see this one go forward. To that end, could I make a motion?

MS SHIPMAN: I would like to move that we do include Proposed Alternative 2 to include an alternative to allow openings in corridors that would allow for some level of some fishing and not to go beyond the 150-foot depth.

MR. HARRIS: Second.

MR. ROBSON: We have a motion and a second. The specific proposed alternative that was written up identified some number of openings. It just says off the coast of Charleston, Savannah and Jacksonville. Is that the scope of this motion?

MS. SHIPMAN: Well, my motion was now that we have the tools that Dr. Farmer has put together let's look at – we know the areas I think that we're trying to target, but to give some latitude to the team would be what my intent would be, if they would be comfortable in having that latitude.

MR. ROBSON: Assuming that this is included as an alternative, would we do the analysis using the spreadsheet as further documenting the impact of this particular alternative in the write-up or would we do that before we actually put it into the document?

MR. DeVICTOR: That's up to you all how we would do this, but we would use Nick Farmer's spreadsheet in order to come up with an alternative that would end overfishing. I'm not sure what you're asking. I mean that would have to be determined, and the question is how does that affect timing, too? When do you want to see this?

DR. CHEUVRONT: Has anybody talked with Dr. Farmer to find out if his spreadsheet can be modified to take into account this, because this is a completely different approach. We've been

looking at entire grid squares or large depth contours. We haven't been taking slices out of grid squares here, so I don't know whether this is even a possibility.

DR. PONWITH: To that point, it is a deeper question than can the spreadsheet be modified, because that's just a technical modification to the algorithm. The real question is the availability and reliability of the underpinning data is what feeds the machinery of the spreadsheet. Then the second thing is as we discuss these more and more refined issues, to make a mental note and include in both the conduct and interpretation of these analyses the caveats that Dr. Farmer included in his document; the questions about effort shifts and some of the other caveats in terms of places where the data were thin and there was a great deal of uncertainty. I just would bring that to your attention.

MR. ROBSON: All right, we have a motion on the table. George.

MR. GEIGER: I have problems with this because of the finite nature of these alleys. I mean who is to say that we're going to open an area off of Jacksonville? Why isn't it St. Augustine? Why isn't it Daytona? When you identify these alleys, make no mistake that the areas are going to get larger in which we're going to have to have closures to compensate for the openings.

I just think it's patently unfair to extend a closure potentially into North Carolina and certainly into South/Central Florida for an opening of an alley or a corridor in Jacksonville, Savannah and Charleston. I mean, it's pretty darned arbitrary and who is to say that people aren't just going to flood that area from those other locales, anyway. You know, we are doing an awful lot here for just a few thousand fish, and those very fish could be used to put into rebuilding and recover this stock. We're not getting away with anything here. It's pay me now or pay me later, and I speak in objection to this alternative. I can't vote for it.

MR. CUPKA: I was just going to say I have some concerns, also. If I recall Dr. Farmer's model was very sensitive to, for example, the compliance rate, and I'm not sure how opening these alleys up are going to – what impact that is going to have. I think it's going to be harder to enforce these areas, perhaps, and it may end up affecting the compliance rate, which is going to make some big changes, too. I've got some concerns along those lines. I think what we're trying to do is commendable, but I have some concerns about whether or not we're creating more problems for ourselves.

MR. PHILIPS: It's good to try to put people to fishing, but what I see happening is open these corridors to basically recreational catch, and then you're going to end up closing a lot of area that is going to affect commercial catch. I don't mean a little bit of area; they're going to have to close a lot of areas; i.e., off North Carolina.

That is going to affect commercial catch, so this is a one-sided proposal. If you could do this and take this out of the recreational catch and they had an allocation, maybe, but I don't think that's the way it's written. Short of that coming out of the recreational share of the pie, I think this is going to hurt the commercials and close way, way too much area. So, do what you want to do.

MR. ROBSON: Just to clarify, the alleyway, it's not just recreational. It would be for any fishing activity.

MR. PHILIPS: I understand that but I also understand where most of the – who is going to catch them? I don't even think we need an analysis to know who is going to catch those fish.

DR. CRABTREE: Could I get Nick to come to a microphone because I wanted to ask him? In theory we could come into the sheet you set up and open some fraction of some of these grids and get it to tell us what would get us where we need to be; correct?

DR. FARMER: Well, the way the spreadsheet is set up is you can go in and you can choose what grids you want closed kind of on a year-round basis, but then it gives you the option further down to open those up in terms of part of the space for a certain time period. You've got months across the top and then grids going down in the rows under Option 7, so you could open like 50 percent in July or whatever.

DR. CRABTREE: Okay, so it might be that these guys, before we come back to this in full council, could come up with one or two possibilities of ways to do this and here is what it would entail in terms of closing additional areas to get us in the ballpark. The other question, though, I have – because this is something George brought up and Bonnie – I mean, these things, when you close a fraction of a grid, assumes that the distribution of effort remains as it always was; is that correct?

DR. FARMER: Yes, so there is no effort shifting, and also it's not even – you know, if you open 50 percent of the grid to fishing, it's not really 50 percent of the space. It's 50 percent of the red snapper distribution. Like I said, we don't have a really good understanding of what that is.

DR. CRABTREE: And the problem I see is if everything is closed for hundreds of miles and we open up a five- to ten-mile wide alley that is open, well, obviously the effort levels in that newly opened area aren't going to be what they've been in the past. They're going to be much, much higher, and I would guess many times higher. While I think it would be good, I'll ask Nick to see if he could come up with a few things for us to look at tomorrow, but I think that we would have to assume that whatever comes out of the spreadsheet is not going to in fact get you there and you're going to have to be much more conservative of that.

But maybe that's the best thing to do with this one right now and see if they could come up with a couple of examples of this and then we could talk about it a little bit more when we come back in full council and decide if it's something that we want to add at that time. I like the general concept of it, but I just have a feeling with the effort shifting, it's going to be difficult in practice to do.

MR. MAHOOD: I don't mean to speak for any of the Law Enforcement Advisory Panel people, but the Law Enforcement Advisory Panel did not get a chance to look at this. Conversing with Otha, I can tell you it would not be a very popular option for the enforcement group that would have to enforce these alleys. If I'm incorrect on that, Otha, let me know.

MR. ROBSON: Well, we have a motion to include this. The additional issue would be to try to get a more detailed analysis of what it would mean in terms of the spreadsheet model that we have available as a tool. Approving the motion would basically put it in the list of alternatives, but there is some sense that we would be potentially looking at this again at full council. Everybody understands that. Charlie.

MR. PHILIPS: Just to make sure I understand it, so if we vote to put it in, then we're going to get the breakdown of it better, the analysis, and then we'll decide at full council whether to send it on out; is that the way I understand this?

DR. CRABTREE: Well, I think the best thing to do would be to table this until we come back to full council and then revisit it. **I would move to table this to full council and get a brief presentation on the implications.**

MR. ROBSON: Robert seconds that. All right, we have a motion and second to table. I don't believe there is any debate on a table issue. **All in favor of tabling the motion. The motion passes,** so we will – and I appreciate the staff being willing to take a look at that and we will consider this again at full council. All right, Proposed Alternative 3.

MR. DeVICTOR: This is also called the Georgia Alternative. It would buy out Georgia commercial fishermen and go to a one person per day bag limit for the recreational sector; prohibit bottom fishing for six months, April-September; and at the same prohibition mentioned above and onwards; including begin construction of artificial reef habitat.

A couple of concerns that we raised here, first of all, there is an unidentified source of funds, for example, commercial buyout and construction of artificial reefs. Then possible National Standard 4 concerns since we allow harvest for Georgia recreational fishermen, but the Georgia commercial fishermen would not be allowed to harvest.

Also, when you look at that table that we've put together, I'm not sure where the 12,000 pounds came from, but around a 3,000 pound ACL would be attributed to the Georgia recreational sector, for-hire and private recreational. I just don't think the one per person per day bag limit; I think you would go over your Georgia Recreational ACL. You only get like a 5 percent reduction through a one per person per day bag limit.

MR. GEIGER: Can we try some something different here. How about if I make a motion and then we can go through the discussion after we make the motion so we know what we're talking about as you would normally do under a scenario such as this. Although this is an alternative that came from the fishermen and we appreciate it and there are some admirable proposals in here, most of them apply to how you would manage the fishery after it was reopened in most aspects. **As none of these contribute to ending overfishing, I would move that Proposed Alternative 3 be discussed and considered but moved to the rejected alternative section of the document.**

MR. ROBSON: Is there a second to the motion? Brian seconds.

MR. HARRIS: Obviously, Rick is right in what he said about buying out commercial fishermen. There is no vehicle to do that at this point in time. The one per person per day bag limit and excluding the captain and crew or not excluding the captain and crew – not including the captain and crew, I think that was analyzed and it doesn't get us a lot, but it gets us something.

I think prohibiting bottom fishing for six months off the coast of Georgia is also tabled unless we pull it into another alternative somewhere in the future. But this eliminating the size of 20 inches has always intrigued me. Is that in this one?

MS. SHIPMAN: No, that's not in this one.

MR. HARRIS: Yes, removing the size limit.

MS. SHIPMAN: Oh, okay.

MR. HARRIS: It is in this one, and I was all in favor of doing that until John Carmichael spoke up at the AP meeting and said maybe that's not a good idea. But we haven't analyzed that, have we, in any way, shape or form, and I'd like to see that analyzed because discard mortality is our biggest problem in this fishery.

If we could eliminate it in some way unless we've completely closed down the fishery at all, if that's what we end up doing it doesn't matter what the minimum size is, there is no minimize size, so that does accomplish that. But if we do end up with any harvest, I would like to know what eliminating that 20-inch minimum size would do.

DR. CRABTREE: I mean, clearly, it looks to me like in the commercial fishery getting into sizes is a good idea. Ninety percent is what they used in the assessment. Even if you believe it's lower than that, with them fishing under a quota or something like that you'd rather have the fish brought in and counted.

But I think part of the analysis and the whole thing of the size limit comes down to how are you going to reopen the fishery at some point. If you're going to reopen under a fish tag program where you can count every single fish that's coming in, then it might make some sense. But if you reopen it as it's been in the past where it's just go fish and there is no limit on the catch, then I would agree with John the size limit probably has a benefit because it leaves some of those fish were surviving, but had we been under a tight limit on the catch that we could actually monitor and control, then I'm not so sure under that circumstance you wouldn't have been better off to have people land the fish. So, I think a lot of looking at the size limit; one, it varies from sector to sector; and, two, it would depend on the particulars of how you reopen the fishery at some point.

MR. GEIGER: Again, as I said in my preamble, a lot of these things really speak to management measures that are really great considerations for how you go and manage a fishery when it reopens.

MR. HARRIS: Mr. Chairman, we keep talking about reopening the fishery; we haven't closed the fishery yet; have we? I mean the fishery is not closed and we haven't made that final decision on whether we're going to actually close it or not. I think to say when it reopens is not really an appropriate term at this point in time.

MR. GEIGER: And I take that as a correction and I accept that. You're right, the fishery is not closed. This is a good suggestion as to how you manage all fisheries in the future.

MR. ROBSON: All right, we have a motion on the table. Duane.

MR. HARRIS: Well, I would just modify that motion, if it would be okay with the maker of the motion, analyze removing the minimum size limit.

MR. GEIGER: Analyze removing the minimum size limit from the alternative or analyze the effects of –

MR. HARRIS: Well, the effects of removing the minimum size and leave it in a motion to take to public hearing.

MR. GEIGER: Amend the motion to analyze –

MR. HARRIS: So all you're doing is you're removing –

MR. GEIGER: -- the effects of removing the minimum size limit.

MR. HARRIS: You're proposing removing all of Alternative 3, but it has a component removing the minimum size limit. I'd would like that to stay in and considered as an alternative.

MR. GEIGER: And I accept that as a friendly amendment to the motion.

DR. CRABTREE: Rick, correct me if I'm wrong, but didn't we start out we had an alternative to look at removing the size limit and then we removed that to considered but rejected? I think we're retreading ground here. We've I think already had this discussion and already moved it out. Rick is confirming that we did, so do we really want to rehash and start bring things back out of considered but rejected?

MR. ROBSON: Rick is going to look and confirm that. Go ahead, George.

MR. GEIGER: My question would be exactly what was entailed in the analysis when we did that and what it looked like.

MR. DeVICTOR: Rejected Alternative 10, modify the bag and/or size limit. Subalternative 10A, remove the existing commercial and recreational 20-inch size limit; not much analysis.

DR. CRABTREE: Well, but I mean what you see from that is going to a one-fish bag limit gets you almost nothing, which I assume if you're going to remove the size limit you would be at a

one-fish bag limit. I mean this is another one of those things that without a pretty well thought-out program of how are you going to allow people to fish, obviously, we can't just reopen the fishery with a lower size limit.

I don't know what we get from analyzing a reduced size limit unless it's in conjunction with some sort of program as to how are you going to allow people to fish. I'm not sure how we would just analyze – if we just analyze lowering the size limit – and, Jack, help me, but it's going to show the catches go up, the landed fish, right?

DR. McGOVERN: Total removals would go up.

DR. CRABTREE: So if you just analyze that under the current conditions it is going to be more fish landed. I'm not sure where this gets us, I guess, in the absence of a more concrete proposal of how are the people going to be fishing under this regime with a lowered size limit.

MR. HARRIS: Well, I haven't given up on another alternative that allows people to continue to fish.

DR. CRABTREE: So that suggests that when you have an alternative about how we're going to allow people to fish, that we put in the document that as part of that alternative we include a look at the size limit rather than doing it as a separate --

MR. HARRIS: That's acceptable to me. I would offer a motion to remove the motion that I just made from George's motion and to consider that in another motion in the future.

MR. ROBSON: All right, so the original motion as stated stands; you're withdrawing your reference to the size limit. Ben.

MR. HARTIG: Well, this type of thing speaks right to what I mentioned before about the mortality, the 50-percent-plus mortality we get with circle hooks. I mean that's another thing that would have been nice to be analyzed, and that's why I thought it might have been cleaner later on to do both of them together. However you want to do it, eventually I'd like to deal with that mortality.

MR. ROBSON: All right, we have a motion on the floor; is there any further discussion? **All in favor of the motion raise your hand. The motion passes.** Rick, Proposed Alternative 4.

MR. DeVICTOR: Alternative 4 is pretty close to the last alternative you talked. Again, it is off of Georgia, and this came from the Snapper Grouper Advisory Panel. It is a six-month closure, bag limit to one. This would actually raise the size limit to 28 inches and close 50 percent of live hard bottom off of Georgia. There is a latitude line, and it would be open north of that latitude line. So, again, it's similar to the last alternative.

MR. HARRIS: Correct, Mr. Chairman, it sets a maximum size limit of 28 inches with no minimum size, so let's make sure everybody understands that.

MR. ROBSON: All right, do we have a motion related to this proposed alternative or is there any discussion? Is everybody clear on what we've got? George.

MR. GEIGER: Mr. Chairman, I'll make the motion, and predicated upon previous discussion I think it almost all applies here, that we move this to the considered but rejected alternative portion of the document.

MR. ROBSON: Motion to move this to considered but rejected; is there a second? Brian seconds. Discussion. No discussion on this alternative? **All right, all in favor of moving this to considered but rejected raise your hand. The motion passes.**

MR. HARRIS: How about opposed?

MR. ROBSON: I'm sorry, all opposed. All right, Proposed Alternative 5.

MR. DeVICTOR: This actually came from the Snapper Grouper Advisory Panel, and the motion read "recommend the council investigate methods to reduce recreational limits to vessel limits, one per person or four per vessel, whichever is more restrictive; with adjustments to vessel limits following the next stock assessment; also, investigate a reduction in red snapper minimum size limit to 16 inches."

In Table 11 you can see what going to a bag limit of one gets you, and that's around a 5 to 7 percent reduction in the fishing mortality of red snapper so that would not get you enough to end overfishing.

DR. CHEUVRONT: Since this will not get us to where we need to be for the reductions we need for overfishing, I would like to go ahead and make a motion that we move this alternative to the considered but rejected alternatives.

MR. ROBSON: Second on the motion from David. Duane.

MR. HARRIS: I'm going to speak in favor of the motion because I don't think if we do have any fishery, four per vessel is not acceptable to the headboat industry, and I wouldn't want to limit them to four fish per vessel. I think we'll get to look at the minimum size on red snapper down the road here, but I'll vote in favor of the motion to remove this at this point in time for those reasons.

MR. ROBSON: All right, is there any other discussion on the motion? **All in favor of the motion; all opposed. The motion carries.** Proposed Alternative 6.

MR. DeVICTOR: Alternative 6 again came from the Snapper Grouper Advisory Panel. They made a motion. They want the council to investigate alternative effort controls to achieve multispecies management objectives. They were specifically looking at the days-at-sea concept, and that's a really tough one to look at how many days at sea you would get with the needed reduction to end overfishing of red snapper.

What we did was – and this is in Table 14 on Page 20 – where we looked at the average number of commercial trips that caught red snapper during '05 to '08; and also recreational trips that targeted red snapper '03 to '07; and then we just took an 85 percent reduction from those days and you can see that is the last column.

There would be 204 days at sea for the commercial sector, 6,520; for private recreational and headboat would be around 36,000, so it gives you a rough idea of how many days at sea you could possibly come out of – we just didn't know any other way to look at this.

MS. SHIPMAN: Just a question; you said you looked at the number of commercial trips. We know there is a pretty good discrepancy or disparity, if you will, in the length of trips throughout the region because of just the shape of the bight and how far you have to go out. I'm assuming that's why with the commercial you did trips versus days at sea because days at sea, for instance, off of Georgia you would end up with a much shortened fishing opportunity versus days at sea off of, say, Central Florida or something like that. I'm assuming that's what you did.

DR. McGOVERN: No, it was just very quick what we did here. We took what was in I think 17A and I had a table with the number of trips that targeted red snapper. We could do a more detailed analysis that looked at the number of days for the various trips by region. That would be possible to do.

MR. HARRIS: Mr. Chairman, can we do that in time, then, for this analysis this, if we decide to include it, for the DEIS development and all that? If we can then I'd like to see that done.

DR. McGOVERN: We could do that.

MS. MERRITT: And would that include spawning periods of time where we would have closures, certain months would be closed in certain areas?

DR. McGOVERN: The areas would be hard but you could do it definitely by the time of the year because you'd just have the statistical grids of the areas.

MR. PHILIPS: So all the trips that just had red snapper, whether they were targeted, is I guess what was listed as a red snapper trip. I think what I see happening is you've got a lot of people from South Carolina that's going to lose an awful lot of trips because they just happened to catch one or two red snapper on a trip. I think it's going to be burdensome, for lack of a better term. If you figure out who has directed, you know, actually looking for Americans and then working that universe and cut their number of days down, I think it would probably – it might actually work, but I don't know that you could figure out where that universe is.

MR. ROBSON: All right, this was a proposed alternative; we don't have a motion yet. Duane.

MR. HARRIS: Mr. Chairman, with a caveat that we can try to do what Charlie suggested, I would move to include this motion in the document.

MR. ROBSON: Motion to include Proposed Alternative 6; is there a second. Rita seconds. Further discussion on the motion? Brian.

DR. CHEUVRONT: I just want to make sure that this is clear, that when you're talking about days at sea that would be allowed, this would apply to everybody in every state, including in the states like North Carolina where we rarely encounter these fish, and our fishermen would then be held to the days at the sea at the benefit of the other states. No! No, I don't think so.

MR. MUNDEN: The New England Council has used the days-at-sea concept for effort management for a number of years. I serve as a Mid-Atlantic representative on the New England Monkfish Committee, and that fishery is managed through days at sea. I can assure you it is a very convoluted process. A lot of the fishermen now are supporting sectors rather than days at sea.

One thing that pops in mind in the monkfish fishery, the fishermen worked the system where they go out and they fish for twenty-four hours and one minute; then they get two days' quota or two days' landings. Hopefully, if the South Atlantic does decide to go forward with at least an analysis of this they will learn from the New England process because, as I say, it's very, very complicated and very difficult to understand.

DR. CRABTREE: Well, that's what I was going to ask you, Red. I mean these programs are extremely complicated and it would require – I mean this is like setting up an IFQ Program essentially in terms of all the things that go into it. I mean, again, if we want to look into a catch share program or a days-at-sea program or a full-blown effort management program, that's good and I think we need to do that, but I don't see how we could get that done in the scheme of we need to have a DEIS ready by the December meeting.

I think this is something that would take a considerable effort and time to work through. I don't have a problem with taking a look at this, but I can't see how we could do it in this document because it's not going to just be here is an alternative and it's done. It's going to be a very complicated set of actions, I would think.

MR. ROBSON: All right, we do have a motion to add this proposed alternative to the list of alternatives in the amendment and there was discussion of additional or some follow-up analysis on this from Jack's shop, but that's not going to be something quick, I don't think.

MR. HARRIS: Mr. Chairman, I heard two different things from our NMFS partners over there; one thing from Jack and one thing from Roy. You know, if we can't do it, we can't do it, but if it is possible to do it, the fishermen asked us to analyze it and I would like to see this analyzed.

DR. CRABTREE: The question for Jack is, Jack, do you have enough information about what exactly this entails that you could do an analysis right now?

DR. McGOVERN: No, you know, we could figure out the number of days at sea for all the trips, but to figure out exactly what you guys want out of this is not clear enough, I don't think.

DR. CRABTREE: You'd come up with there could be this many days of fishing, but then, all right, who is going to get the days. How do you get them, are they transferable, how do you allocate them and all that is extremely complicated.

MR. ROBSON: All right, any other discussion on the motion? Susan.

MS. SHIPMAN: I'm inclined to move to table this one until we can have maybe some offline discussions and see what analytical burden workload this would create and maybe come back to this at the council meeting. **I would move to table.**

MR. ROBSON: Okay, we have a move to table and it has been seconded. **All in favor of tabling this motion; all opposed. The motion to table passes.** We'll try to look at this and see if we can flesh this out and determine whether it is something that could be included in the amendment. That's what I understand we just agreed to do. All right, next alternative is Proposed Alternative 7.

MR. DeVICTOR: This alternative came from the Snapper Grouper AP, and it just deals with the commercial sector, but it's across states so it's the entire EEZ. What this would do is split up the ACL. At that time we were looking at a 61,000 pound ACL of red snapper. Their recommendation, if you recall, was 60 percent recreational and 40 percent commercial.

They came up with 24,400 pounds from 40 percent of 61,000, so that could be bumped up a little bit due to the new ACL that we're looking at. Then they would implement the following monitoring devices on commercial boats; VMS, electronic bycatch reporting and observers. What they're thinking of setting up here is having a commercial ACL; and once you hit that ACL prohibit the use of hook-and-line gear for fishing for midshelf species.

That also creates a concern there because they're only talking about midshelf species where, again, if you hit your red snapper ACL it seems like all hooks should get out of the entire EEZ for the commercial sector and not just the midshelf species when you're fishing for midshelf species, and that could be an enforcement problem, too. Then they also talked about setting aside part of that 24,400 pounds to account for red snapper mortality in North Carolina and Southern Florida. Again, this came from the Snapper Grouper Advisory Panel.

MR. PHILIPS: The AP was struggling to find a way to not let red snapper shut down everything, so they floated several ideas on how to avoid red snapper, how not to interact with them, how not to put them on the boat. There seemed to be a good bit consensus that properly motivated they could do that, which would go a long way toward not pushing people into other fisheries that they normally would not want to go into.

Is it cheap to put the monitoring devices? No, it would take some work, but I think it's definitely worth looking at. Then if you do have some catch coming in, then you've got something to pull your otoliths from and do some of your other data work. They talked about this a good bit and I think this definitely something that should be looked at.

MS. SHIPMAN: Just a question on the part of the motion, Charlie, where it says no new closed areas; that part of it I have a problem with because, for instance, this might be something that were we to be able to go with corridors, alleys, whatever, you could take some of these measures for the commercial fishery that would be fishing in there. I've got a problem with saying no new closed areas, plus in an amendment you're almost prejudging what would come forward in the forward. That part of it I would not be favorable towards. The other parts of it were we to be able to allow some sort of fishing, I think there is some merit to some of those measures.

MR. PHILIPS: I think they would be willing to have some spawning closure, aggregation closure areas and some things like that. As far as your corridors, if the recreational sector could have their corridors and work under their allocation and take care of their own house, the commercial people didn't have a problem with that either.

That's one of the reasons they hammered out that allocation, so each sector would be encouraged to take care of their own and not say, well, if I don't catch it some other sector is going to catch it and just everybody go fish. Of all the things that I saw, this was one of the better ones, if not the best.

DR. CHEUVRONT: Do we have any idea if this was to happen whether this would end overfishing and get us to where we need to be management-wise? I look at this again and this could be a real burden to North Carolina vessels who rarely encounter this. Then when Susan said let's remove the part about increasing the closed areas, well, that's a double whammy for North Carolina.

If our fishermen are going to have to pay to put this extra equipment on their vessels for a fish that they rarely encounter and then they could end up being closed on top of that, no, I can't support this either. I don't think we even should consider it unless we know it has a good chance of getting us where we need to be for management.

MR. GEIGER: In regard to VMS, there is no way we're going to get VMS on all these vessels in time as we move forward. Consider the recommendation from the LAPP Working Group; we did that during the LAPP Committee and we've embarked on a LAPP Amendment, I think, primarily with a vision towards snapper grouper, I think. You know, again, these are management tools at some point that can be used to manage a fishery. I just think, again, these do not contribute to what we're here about today and that's the requirement to end overfishing in this complex.

MS. SHIPMAN: I want to go back to Brian's comment because I am sympathetic to the situation you all are in. That goes back to our earlier comments if we could take pieces of many of these options, I think we ought to at some point look at North Carolina; we figure out your discards, whatever that is, and take it off the top of whatever we're going to do from the North Carolina and South Carolina line south potentially.

I'm sympathetic to where you're coming from, but again it's a matter of almost like the Chinese menu of picking what best fits to come up with something that to mitigate to the degree we

possibly can the socio-economic impacts first and foremost and paramount in the revision. I think that's what we're all struggling with and trying to get to.

MR. PHILIPS: I think you could turn this into a sector fishery and take North Carolina out, take Southern Florida out and leave Northeast Florida, Georgia, half of South Carolina, whatever line you want to use. You know, you just have this as a sector fishery where you're really interacting with American reds. If you don't want to put the equipment on the boat and you want to go stay in a king mackerel fishery or a black sea bass pot fishery or something, fine, but if you're out there where you can be interacting with American reds, this is what you're going to have to do to play in the game.

Yes, I wouldn't want to penalize North Carolina when they're not catching any. So, yes, take them off, take their little bit of fish off the top, but, yes, just narrow it down to who is actually working with the fish.

MR. ROBSON: Well, we still don't have any proposed action on this one way or the other.

MR. PHILIPS: Can I make a motion to include it, then?

MR. ROBSON: That's your motion, to include Proposed Alternative 7 in the list of alternatives for the public hearing document. Is there a second to this motion?

MS. SUSAN: I'll second it if he'll take out the no new closed areas.

MR. PHILIPS: Agree.

MR. ROBSON: Any further discussion? Rita.

MS. MERRITT: Charlie, would you be willing to amend the motion to put in your statement about leaving out North Carolina and Southern Florida?

MR. PHILIPS: Yes, we can amend it and put that in there, absolutely.

MR. DeVICTOR: That's already in the alternatives, that last sentence to put a buffer and then use 32 north/80 west and also Southern Florida.

DR. CHEUVRONT: That includes part of North Carolina; that includes entire Brunswick County, which is a south-facing county in North Carolina and goes all the way up to Cape Fear. That's not acceptable.

MS. SHIPMAN: Perhaps, Charlie, one way to amend it would just be to say this particular measure to be analyzed excluding the area north of the North Carolina and South Carolina lines and from whatever we have defined as Southern Florida. I apologize, I can't remember where we put that demarcation.

MR. GEIGER: Are you guys done modifying the motion; is that it? My question is does this contribute to ending overfishing and the requirements we have to meet under Magnuson? If it doesn't, I think we're dithering here and we need to move on.

MR. PHILIPS: Yes, I think this is going to be on the road to ending overfishing and it is definitely a way to stop the collateral damage of pushing fishermen into all these other areas that they normally wouldn't fish. This could also be a step on the way to catch shares. Is it pretty, is it clean? No, nothing we do is totally pretty and clean, but, yes, I think it is going to take care of the overfishing.

MR. DeVICTOR: Again, if you keep the commercial ACL, if you keep the fishing mortality in red snapper to the commercial ACL you will end overfishing, but as it is written I believe it's problematic. Again, as I brought before, it says prohibit the use of hook-and-line for fishing for midshelf species; so if that is indeed written into the regulation I think that you have a good chance of going over your 24,400 pounds.

Again, once you reach 24,400 pounds, I think that you have to prohibit all commercial fishing so you don't interact with any red snapper. You asked does this end overfishing – right, that's the alternative, so I believe as it's written it would not prohibit – it would not get to overfishing for the commercial because of that midshelf species language in it. That's my opinion.

MR. PHILIPS: We envisioned leaving buffers out; and when we came close to our buffer, whatever it was, those huge boxes, you know, all that – we were out of them, but we were also thinking we could really – it gave the commercial people that interact with American reds a lot of incentive not to interact with them so they could keep fishing. So, we felt like it did keep us under the cap and it covered a lot of what we needed to do.

MR. HARRIS: Mr. Chairman, I, like Rick, have heartburn with that prohibiting the use of hook-and-line for fishing for midshelf species because I think he is right that it doesn't end overfishing as it is currently written. I also have a big issue with the 40 percent annual catch limit – I take that back. I misread that.

DR. CRABTREE: Can you explain to me, so we're setting – in this alternative you're setting effectively a red snapper quota of 24,400 pounds that they're going to be allowed to land; and then if they discard in addition to that another 24,400 – or is it their landings and their discards, and they're going to report their discards to us somehow?

MR. DeVICTOR: I believe their intent was to totally prohibit red snapper harvest, do not allow that, and then it would be the discards.

DR. CRABTREE: Okay, so they're not going to land any red snapper under this. This is just they can fish until their discards hit that, which they're going to report through an electronic logbook.

DR. PONWITH: It was going to the electronic; it specifically points out that there would be an electronic monitoring system for monitoring the bycatch. It would be good to hear more about

that because I'm not aware of one that's up and running that has the proof of concept. I know we're doing a lot of research in that area and eagerly looking forward to exploring the use of electronic systems to augment the work that we're doing with observers, but I'm not aware of one that's up and running. I just wondered if someone could elaborate on that.

MR. HARRIS: I want to go back to 40 percent because I did read it correctly the first time. I did have a problem with that because that's not what the council has selected as our allocation between commercial and recreational. I think that is the new commercial proposal from the AP, but that's not the proposal that the council has previously selected with respect to allocating that fishery. There is going to be an allocation. I don't think that 40 percent and 60 percent should be that allocation.

MR. WAUGH: My comment was to Bonnie. We had a previous staff member that cooperated with a cooperative research proposal and demonstrated the use of electronic logbooks, so that technology is out there. In fact, that's out there ready to be implemented.

DR. CRABTREE: I guess my question is how would we verify or validate that they were actually reporting the discards of red snapper? Clearly, there would be a strong incentive to underreport so how would we verify that, Charlie?

MR. PHILIPS: Well, they're going to have video monitoring on some boats starting next year, and you may want to rotate that video monitoring between boats so you can make sure that those numbers that you see on the video monitoring are kind of mirroring what is coming off otherwise. If it doesn't, then you start changing things or you may have to mandate a hundred percent video. This is a starting point. I'm not saying it's clean, I'm not saying it's perfect. It's a starting point.

MR. WAUGH: This same point about the discards and how we monitor it comes up with all the other alternatives that are in the document. We've talked about that some, but we've already made the argument that we have a system in place. We've come into compliance with the bycatch reporting requirements of the Magnuson Act.

We've argued that in a previous amendment, so it's a matter now of implementing the measures to do that. Even for the alternatives that are in the documents, to ensure that those meet the overfishing requirements we've got to do something to document that the total mortality is less than the ACL. We've done a great job of providing a critical review of these alternatives, but we need to apply some of that back on the ones that we talked about earlier. There has got to be some level of observers to verify this information.

MR. ROBSON: Okay, we have a motion to include this proposed alternative in the list. Any further discussion? **All in favor of the motion raise your hand; all opposed to the motion. The motion is disapproved.** Proposed Alternative 8.

MR. DeVICTOR: Alternative 8 is from the Snapper Grouper Advisory Panel and it's a laundry list of ideas that they have. I think we've talked about some of these; VMS; consider recommendations from the LAPP Workgroup; spawning locations. They had a separate motion

to put in closures to protect spawning red snappers. I think a lot of these have already been discussed.

MR. ROBSON: All right, any discussion related to this proposed alternative? George.

MR. GEIGER: I make a motion we move it to the considered but the rejection portion of this document. When you look at it, we've already talked about VMS and the difficulties with getting VMS in place in time. The LAPP Working Group we've already considered within our LAPP Committee; beginning a LAPP Amendment; again, measures to manage a fishery, good measurers.

Certainly, I don't think anybody here would object to identifying spawning areas and having those areas protected and closed. We've heard Ben Hartig refer to the successes they've had on Riley's Hump in having closed spawning aggregations. We've taken action as a council to close spawning aggregation sites for gag grouper. It just makes sense, but it's again methods for managing a fishery.

MR. ROBSON: We have a motion to move to this to the considered but rejected. Is there a second? Brian seconds. Any discussion on that motion? **All in favor of the motion signify by raising your hand; all opposed. The motion passes.** Proposed Alternative 9.

MR. DeVICTOR: Nine, this is from the Snapper Grouper Advisory Panel, and they were just discussing Florida recreationally, and it says one per person and four per vessel, excluding captain and crew; keep the size limit; put in closures to protect spawning fish; one hook per rod and reel, manual rod and reel only.

MR. GEIGER: Again, I would make a motion that we move this to the considered but rejection portion of the document; and if I get a second I'll speak to it.

MR. ROBSON: Motion to move to move this to considered but rejected and a second by David Cupka. Discussion.

MR. GEIGER: Again, when you get down into the discussion portion and you look at the reductions that you get as a result of implementing some of these actions, which again are management tools to manage a fishery, they don't get us where we need to be. I think that is sufficient.

MR. ROBSON: Any other discussion on this proposed alternative, the motion to move it to considered but rejected? **All in favor of moving this to considered but rejected raise your hand; all opposed. The motion passes.** Proposed Alternative 10.

MR. DeVICTOR: This is very similar to the first alternative we looked at. This would allocate the red snapper ACL by state and sector. Again, we have the table in there showing what the state and sector ACLs would be. This discusses taking, again, North Carolina off the top and South Florida, however you define it, so you would actually have lower ACLs.

Then if you go down a bit to Page 26, it describes how for the commercial and for-hire sector you would have electronic reporting devices, VMS, bycatch reporting and also observers; and then once you reach that sector and state ACL you would prohibit the fishing for, possession and retention of red snapper. Then it goes on to discuss a tag system for the private recreational sector where you would give a certain number of tags each year based upon a lottery system; and then once all those tags are reported, you would close the fishery.

MR. ROBSON: That's Alternative 10. Any discussion or proposed action on this alternative?

MR. GEIGER: I make a motion that we move it to the considered but rejected portion of the document.

MR. ROBSON: Motion to move it to considered but rejected; is there a second to the motion? Brian seconds the motion. Is there discussion on this motion? Susan.

MS. SHIPMAN: I think we know where everybody is headed with this. Again, I would just make the argument that I think some of us are in a position where we could make this work. I favor this although I realize I'm in the minority on this.

MR. ROBSON: Any further discussion on this motion? **All in favor of moving this to the considered but rejected; all opposed. The motion passes.** Roy.

DR. CRABTREE: But I do think getting to Susan, if the various could come in with some kind of more fleshed-out proposal as to exactly how this might work, I still don't think it could be done in the timeline of this amendment necessarily, but I do think it is something that we could start working on and take a look at.

MR. GEIGER: To that point, I would just encourage if the states do come in, that they keep uppermost in their mind the same request that I made of Mr. Lowe who was here this morning, whatever alternatives or proposals you come forward with, we do have the requirement to end overfishing.

MR. ROBSON: I think everybody understands that. From Florida's perspective I'm going to go back and we've got to look at this and see what we can do and figure out what all would be involved in trying to develop some kind of a state program like this. Okay, that's all of the proposed new alternatives. We've got a long way to go. Let's take a short break and we'll get back to this.

MR. ROBSON: All right, we have one last action and alternative on the current draft amendment, and, Rick, you'll take us through that.

MR. DeVICTOR: This is on PDF Page 223; on the hard copy, Page 199. Again, this has to do to establish a Red Snapper Monitoring Program. The question that is around this is how to track red snapper abundance throughout the rebuilding process. We have a series of three alternatives and one is the status quo, to use the existing data collection programs to monitor the rebuilding of red snapper.

Alternative 2 is to establish a fishery-independent monitoring program to track progress of red snapper. We brought this up in June but the team believes that this alternative could potentially be moved to a separate section and not actually be an alternative in the amendment. There is Section 4.12, which is called monitoring and mitigation.

This proposed framework is outlined in 4.12 I think handles Alternative 2. It talks about a proposed framework for an improved sampling program. It focuses on red snapper, including improving the geographical range of current fishery-independent programs. It discussed a track-deployed camera sampling program. It is discussed in detail in Section 4.12.

Then Alternative 3, which we've talked about to some degree, it says establish a red snapper research fishery, including for-hire vessels, charterboat and headboat. There was a report put out by the Science Center that was presented to the SSC about the potential problems with using this. Again, it was to keep the Headboat CPUE Index going since it is important to a stock assessment. We've gone as far as adding a table with potential subalternatives – this is on Page 200 – that the team kind of saw how this action work.

You would have people that wanted to participate in this and would apply for an EFP-exempted fishing permits and some would get selected. So you have this table here that would – various subalternatives that would outline the number vessels available to participate, the number of headboat trips, allowable red snapper landings by headboats.

Again, we're talking headboat and charterboats here. Then it goes onward. If the council was to continue with this we think you should populate this table or the Science Center would have to have some input on this on how to populate the four subalternatives. But, again, this is the action on how to track red snapper abundance as it rebuilds.

DR. CHEUVRONT: Okay, Rick, I see that you all are questioning whether this really needs to be an alternative. As long as we can get something into the amendment that would say that this is something that we would like to see done – it needs to be done. We need to have data collection. I think it's much more appropriate for the Science Center probably to design the method for doing this.

I heard you also say that it's not just headboat but headboat and charterboat would probably be the ones to participate in this, and I think that's probably better. At one point we were talking just headboat. I think it's off of Georgia there is a pretty considerable charterboat fishery that's going on out there, so we need to also look as much at the sector as we can.

I'm perfectly in favor of moving this out of the alternatives as long as we can make sure that it's something that gets into the amendment that this is what the council really wants. I don't know how we would do that or where it would go, but it definitely needs to in there.

MR. HARTIG: Just a question for Bonnie; if you implement a new fisheries-independent program, how long would it take before that data would be applicable in an assessment?

DR. PONWITH: There would be a lag. When you create a new data program, in a perfect world you begin to gather those data and wait until you have a time series so you can see how the data is stabilized out and look for trends in them. It is common in the data analysis, there is a data workshop in a benchmark assessment to evaluate new proposed data streams to use in a stock assessment benchmark.

One of the criteria that you would look at in terms of whether it's ready to be used or is of high enough quality is a time series of it. Getting a fishery-independent data collection program started here in the South Atlantic is not something that we would do because of these potential management measures. In a perfect world this is something that we would have sixty years of data like they do in New England or like they do in some of the areas of Alaska.

It's something that every area should have, but the need for that is being pushed. These management measures and proposed management measures are really catalyzing the need for getting one of these established. Certainly, in the absence of our more reliable and consistent fishery-dependent indices of abundance, having this program put together is imperative.

MR. GEIGER: Just two things; again, as hard as we're slogging these issues out, this is a public hearing document. The public has questioned how we're going to capture effort and what is happening within red snapper. I think it's important to allow them to know that we are working on something, where there are ideas, and we're not just ignoring this as something that is not being considered and understood and necessary.

The other thing is I agree with Brian that it needs to be kept in the amendment because at some point we heard Roy talk about the importance of being able to go back and possibly get money to support this independent collection. If it's not in the amendment – I don't know if it is in the amendment if it gives you any additional ammunition to go forward and get money to support it or not, but it would seem to me if it was in the amendment it would.

MS. SHIPMAN: Well, I agree with everything that has been said. I know historically we've had sort of a push-pull that went on between the council and the science center as to what was really kind of within their purview with regard to data collection and this, that and the other and what council should be, quote, mandating or requesting through an amendment.

Maybe just a strong sense of the intent of the council strongly urging the science center to do this – I agree with George, I think it needs to be laid out for the public what we are asking or stating is our intent that this would happen. It definitely needs to stay in there; and if it's just a simple matter of the council strongly urging the National Marine Fisheries Service to establish these fishery-independent monitoring programs, but whatever we can do, and if that will also help Roy and Bonnie in terms of funding and that kind of thing. Some of it, to some extent, is bycatch related in terms of collecting bycatch information, which is a mandate so on and so forth.

DR. CRABTREE: I think what we're talking about is instead of having it be Alternative 2 here is moving it to a different section of the document, which is on, what, Page 268 is the Acrobat page, so it would still be there, it would still be in the document. It would just be moved into

another section because it's really not an action. That's fine with me to move it. That seems to make sense.

MR. ROBSON: Do we need a motion for this? Gregg.

MR. WAUGH: Just to point out if you have it in where it's a management measure and you approve it, then it carries some incentive for it being done. If you just have it listed in another section, then that has less of a requirement for it to be done; just to make you aware of that.

MR. HARTIG: Well, I was just looking at the goliath grouper problem in Florida. I want to be sure that we've got a way to address red snapper rebuilding to the best of our ability. I kind of agree with Gregg, that if we move it to another place in the amendment it's not as strong a statement as it would be coming from us directly.

MS. SHIPMAN: I think it would help to know where the National Marine Fisheries Service is comfortable in terms of it being stated, because we have had quite a bit of push-pull in the past over this. It would be good to know where do they think it's going to have the most benefit for what we're all trying to accomplish. It is something that's approvable or is it going to be a measure that they disapprove as not being germane to the council's purview?

DR. CRABTREE: Well, I don't know; I think at the stage we're at right now with the public hearing draft I'd sooner leave it where is; that's fine. I don't know what the agency would do with it if they got it and there wasn't any money or something like that. I don't know that you ought to worry too much about that part of it, and it may be that having there as an alternative puts more oomph behind it. I don't know if it does or doesn't, but we need some oomph behind it; I agree with that.

MR. CUPKA: In terms of the proposed workshop that's being discussed in November, would a procedure maybe come out of that that would be included in some of the description of this? I'm just not sure how these would mesh, but obviously you're going to be talking about a fishery-independent monitoring program, which is what we're talking about here.

DR. PONWITH: Well, I can't speak to where the right place in the document for this text would be. I do know we need this type of work. It's going to be very important, so I would defer to the management side to advise on where the best place for this to be. Regarding the workshop that's going to be in November, that's not an if we should do it based on what we have in place right now for fishery-independent monitoring.

In light of the fact of the erosion or loss of other supporting indices of abundance that come from the fishery-dependent side, what augmentations, changes, improvements or brand new efforts would we have to put into a fishery-independent program to reflect what the desired level of statistical precision changes in the status of the stocks out there, that's what the purpose of this is. This is a science meeting that would be to design what a fishery-independent survey would look like out there.

MR. ROBSON: I heard several comments from committee members that this is an important issue for us and to the public. There is a discussion about there is an alternative to shut the fishery down. We've got to be able to figure out a way to get some information so that we can continue to look at how this fishery is improving, hopefully, in the future. I think what I heard was we'd like to keep this as strongly as possible in the amendment to reinforce that commitment, and that would mean in my mind leaving it pretty much where it is. Bonnie.

DR. PONWITH: And what I would just say is I agree that wherever it has the most oomph is the right place for it to be as long as it isn't prescriptive, because it is a science issue and we want to keep those boundaries clean. As long as it isn't prescriptive, I think that is a great idea.

MS. MERRITT: Do we need a motion to leave it in?

MR. ROBSON: It's there now and unless you feel compelled to move it or change it in some way from the series of alternatives, I don't think we need a motion. Everybody okay with that? All right, that gets us through the alternatives. I was going to ask if there are any issues related to Amendment 17A before we move off. Roy.

DR. CRABTREE: I don't know if it needs to be a new action, we need to add accountability measures into it. We do have a series of strategies that establish ACLs at least for the current preferred and the others that are not zero. We would need to add in accountability measures to explain what happens if we exceed those ACLs. I don't believe right now, Rick, there is – I think the only one that actually sort of addresses that is the one with the zero ACL that talks about it. I think staff needs some guidance on how you want to handle that.

MR. WAUGH: And within the context of that there was some discussion about VMS. Apparently there is money available for the units. Do you want to address some of the law enforcement concerns, and as a part of accountability to require VMS? There was also some talk about allocating by sector and then having the closures apply to each sector, and that certainly gets into the accountability.

Your accountability measures would be very different if you do your allocation by sector and then calculate your closure versus leaving them together. If we just leave them together, then we need to analyze the differential impacts on the sectors because you've got a sector like the headboat that was responsible for 9 percent of the mortality is being treated the same way as the MRFSS sector that's responsible for 68 percent of the mortality.

MR. ROBSON: Well, it sounds like we need some discussion of that. George.

MR. GEIGER: I guess we're talking about accountability measures pursuant to the alternatives that we've identified that would allow some form of fishing; i.e., in the corridors. Is that what we're talking about, Roy?

DR. CRABTREE: Well no, you need accountability measures for the ones that you have to set to up ACLs. You have ACLs and whether you allow fishing or don't you've set up ACLs of some number of fish, and so you need an accountability measure because you're going have to –

if you're going to set up your ACL as total removals, then you're going to have to track total removals and you're going to have to have something that explains what happens if you go over it. Whether you open the fishery up or it's closed, if you set up the ACL that way, then you're going to have to have an accountability measure of some sort.

MS. SHIPMAN: And it's two-pronged. You're probably looking at within season if, for instance, we end up with alleys or something, but it's also – or within fishing year, I should say – and then also you've got the AMs for next year if you've got a total closure and your discards are exceeding it. It is somewhat two-pronged, I think. Correct me if I'm wrong, Roy, but I would think you would have to go with both of them.

DR. CRABTREE: You'll have to figure that out. With the current reporting that we have, I don't see how the discards can be – at least in the commercial fishery could be in season. I guess within the constraints of MRFSS that could be. I don't think the headboat – if you're going to use the headboat logbooks, I guess, or the observers to do it, that's usually the next year when we get those kinds of data. With MRFSS it's close to a 90-day time lag before you get the measures per wave.

Unless you set up some new way of reporting, it's not going to be real time. It is going to be significantly after the fact. I think you need to talk about what happens if you go over. I guess if there is not going to be a fishery and you go over, you're going to be looking at revisiting the closures, something along those lines; and maybe you set up with the fishery; if there is a fishery and you go over, then there is no fishery. Then are you going to pay it back if you have overruns and those types of things?

MR. ROBSON: Well, do we need to go back to the specific rebuilding strategies? George.

MR. GEIGER: Well, we already have accountability measures in place, I believe, in Amendment 16. No? Oh, not for red snapper, no, no, not for red snapper – not for anything? Haven't we talked about recreational accountability measures and using a running average of over three years or –

DR. CRABTREE: Isn't that, Gregg, in the Comprehensive ACL Amendment or –

MR. GEIGER: Oh, okay, in the Comprehensive Amendment.

DR. CRABTREE: -- in 17B, but it's not in 16.

MR. GEIGER: If we've already talked about a methodology for the recreational sector, why couldn't we just adopt that same rationale for this fishery; and certainly if and when an overage would occur, analysis would have to be done to determine whether or not carrying the overage over to the next year would be applicable.

In my mind clearly it wouldn't be because you're so limited in what you can take, so it would then necessitate probably a larger closure or analysis of a larger closure to accommodate the

overage from a previous year. There is a real potential here that as these overages occur the closed areas could potentially grow and grow.

MR. ROBSON: I think that gets back to the issue of having to look at discards and using that as a trigger for AMs. Duane.

MR. HARRIS: Mr. Chairman, what we are contemplating is if this is a discard mortality-only fishery, which right now it sounds pretty much like it's going to be, there is not going to be any harvest of a lot of red snapper, so we're going to have to track discards. If in tracking discards the total mortality of discards exceeds the TAC that we set for discards, then we've got to come up with accountability measures to address that.

As George just alluded to, the only thing I see that we can do is extend that closed area, put additional boxes into the area. I don't know whether accountability measures are available to us. If somebody will tell me, I'd be glad to consider them, but that's the only thing I can think of right now.

MR. HARTIG: I'll start it by just asking the question that with an ACL of zero you still have to have accountability measures is what you said, Roy, correct?

DR. CRABTREE: Well, the way it was set up in that alternative was the accountability was going to rely on fishery-independent monitoring and tracking progress. If you have an ACL of zero, then if you exceed it you have an enforcement issue, right, because the fishery is closed, and so you shouldn't exceed it. Otherwise, if you exceed an ACL of zero, you have a problem in state waters or you may not have compatible regulations, so I guess the accountability there would be to talk to the state and ask them again to put in specifics. But it's not right with an ACL of zero, if you go over it, you can't exactly reduce it because it's already closed, so it's a different situation.

MR. HARTIG: But if we have the 79,000 pounds, we do have to have accountability measures to deal with that bycatch.

DR. CRABTREE: Well, you do and what the guidelines also say are for stocks and stock complexes in rebuilding plans, the AMs should include overage adjustments that reduce the ACLs in the next fishing year unless the best available information shows that no adjustment is needed. Now, I'll grant you that we're in sort of exceptional circumstances here and maybe there are grounds for some extra flexibility, but that's what the guidelines say on that. But with a zero, you couldn't reduce it anymore.

DR. CHEUVRONT: Well, can't you just close all bottom fishing, period, in those grid squares where the fishing occurred that had the overages, and you close it for however long you need to, if it's multiple years or whatever, until that overage is made up.

MR. GEIGER: It's already closed.

DR. CHEUVRONT: Then if it's already closed how are you having overages?

MR. HARRIS: You're exceeding the discard mortality and –

DR. CHEUVRONT: That's right; what I'm saying is you close it down everything.

DR. CRABTREE: Well, you're presumably not closing everywhere; you're going to close some grids, and so then the ACL you have are the discards that you anticipate will occur outside of those closed areas, right? Now, if you set the ACL up that way and you go over it, that means a couple of things.

One, it can mean you just underestimated how many discards are going to occur. I guess, two, it could mean everybody has moved their boats and they're all fishing in the areas that you left open and you didn't take into account all that effort shifting. I'm guessing there will be charterboat businesses that are going to move. If everywhere they've fished is closed, I bet some of them will relocate to somewhere where they can fish.

Then the other thing that could result in more discards is the stock could be recovering more quickly than you thought and there may be way more fish out there than you thought, and that's going to be a tough one because if the fishery is closed without the independent monitoring program you're going to have a hard time sorting through all of that.

That was my thought in trying to tie the accountability into the fishery-independent monitoring program because it's not going to be affected by those kinds of things. It's just going to reflect is the stock improving or not, but then there is a whole host of other issues with that. The problem with saying, okay, identify the grid where the overage took place, well, remember most of the discards are in the recreational fishery, and they're not reported in a particular grid, so you'd have to look at, I guess, where those trips were somehow and figure something out.

I think in the way we've tried to look at this so far is that we assumed the discards occurred where the fish were, but with MRFSS we just know where I guess the dockside intercept took place, and you can break those things down to some extent, but you just know where people landed. You don't know where they fished, so I don't think you can get at it that way.

MR. HARTIG: Well, to some degree where they're located would give you an idea of probably where the closest grid, as big as they are, that, yes, you –

DR. CRABTREE: Yes, it would, no question about that. Most people aren't going to – but, you know, you're going to have a lot of people that have potentially two or three grids that are within striking distance, and you're not going to know in which they were, but you could probably say they're somewhere in this area.

Of course, the more you come in with MRFSS and start breaking it down geographically like that, the CVs will explode on you, and so that's the other problem. If you try to say, well, how many discards were there off of the northern half of South Carolina, you're going to have a huge CV on it, and it's going to be difficult for you to make much out of that at that point. That's the problem with MRFSS when you start trying to break it down into state-by-state quotas or

anything like that, which I guess brings me back to why I don't think doing it this way is a particularly good way to go.

MR. ROBSON: And, again, to make sure I understand what you're saying, if you set the ACL at zero you're essentially not looking at discards in terms of any kind of an ACL and therefore they're not subject to accountability.

DR. CRABTREE: Well, I don't think the specific ACL you have then necessarily is – you're going to have to have some way to gauge is the stock improving like you want it to be, and that gets to the fishery-independent monitoring. I'll tell you right up front there are a lot of people who will disagree with me on this one and tell you the way I want to go, and it's not strictly by the guidelines and this and that.

And, fair enough, you can argue about that, but I'm trying to come up with something that actually makes sense and isn't going to dig us into even more trouble. Now, if you decide you're going to have sort of a fishery, then you could have an ACL that was what the – and I think at that point you're going to have to have an ACL that is an amount of fish that you think the fishery is going to land, and you're going to have to track it; and if they go over you're going to have to make them pay it back or not have the fishery anymore. That is a different situation. I don't want to keep repeating myself but if the fishery is going to be closed, then that's a whole different situation, and I think at that point we need to realistically take in account where that leaves us and come up with something that is workable.

MR. GEIGER: Roy, if you have ACL equal to zero, the poundage that has been identified in terms that we were previously calling, I believe, the ACL, right, that come from landings and discards from above and below the closed area?

DR. CRABTREE: Well, there will probably be discards from the closed areas caused by lack of compliance, but generally if we close the fishery and then the total removals would be, I think, principally discarded red snapper from outside the closed area.

MR. GEIGER: Now, when we talk about the closed area, I guess we need to be specific in terms of what we're closing. When I look at those block area closures where there is a four-block or a seven-block closure, that's a total closure to bottom fishing. So, if there is no bottom fishing allowed there may be some non-compliance, I would – and it's dangerous to assume, of course, but I would assume that the discards or even the non-compliance – let's non-compliance – would be relatively low. That's a gross assumption, I understand, but it leads to understanding that the ACL that was identified would be comprised of either landings and discards above and below those closed areas.

DR. CRABTREE: I think that's correct, or if we go with the depth contour –

MR. GEIGER: Right.

DR. CRABTREE: -- and I think that's right. You know, if we allow some gears into the closed areas, for example, sea bass pots or golden tile, I guess there would probably be some number of

red snapper that would show up in some of those, but I'm guess it's going to be quite low, so most of it is going to be outside of the closed areas as people go in other fisheries.

MR. GEIGER: Correct, so now I get back to the same logic that if you open an alley in three locations or even one location where you allow some type of extraction of red snapper within what is now the closed area to all bottom fishing, then that would necessarily then require monitoring to ensure – man, it's complicated – so you don't exceed the values that they're allowed to land in those areas; and if they do exceed it, then necessarily the payback would be an expansion of the closed areas to make up for the overages that would occur in the corridor or in the area that would be allowed to be open by state, for example. Does that make sense?

DR. CRABTREE: Yes, I guess if you set up – whether it's a corridor or however you set it up, if set up some way that you're going to allow some level of fishing for red snapper and then they went over what they were supposed to catch or the discards go over, I guess the accountability could be that's the end of that fishery or something like that. I think there are probably any number of ways you could do it if you were going to have some sort of a fishery. I don't know if I'm addressing what you brought up exactly or not. I agree with you it is very complicated.

MR. DeVICTOR: Roy, in Alternative 7 we define the AM to track CPUE of red snapper via a fishery-independent monitoring program. Could we not apply that to Alternatives 2 through 6. By the fact that we would specify an ACL in Alternative 2 through 6, we're required to take action once the ACL is reached.

DR. CRABTREE: In that instance you would have an ACL and you would exceed it, but then you wouldn't do anything based on that. Well, you'd certainly be not following the guidelines which are basically built around if you go over the ACL you'd take some steps to prevent going over the ACL the following year. I'm not ready at this point to say that you couldn't do it that way, but if you're not going to use the ACLs of the discards to trigger something, what purpose does it serve to have it, then? Maybe something like that would work.

MR. ROBSON: All right, folks, where do we go here? Did I hear what I thought I heard the answer to your question, Rick, was that you could potentially use the fishery-independent trigger in the other alternatives, an additional Alternative 7 – maybe. Ben.

MR. HARTIG: Well, I don't know what is so hard about it. It doesn't seem that hard to me. I mean, basically, if you've got 79,000 pounds of fish and they go over it the first year you take it off of the next year. If you can't pay it back in the next year you stop the fishery completely. Those are AMs in themselves.

DR. CRABTREE: I agree with you, Ben, in the case of having a fishery. Where I think it's more difficult is if there isn't a fishery and then those ACLs are just discards. In that case if you go over it I think that means you've got to look at increasing the amount of area that's closed. Then there are lots of questions, because at least the way the guidelines are set up these are supposed to be kind of automatic things.

The plan says if you go over this is what happens, and that's okay if you go over you shut the fishery down or something like that; or even with a quota you go over it so you deduct it off next year's quota and do it, and that's pretty straightforward. But if you went over it and now we're going to have more closed area, well, there are a lot questions because where are you going to – what are areas are you going to close.

Maybe that's just something that has to come back to the council to review, but it's more complicated in that scenario. I think if there is a fishery staff could easily go into the stuff in 17B and pull some of those out that would apply. It's when the ACL is just discards. Then I come back to Rick, if you're going to have an ACL that is just discards but your accountability is going to track the fishery-independent monitoring, then why set up the ACL as discards. The whole purpose of the ACL is you're going to track it and it's going to control the accountability measures, really.

MR. HARTIG: Well, if you change it from the discard definition to a fishery; does that do anything? If you changed the definition – you know, we've been talking about bycatch fishery and bycatch fishery – if we just changed the definition from a bycatch fishery to a fishery; does that change anything?

DR. CRABTREE: Well, if you change it to a fishery and if it's not bycatch that means it's being landed. If it's not being landed it's bycatch. It doesn't really matter whether they meant to get it or not. It's whether they bring it in or they don't bring it in.

MR. HARRIS: I guess to me it seems like the ACL and the total allowable catch ought to be the same. If the TAC is 79,000 pounds, that's what the ACL should be. We've designed this program and alternatives to date to close these grids to fishing to account for discard mortality that would add up to 79,000 pounds; have we not? I don't understand why we would set an ACL of zero and complicate this. It seems like it just complicates it even more to me in setting up these accountability measures.

DR. CRABTREE: Well, if you set the ACL at zero it doesn't complicate it to me. It makes it quite simple. The fishery is closed; okay, there are not going to be any red snapper landed; and if they are, then it's a violation or a state's issue or something like that. That seems more straightforward.

It's not I don't think mentally challenging to figure out how to do this if the ACL is discards. You monitor it and if you go over it then you close more areas down to reduce the discards. The problem is that what you want to do and exactly how are we going to do that? I mean do you want it set up so if you exceed – the discard estimate goes over the ACL; do you want some automatic trigger that we shut down the EEZ until the council comes in and takes some other mitigating thing, or do you want it that the council is going to come in and review it? That's the nuances of all that.

MS. SHIPMAN: And I think it's also a matter of semantics of what is catches versus what is removal through mortality. Then you get into the whole issue with if you have to extend your closure areas, well, if you started out with your closure of where your interaction with the fish

was the greatest, and you're getting the greatest gains, what do you even gain by expanding, say, into North Carolina where your interactions are so minimal? I'm just not sure you get a commensurate payback, if you will, by expanding those areas.

DR. CRABTREE: Well, I don't think you will and I think what will happen if you try to monitor an ACL that is discards is just because of the uncertainties in the discard estimates and MRFSS you'll go over one year and then you may be way under the next year. I think it's going to bounce around a lot and it's going to be difficult to figure out how to handle that, and that's why that's a problematic way to go with the ACL.

MR. GEIGER: Duane, theoretically, let's just bandy this idea about you said fish to an ACL of 78,000 pounds and if you go over you put payback measures in place for the following year or close it the following year. But in either case you're now back to a zero ACL and you wind up with the same scenario that if you over that you have to embrace larger closures, and I can see it just compounding on itself every year into the future.

To Susan's point where you don't get much, but what you do get is everything you can get. You might not get much but it's everything you can get by closing the entire area, so you do get something. For example, in South Florida, if you go further down into Central Florida, I think there are considerable landings from Canaveral down to Stuart, for example.

I think there are some more landings that could be taken north of the current northern closure line and even in the seven-block closure. So, you will get something, and what you will get is everything that is left.

MS. SHIPMAN: I guess my question, though, is will you get what you're required to get in terms of the payback?

MR. GEIGER: I would say off the cuff and not being a staff member, no, and therein lies the problem because you've now busted your rebuilding plan. I don't know if the Black Suburbans pull up when that happens or what goes on.

MR. ROBSON: Well, and the other difficulty with that is – and we've heard this several times now – the trigger mechanisms discard which is subject to a lot of variability or movement one way or the other, so it's an unreliable way to have to even monitor for what accountability we need to take. That's what I think we've heard and some sectors may be different in terms of how they can measure the discards, but it's going to be an issue, apparently.

MR. HARTIG: Roy, are you actually talking about trying to monitor this fishery in a year-by-year basis and not taking any running averages in MRFSS?

DR. CRABTREE: Well, that's what we're talking about trying to figure out here. In 17B it's set up – of course, there are different alternatives but at least I think what is the preferred alternative from most of the recreational fisheries is to monitor a running average with the idea that that would smooth things out some.

We had them set up where we're going to monitor numbers of fish and not pounds. One problem with the ACL, if it's discards in the document now, as I think, Rick, it's in pounds. Well, I don't think you're going to have poundage estimates from MRFSS if the fishery is closed because there is not going to be anything to base the weight conversion on; and so you probably, if you are going to have a MRFSS-type discard ACL, it would probably be better off to have it in numbers.

Plus, the CVs around the MRFSS catch estimates in numbers are tighter than the CVs in weight, but there will be a lot of uncertainty. I think that's true in the – well, I'm not sure in the logbook if they report their discards – you'd probably know, Ben, do you guys report your discards as numbers or pounds?

MR. HARTIG: Numbers of fish – no, there is an average weight in there, too.

DR. CRABTREE: Okay, so that might still be there but MRFSS doesn't give you that, and I'm not quite sure what number we'll use to convert the things and the weights with it. There are lots of ways and nuances to do this, and we need to come up with some alternatives that staff can work up and put in this thing. It sure could a running average of sorts.

MR. HARRIS: Isn't there a conversion used in MRFSS now to convert from numbers to pounds, Kathy? Does that conversion exist to convert from numbers to pounds?

DR. CRABTREE: Well, there is but that's based on when they do dockside intercepts and they see fish and they get some weights, but if the fishery is closed there won't be any dockside intercepts because there won't be any fish being landed and so there won't be any lengths or weights, right?

MR. HARRIS: Can you not assume that the same weight of fish is being caught that was caught when we were landing fish?

DR. CRABTREE: It's a rebuilding plan. Well, what we're trying to do is rebuild the age structure and that means the fish are going to become bigger on average, and so I would think you would see shifts over time that the fish are going to become larger and people are going to be discarding legal sized and sublegal. You could do that, but that's whole 'nother host of error in it and I would think that the expectation over time would be that the average size fish caught is going to get bigger as the stock recovers.

MR. GEIGER: Isn't that what you're experiencing in the Gulf kind of right now?

DR. CRABTREE: Yes, we've seen the average-sized red snapper in the Gulf – this is what is being landed – increase. I think it was up by 20 percent last year.

MR. GEIGER: But, the size of the fish increases, what, a pound a year, and you've got to take that growth factor into account when you establish your annual ACL in terms of numbers of fish.

DR. CRABTREE: Yes, I mean it can be done. It's just that the conversion applied is going to become out of date and it's another uncertain number that our constituents I am sure will not hesitate to point out to us it's fatally flawed.

MS SHIPMAN: But, Roy, I think at least for the for-hire fishery, if you set up the research program and you have that operating, you're going to have those data coming in, and you could at least use those for the conversion as you advance through time provided that program keeps going.

DR. CRABTREE: Yes, if you have fishery-independent program that's going to generate some fish size, and I guess you could apply that, but the gears will be different. For example, if you set up a fishery-independent program that operates like MARFIN you're going to have fish coming up in Chevron Traps and you can get sizes out of that, but that may not be reflective of the size fish that are coming up on hook-and-line gear; I don't know.

MR. ROBSON: Somewhere we need to give some guidance to staff to develop some form of accountability measures. Susan.

MS. SHIPMAN: I'll throw out something. Roy or someone earlier had made the suggestion, or maybe Rick did, can we take the AM that we've got stated in Alternative 7, that methodology for the fishery-independent monitoring program and perhaps add in CPUE or something, and we'd have to come up with it from the research program we're going to set up with the for-hire fishery or whatever, apply that back through those other alternatives.

DR. CRABTREE: Well, I guess you could but it begs the question of why are you setting up the ACL the way you've set it up with the discards if you're not going to use it to trigger – I mean, it seems to me the whole thing with the ACL – now, you might could make the case that we want to have it there so we can watch it, but it's unreliable to the extent that we're going to handle it different, and that might be okay.

MS. SHIPMAN: And then I think you'd also have to have some sort of a companion, though, of revisiting the closures and adjusting those to expand the area. I think it would have to be a two-pronged thing.

DR. PONWITH: One more point; you know, if the choice is to use current monitoring programs to account for bycatch and set some bycatch level that you can't exceed and set an accountability measure that triggers when that threshold is crossed, you're absolutely right, the bycatch estimates will be very spiky, and that's worrisome.

The flip side is if you set up a fishery-independent survey, depending upon how robust that survey, but even if it is a robust survey those data are – it is very common for those data to be spiky as well and it's difficult to determine causes of those spikes and be able to assign those causes. It's just the nature of those data. And if you have some feel for the natural variance from year to year, it gives you a better ability to be able look at what is happening in the trend line and assign causality to changes in that trend line.

But, without sort of a pre-notion of how much variability there is going to be, which is basically the case we're going to be in as we create fishery-independent index, we won't in advance know how much natural variability there will be in that index. The point of all of that is that is going to be a spiky signal or could be a spiky signal as well. I just want to mention that so that you realize that they're both challenging alternatives.

MR. ROBSON: That's good news. All right, we're still trying to kind of come up with what Susan was trying to get summarized in her thoughts. Do you want to take a shot at it?

MS. SHIPMAN: Sure, we'll take a shot at it. My motion is to add the accountability language in Alternative 7 to Alternatives 2 through 6; and to also craft an accountability measure language for the charter/headboat monitoring program in terms of tracking the CPUE via that program, to track the change of biomass; and then also to revisit the size of closures when the discards are estimated to have exceeded the ACL.

I have no pride of authorship and totally welcome friendly amendments. And I think there would be a question in terms of, as Rick pointed out, are we looking at running averages for the estimation of the discards with regard to the MRFSS, so we would have to work that in there as well.

MR. ROBSON: And I think with all the discussions about the spikes and variability in discards and potentially even the independent monitoring we probably need to have some kind of smoothing mechanism in place. Is this clear to everyone?

MS. SHIPMAN: Mr. Chairman, we can certainly polish it before the full council but at least it gives us something I think to chew on and to move on, perhaps.

MR. ROBSON: Right, and since this would have to be incorporated by staff as well into the language in the amendment, into the document? Are there any questions about the motion?

MR. PHILIPS: This probably doesn't go under accountability measures, so what if your discards are a lot lower than you think; are you also going to look at changing the size of the closures?

MS. SHIPMAN: I think you potentially could. I think you could go either way; however, with an overfished stock like this anything you bank in a sense is a reserve and may expedite your progress towards recovery. It's worth the discussion, perhaps.

DR. CHEUVONT: We're already getting off into discussion here, but do we have a second on this motion yet?

MR. ROBSON: Right, I was just trying to make sure everybody was clear on the motion and the way it's worded, but we do need a second. Seconded by Duane. All right, any further discussion on this motion? Again, I think it would provide some direction to staff as well to get this language into the draft document. No discussion, is everybody to vote on this? **All in favor of the motion; any opposed. Okay, this motion passes.** Roy.

DR. CRABTREE: And also I would suggest that Rick and the folks on the team, as they put that together, if they have some other good ideas or insights to construct another alternative or something, that would be great, and we can look at that the next time around.

MR. ROBSON: Okay, we've gotten through the alternatives. Are there any other issues related to this amendment 17A? Ben.

MR. HARTIG: In going through the workshop, something certainly jumped out at me there. There are a couple of bycatch studies. One is in 2002 they found J-hook mortality was 56 percent of acute mortalities of red snapper on headboats and then in 2004 Burns, the same author, they had J-hook mortality at 49 percent and Barrow Trilon was only 13.5 percent. Certainly, I think we could get some great gains in this fishery, in the bycatch situation, since it is a large portion of the fishery, by having circle hooks being used in the snapper grouper fishery, especially the recreational.

Most commercial people fishing for red snapper, at least in our area, do use circle hook already. I know it's not common in the recreational fishery. I think the biggest bang for your buck in the recreational is the recreational fishery in terms of getting your percentages down on discard mortality. If you did this, it would go a long way at least in areas where you're going to allow people to fish to reduce that bycatch mortality.

I would make a motion that we require circle hooks in the areas where fishing is still allowed for snapper grouper species or in the area where red snappers are commonly encountered. I'm open for suggestions on how to do that. I know in South Florida where you don't encounter red snappers at least in a portion of South Florida that they may not to go to circle hooks.

MR. GEIGER: We already considered this one time before, as I recall, and we had a report from the Keys in the yellowtail fishery where it's impossible – according to the fishermen impossible to catch yellowtail on circle hooks. We need to be careful how you word that in terms of total areas.

MR. ROBSON: Was that your point, Duane?

MR. HARRIS: That was my point, the yellowtail fishery down in the Keys.

DR. CRABTREE: Didn't the SSC weigh in on this when we were going through Amendment 16, and can someone refresh us as to what they said because it seems like I recall they were skeptical about how much reduction, or at least they couldn't quantify it. I don't remember.

MR. ROBSON: I don't remember the details. Jack.

DR. McGOVERN: I think they wanted more of an analysis on the effect of circle hooks on a variety of species and what kind of reduction it would have on those, and there was concern like for yellowtail snapper and gray triggerfish and species like that, that it would reduce the catch of

those species that are not documented as experiencing overfish. They wanted a more rigorous analysis for the whole suite of species in the fishery management unit.

DR. CRABTREE: I think it would be easy enough. We've already analyzed this and gone through it pretty extensively in Amendment 16, so it would be easy enough to resurrect that and update it a little bit. George is right, we heard a lot of opposition to it, but it was mostly down in the Florida Keys/South Florida area.

I remember the yellowtail fishery was one and I think the mangrove snapper fishery, those folks had issues, too, but maybe there are ways to work around that. Since we're not concerned about red snapper down there, that's really outside of the range of the problem and maybe we could do it in a way that required circle hooks in the snapper grouper fishery, but put some geographic boundaries on it or something like that.

MR. HARTIG: Cape Canaveral to the South Carolina border.

DR. CRABTREE: It may well be that there are ways we could accommodate those folks.

MR. PHILIPS: I'm not so sure how – somehow I think my guys tried circle hooks on vermilion and I don't think they worked very well, but then again if 90 percent of the fish we're letting go aren't going to make it anyway, so circle hooks may not work for the commercial fishery just because of the depth in the vermilion fishery.

DR. CRABTREE: But we have required circle hooks for the last couple of years in the Gulf of Mexico Reef Fish Fishery and they're landing vermilion snapper, red snapper and all those in the commercial fishery, so they've figured out how to do it. You might want to talk to some of those Gulf folks and see.

MR. HARRIS: Mr. Chairman, I just talked to Steve Amick and he said that they've had problems with circle hooks in his headboat fishery, so I agree with including this in here for analysis and getting feedback on it. Whether we go with it or not remains to be seen.

MR. ROBSON: Well, we have the makings of a motion and it hasn't been seconded. Seconded by Susan. They have added a line that would basically take this requirement from the Cape Canaveral or basically the southern block or zone that was being looked at and then north of that. Roy.

DR. CRABTREE: I think what the motion means is to add an alternative to look at this.

MR. ROBSON: That's correct.

DR. CRABTREE: And not require, so it would be add an alternative.

MR. ROBSON: That's correct. We do have this as a motion and a second. Is this current language sufficient? Susan.

MS. SHIPMAN: Yes, for the analysis and then if it were to pass and pass council to get in the public hearing document, what about other alternatives that we need, either no action or should we have some other geographic boundaries in terms of the other alternative – yes, and sector; good point, Brian.

MR. ROBSON: Okay, let's hold those thoughts. I have Tom.

MR. SWATZEL: Just a point of clarification; is this for all snapper grouper species that are north of 28 degrees?

MR. HARTIG: Yes, it would as far as that reads. You know, I'd like to sit down with staff and have a little time to develop and maybe we can table this until full council, and I can bring it to you in a better format, because I haven't thought it all out. This just jumped out at me when I read the data workshop report, and it seemed like an excellent way to go. I just haven't fleshed it all out, so if we could table this for now and bring it back to you at full council.

MR. ROBSON: Well, do you want to withdraw the motion for now or just table it. Do we need a motion to table?

MS. SHIPMAN: I make a motion to table.

MR. ROBSON: Is there a second? All in favor of tabling this motion. The motion passes. All right, we'll table that and we'll work on this one. All right, one last time, hopefully; are there any other issues related to 17A? Rick wanted to put some maps back up there that we didn't have available before.

MR. DeVICTOR: It may be hard to read, but, again, these were not in the briefing book material, so I just wanted to provide you the opportunity to see if you had any comments for the closure map for Alternatives 3 and 4. Again, we took the advice of the LEAP and redrew these with less waypoints, so that is Alternative 3.

MR. ROBSON: So these are the bathometric boundaries, but they're smoothed out with straight lines, that's basically what this is?

MR. DeVICTOR: Right, with just less waypoints than what we had there before. Before we had twice as many waypoints on each side; we took about half of those and smoothed it out a bit.

MS. SMIT-BRUNELLO: And while Rick is working on the map projection, I talked with Rick, too. I think it would be advisable to put a discussion up front in the document about the mixed stock exceptions that's currently in the National Standard Guideline and the applicability of that to this particular fishery, the red snapper fishery.

I will note that the guidelines do state that the council may decide to allow this kind of overfishing under the mixed stock exception if the fishery is not overfished. I think since red snapper is overfished that's not applicable, but a discussion would be a good idea I think for the public in the document.

MR. ROBSON: Do you have that, Rick?

MR. DeVICTOR: I've got it.

MR. ROBSON: Again, these are showing the two bathometric boundaries smoothed out per some of the Law Enforcement Advisory Panel recommendations. This is for everybody's information to be aware of what those look like. Duane.

MR. HARRIS: Just a question, Rick, does it result in more fishing in depths greater than 98 feet or less fishing in depths greater than 98 feet when you smooth it out. Do you cut out areas or do you include more areas because that was a concern with the golden crab issue in the ecosystem plan and the ecosystem amendment, and I just want to know what it does.

MR. PUGLIESE: Actually I had created one that has both on there so you can see. What you have is that the outside boundary is a little more convoluted. In the first one, in the smoothing what you're doing is you're including areas that would have been excluded in more points because you have some areas going into the offshore area. So, you actually include some of the shallower water areas when you smooth the lines.

MR. ROBSON: Is that true for both 3 and 4?

MR. PUGLIESE: Yes, and most of it really is – on this end of it, this is 3, and actually there is a 4 alternative that you can look at the same thing. Basically, all you're doing is you're adding the tail to the north top end, and there is a little left movement, so most of it actually occurs here. The differences you're looking at really are these changes where you do have the bathometry really kind of moving in on a number of different points. The first time we looked at it, it made sense because you did exclude a lot of shallower water areas when you tried to add a couple more points.

MR. ROBSON: Duane, does that answer you sufficiently?

MR. HARRIS: Well, I think I understand what Roger just said. We're losing areas to fishing on the inside is what you're saying. We gain in one area but all the other areas there is a loss; is that correct? That's what I thought.

MR. ROBSON: Just for clarification, the existing Alternatives 3 and 4; do they currently include the smoothing of the boundary or are they still the original depth contours that were in the document, in the map?

MR. DeVICTOR: The ones that were in the document that went out in the briefing book is not the smoothing, but the intent here is to have these new ones I just showed with the smoothing in the next version that incorporates the Law Enforcement AP's recommendations, so the next version will that goes out to the public.

MR. HARRIS: Mr. Chairman, that's important because that allows the fishermen to come in and say, "Well, I don't like this because this is a great area that I normally fish in and it's got a lot of live bottom in it," and so we can get that input back from the public if we do this.

MR. ROBSON: But I just want to confirm that they'll see the change; is that correct if it's in the public hearing document?

MR. PUGLIESE: Yes, we can include these combined maps and here you have all three where you'll see everything from the grid area to the smoothed area to the one with more convolutions so it shows those areas that get excluded.

MR. DeVICTOR: But the intent was just to have as actual alternatives the smoothed-out one unless you're thinking of something else. We wouldn't have these as multiple alternatives.

MR. HARRIS: No, that's okay, I just want to show that so that – you know, these may not be areas of live bottom, anyway, but if they are I want to know that. I can probably figure that out on my own, but I think the fishermen will come in and tell us that.

MR. HARTIG: I can't help thinking about Don DeMaria's letter about the spawning season closures and about talking to Rusty about what happened up around where he used to fish in years past during the spawning season months when he had large numbers of very large snappers move into that Central Florida Region.

I don't know that we can keep areas open during those months in those shallow water areas. I don't think we can do it if we're going to brood build this stock. When we considered red snapper before, back when I was on the council, I wasn't a red snapper fisherman and didn't have enough knowledge about the fishery to initiate the spawning season closure, but I knew of the bonanzas all my life, about people who would tell me about bonanzas of red snapper in the commercial fishery. So, somehow I think we need to incorporate a spawning season closure into this amendment. I would offer to do that if I can get the right months down. Do you have that in the document?

MR. GEIGER: Since that we're without guidance, Ben, let me ask you a question. This would be spawning season closures inshore of the current –

MR. HARTIG: Of the model because large aggregations of those fish do occur inside, in the 50-foot range off of Central Florida during those months, and that's when the biggest catches that I know of have ever been caught.

MR. GEIGER: Ironically, you know, about five years ago I had an opportunity – and I spoke to the council at the time – I went to speak to speak at the Central Florida Offshore Fishing Association in Orlando. We talked about a number of things that the council was contemplating, and one of the things that the people – and there was one table with some old guys who fished red snapper for over 50 years.

They were talking about catching now larger red snapper in shallower water than ever they had in previous history; how much they disagreed with the 20-inch size limit, but they thought they were beginning to see benefits of doing that, et cetera. So, it was ironic that we had that conversation and now we're here where we are talking about doing what we're doing, but they are caught in water as shallow as 45 feet.

MR. HARTIG: And I understand that and like I said it's something that shows up in the recreational catch. The largest fish have been caught by the recreational fishery, and some of those are certainly caught inshore in that area. That dome-shaped selectivity argument shows that the recreational fishery still does encounter those large fish.

Part of that goes back to the days – I mean, when we put that in I heard the same thing, George, from commercial fishermen, the same exact thing, "I hate it when you put that 20-inch size limit in," and then five or six years down the road I got "that was probably one of the best things you ever did." It did help the fishery at that time, but I think this would go a long way to ensuring that we get success in the plan going into the future.

MR. ROBSON: Ben, were you looking for –

MR. HARTIG: The dates, okay, we might have that.

MR. DeVICTOR: Ben, this is in the document from White and Palmer, female red snapper spawn from May to October, peaking in July through September.

MR. HARTIG: Well, I'm going to withdraw this motion right now, and I'll bring it back at full council with the exact months after talking to fishermen. I'll bring it back to the council at that time on what are the appropriate months where you get the biggest bang for your buck in doing that and trying not to have very long extended closure. I'll do that.

DR. CRABTREE: Ben, you're talking about a spawning closure of red snapper in lieu of closing the fishery down?

MR. HARTIG: Not in lieu of closing the fishery down.

DR. CRABTREE: Well, then, what are we closing during the spawning season?

MR. HARTIG: In the spawning season you have all that bottom open to fishing where a lot of these aggregations actually occur.

DR. CRABTREE: So we would be closing those areas to all fishing?

MR. HARTIG: In those months. Well, I don't know about all fishing but I'll talk –

DR. CRABTREE: Well, that's the critical – what are we closing it to, then?

MR. HARTIG: You would close it to directed red snapper harvest.

DR. CRABTREE: But the most likely scenario is going to be that red snapper is closed year round, so if that's the case then we don't need this?

MR. HARTIG: Well, I thought if you approved that closed area you would still have that –

DR. CRABTREE: No, that closed area is to all bottom fishing and red snapper is closed year round everywhere in the South Atlantic EEZ. When you look at the spreadsheet to look at closed areas, that's all based on the premise that red snapper is closed under all of that.

MR. HARTIG: Okay, well, my understanding was that it would have been allowed in those areas outside of the closure. That's what my understand was; and if that's so, then we wouldn't need it.

MR. ROBSON: All right, I think now that we've gone through 17A, Mr. Chairman, we are through with 17A and obviously we've got a lot work left to do with the Snapper Grouper Committee. What's your pleasure for us?

MR. HARRIS: Well, I don't think we can get very far through 17B today, so I think we'll recess today and come back in at 8:00 o'clock in the morning and reconvene the Snapper Grouper Committee and start with a discussion of 17B.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in The Charleston Marriott Hotel, Charleston, South Carolina, Thursday morning, September 17, 2009, and was called to order at 7:00 o'clock a.m. by Vice-Chairman Mark Robson.

MR. ROBSON: We will reconvene the Snapper Grouper Committee. George.

MR. GEIGER: Unfortunately, everybody breathed such a sigh of relief yesterday when we were finished with all the alternatives in 17A. One thing we neglected to do I believe is either approve or disapprove the document for public hearing. We have two alternatives that were discussed during yesterday's discussion.

One analysis was on the alleys that I think Dr. Nick Farmer was going to take a look at, and the other was on the days at sea that staff was going to discuss, I believe. Maybe Rick can help enlighten us as to what was remaining to be done on those. But other than that, I guess I'd request and ask Rick what the timeline is for staff – are we in a position where we can approve this document for public hearing or do we have additional work that you believe needs to be done to get it ready to go?

MR. DeVICTOR: My opinion is that we're ready to approve for public hearings with the current range of alternatives. We need clear direction from the council here as to these new alternatives, what exactly they are. Then the question becomes are you comfortable with the team looking at those and putting those in the document. You won't be seeing as a committee the complete analysis before it goes it out to public hearing.

MR. CUPKA: Mr. Chairman, if I may, just a point of order, but I would suggest that we have Roy go ahead and swear in Mr. Currin as a council member in case he wishes to make any motions or vote on any motions this morning.

MR. ROBSON: That's a good suggestion, David.

MS. SHIPMAN: Just a comment relative to George's question; we tabled several motions, I think three or so, to come back to the full council, and we're supposed to be getting those analyses to the degree that they can at the full council. I think we should wait until we see those before we decide whether we're going to public hearing.

MR. GEIGER: Let's go over which ones because when I talked with Rick this morning we identified two.

MR. HARTIG: Well, there is the circle hook issue that I've got straight now, but that won't take any time.

MR. ROBSON: I believe on the analysis that we had asked for on the alleys, Nick Farmer was not going to be available tomorrow. We do need to go through that today. The question would be whether we take those additional alternatives back up today, but the tabling was to bring them to full council. We do need to take of a matter of order of business here, Mr. Chairman, regarding the swearing in of Mr. Currin. Do you want to take over temporarily.

MR. HARRIS: Well, there is not really much to do other than to call Roy and Mac up. Let's go ahead do it now.

(Whereupon, Mr. Mac Currin was sworn in as a council member.)

MR. HARRIS: Okay, back to you now, Mark.

MR. ROBSON: We asked at least for a couple of the motions that were tabled for some further staff review. In the case of the alternative dealing with the alleys, Nick Farmer has done that analysis and won't be here tomorrow. He is available now to go through his analysis of that alternative proposal. Before we jump into 17B, if it's will of the committee to go ahead and do that, we can have his analysis now.

MS. SHIPMAN: So we've got that one; I think there was some discussion on the days-at-sea issue – that's one we tabled – and then the circle hooks. Are we going to defer to full council after we hear the other analyses of whether we're going to approve this to go to public hearing or not?

MR. ROBSON: I guess it is a point of order we need to be clear on. The motions to table were to table them until full council. We could hear the analyses today and then take up those alternatives at full council along with the final approval of 17A. We'd have to wait for final approval of 17A for public hearing until after we decide on those alternatives. Okay, that would be clearly the direction that we had from the tabling motion, but we can go ahead and hear the

analyses that are available this morning and get those out of the way. Is that okay with everybody?

MS. SHIPMAN: That's fine, thank you.

MR. ROBSON: Nick, I think you've done some work and we'll let you go ahead.

DR. FARMER: Yes, I can tell you about it in just a minute. I guess another copy of the model, an updated one with even more features was sent out to you guys sometime yesterday evening, so you should have that. I'll take you through some stuff here.

Okay, the first thing that I want to point out is if we're looking at 40 percent and 90 percent as your release mortalities for the recreational and commercial, respectively, and you don't feel that those are going to change substantially, then basically Alternative 6 is going to get you to where you need to be. I added a few features so let me just go through that real quickly.

The other day I spent a great amount of time speaking about using MARMAP as a way of modeling the bathometric closure. I basically repeated that process using commercial logbook data and came up with a much better relationship. There are just a lot more samples. You can see that here on your bathometric closures tab – and I won't go into too much detail on it, but I updated the powerpoint presentation also, which was also sent out to you.

So if you're looking additional details on that analysis, there is some in the powerpoint presentation and there is an extensive discussion here below the regression on the actual spreadsheet that was sent out to you. In terms of modeling the bathometric closure, basically what that logbook function is going to do is it is going to give you kind of a middle – if you look at the MARMAP it's kind of a super optimistic bookend and then the homogenous distribution as a very conservative bookend, so the logbook is going to give you kind of the middle way.

Anyway, with regards to the release mortalities, if those aren't going to change, out of Alternative 6 you're predicted to get a 90 percent reduction, so you can see the percent reduction you're expected to get right here. This is your current preferred alternative, so you do achieve it. That is with Alternative 6 which has the full spatial closures.

I put in a new little cheat button up here that is just going to give you a sneak peak of whether you got your targeted reduction or not, so you don't have to keep scrolling up and down. All right, if you put in the bathometric closure, which obviously is going to give the fishermen a lot more space to work with because you're only closing between 98 and 240 rather than those whole grid cells, you obviously introduced a great deal of uncertainty into the analysis because you're using basically those regression models from the logbook or MARMAP to model the distribution of the stock because we don't have really great information about that.

When you choose that bathometric closure option, you get an additional option down here as to which distribution of the stock you want to assume. You can leave it blank and it will give you a homogenous distribution. You can enter an L and it will give you the logbook-based distribution. If you enter an M it will give you the MARMAP-based distribution.

I'm most comfortable I think at this point with the logbook-based distribution, but there is still a great deal of uncertainty in that, so just be aware of that. If you're looking at that, which would then be Alternative 4, you only get an 82 percent reduction out of the model, and that does not get you to your 87 percent target, so that bathometric closure is not getting you where you need to be unless you go through and make some assumptions about release mortality decreasing.

For example, I was playing around with it last night and it seems like if you drop both release mortalities by 15 percent, which possibly is extremely optimistic, it allows you to get away with quite a bit of stuff. If you drop them both by 15 percent, you get down here and you get an 88 percent reduction. That somewhat overshoots your target, and so then you can start looking at the alleys.

I know that was something that you guys were extremely interested in. In looking at the alleys it seems like you're looking for – and if you look at this map down here – you're looking for one off of Charleston and one off of Savannah and then one off of the Jacksonville area was kind of my understanding.

If that's the case, then you can just look at those grid cells connected with the Shem Creek and the St. Johns River, Lazaretto Creek. If we go for those, you've got kind of a code down here as to what are the major logbook cells that those inlets are associated with. Basically, I'm taking you through this in a step-by-step process because there are a lot of different ways you can look at this, and you can slice it 60 percent here and whatever.

I want to get you guys real comfortable with using this as an analytical tool because basically you can do a lot with this as long as you're comfortable with some of the assumptions that you'd have to play with going into it. If you're not going to mess around with release mortality, Alternative 6 is basically the only thing that's going to get you there.

Now, you can add some alleys in with Alternative 6, but I figure we'll go ahead and take a path first at looking at a bathometric closure with some alleys and go for the most optimistic kind of least conservative approach, and then we'll back off from there. In looking at that, we'd be wanting to have a partial opening maybe off of Grid Cell 31/80, the Lazaretto Creed Inlet. My assumption is – and the fishermen can obviously provide some input on this, but maybe June and July would be some good months to have a partial opening.

What I'm entering here 75 percent here and 75 percent here. What that's going to do then is it will close that bathometric contour between 98 and 240 feet, but it won't close it entirely in that cell. It will close 75 percent of it.

DR. CRABTREE: In the alleyways, though, are they being opened to all fishing, including red snapper, or does your spreadsheet assume red snapper is closed at all times?

DR. FARMER: That's an excellent clarification, and, no, there is no red snapper fishing in this model. That is indicated at the top of the model just to remind you under scenarios the red snapper fishery is closed, so I have no modeling of any sort of take of red snapper. And in terms of how much I'm stretching the assumptions already to even allow you to look at an alleyway, to

stretch them even further and try to allow some red snapper harvest would be extremely challenging, I think.

Shem Creek Inlet, we've got Grid Cell 32/79, so let's give them a little partial opening and see what happens. If you give them 25 percent back in June and July, you're still achieving your targeted reductions under this set of assumptions.

MR. HARRIS: Explain to me a little bit more what you mean by giving them back 75 percent with an alleyway. Are we talking about a latitude and longitude, a line of latitude, two lines of latitude, or what is that?

DR. FARMER: Basically, what that is saying is that – and I'm sorry, I might have misspoken; you're not giving them back 75 percent; you're closing 75 percent, so you're giving them back a quarter of it basically during that month. And by giving them back that, what I mean is you're giving them back the potential to remove a quarter of the red snappers that they would have removed in that month had it been fully open. It's not necessarily correlated to space.

Now if you assume within the bathometric closure, that within that bathometry from 98 to 240 feet, the stock is homogenously distributed, so how much space you open is directly correlated to how much of the organisms are then removed. Then you're able to do that in spatial way, because we don't have any fine-scaled spatial data for red snapper.

All right, then Murrells Inlet 33/78 – St. Johns River Inlet, okay, that is what I'm looking for, so 30/80 would be off of Jacksonville basically. So if you give them a little partial opening – and this is about as far as I can push it under this set of assumptions, but this will allow you to achieve targeted reduction and give them a quarter of the space back during June and July.

You have the bathometric closure in that context, but again these assumptions regarding release mortality are extremely challenging to make a reduction of 15 percent and release mortality is – you know, barotrauma is a major factor in release mortality. If the fishery moves shallower, which the commercial data does not really support, then maybe you could get a reduction.

Also, with the headboats there is a lot of handling time, which is unrelated to depth of capture, and so that still could keep that release mortality right at its present value or it could even drive it higher if the majority of the fishery, after you close the cells, is operating outside of 240 feet. My understanding with the recreational fishery is most of their operations are inshore, so I think the assumption that they're going to move shallower as a fishery is probably a good one. For commercial I'm not necessarily convinced. And, again, what sort of reduction that gets you as release mortality is basically anybody's guess at this point. I don't know there is too much data to support that.

MR. ROBSON: Nick, let me ask you; you said you couldn't go much farther. In other words, there were some comments yesterday that, well, why would we only consider those particular inlets or points. So what you were saying is that if you added one more location for an alley, that that would push you over the edge?

DR. FARMER: Yes, basically, that's what would go on if I add this one in here. Now, I've pushed the release mortalities pretty low, so I can go a little bit further here. Really, it all comes down to what you're willing to do with release mortality and what you feel can be scientifically substantiated, but I just added more inlets and I got below the targeted reduction now, so I can't achieve it.

MR. HARRIS: Nick, let's just talk a minute about release mortality, if we can. There is just a very limited number of studies that give us those 90 and 40 percent release mortality estimates. I used to be probably more comfortable with those estimates than perhaps I am now. Now we've heard from a lot of fishermen.

Now I know when the fisherman releases the fish, all they see is whether it swims down or floats or whatever. They don't know what happens to it after it gets to the bottom, whether the barotrauma gets it then or what happens. I mean, personally how comfortable are you with those estimates?

DR. FARMER: Well, I'm certainly no expert on release mortality. I have done a bit of tagging studies on reef fish, and my impression has always been that in comparison to a grouper, a snapper is far more vulnerable to release mortality. When we would bring a snapper on board to tag, that fish would get tagged immediately and released as soon as possible; whereas, a grouper you can leave that thing swimming around in the cooler for quite a while before you put a tag in it, and it's fine.

MR. HARRIS: Did you vent those red snapper?

DR. FARMER: I wasn't dealing with red snapper specifically. I actually have never even caught a red snapper because I've operated down in the Keys, so it's not really a species that I've worked with all that much. With regards to red snapper, there are some studies out there. For example, in the Gulf of Mexico I believe Diamond just recently presented something to the SEDAR in the Gulf of Mexico that said that there was a 60 percent delayed release mortality, and that might even apply to the recreational fishery, in which case your 40 percent estimate might be low.

Now, in the Gulf of Mexico your SEDAR estimates for release mortality are significantly lower than they are in the South Atlantic. However, the fishery characteristics are different. Again, it's one of these things where, yes, there is not a lot of data to support really an understanding of what is going to happen with release mortality because there is so much that we don't know in terms of what is the effort shifting and what is the component of the handling time versus the barotrauma in terms of its contribution to release mortality.

And, again, what amount of this release mortality is actually accurate versus the delayed release mortality where if you did a longer-term study of those fish, perhaps barotrauma doesn't get them right away, but over time those minor internal injuries add up and cause them to be more vulnerable to predation.

I know in the Gulf they have a big problem with dolphin predation after the fish are released. In the South Atlantic I've certainly seen it with other species with shark predation. I mean, you go tarpon fishing and you wear a tarpon out and you're going to – Big Bend Area – well, there is a good guess as to what is going to happen to that tarpon after you put – yes, we had quite a few where you put a tag on them and then you get the tag back pretty quickly. Anyway, I also wanted to point out I added another feature to address some concerns from the Science Center regarding effort shifting –

MR. ROBSON: Excuse me just a moment, Gregg had a question.

MR. WAUGH: Just on that release mortality, before we move off of that, I think if we want to consider some different values, it needs to be based on some measures you're putting in to change behavior, because those values of 90 percent and 40 percent come out of the SEDAR assessment and have been reviewed by the SSC. John Carmichael's analysis that was presented to you in December showed that if you closed the deep water, that's going to push the commercial in and then perhaps you could consider a commercial release mortality rate closer to the recreational al. So it has to be something behavioral that we're changing.

MR. HARRIS: Thank you, Gregg. I just wanted to get this on the record because we keep hearing about release mortality, and I think the council needs to be comfortable with the numbers that we have selected. Now, Ben was talking yesterday about circle hooks and the lower release mortality you get with circle hooks; and so if they were required, would we then be justified, if you will, in dropping those release mortalities down to some extent. I don't know what extent we would, but would we be comfortable in doing that?

DR. FARMER: And just to add something else, I just was handed this Diamond and Campbell 2009, which was the paper I was referring to with the delayed release mortality, just to add to that in the Gulf of Mexico the SEDAR-estimated recreational release mortality, we used 15 percent.

Diamond and Campbell in 2009 observed a 17 percent immediate mortality and then a 64 percent delayed mortality on red snapper in the Gulf of Mexico, off the coast of Texas. Now, granted, that's a different area, a different fishery, a different dynamic, but it's just something that you should be aware of in terms of how these release mortality estimates were computed.

MR. HARTIG: I didn't want to get into a release mortality debate right now, and I'm coming in at the eleventh hour and it may not be appropriate, but all I'm going to do is point out that in the data workshop, the newest study on headboat release mortality is 5 percent. That's the newest study we have, 5 percent. There is also another study that came from the headboat logbooks, from the Florida Keys, reported 1 percent.

Clearly, the way I handle fish and from a commercial fishing perspective, clearly my red snapper release mortality is not 90 percent. When I handle an undersized fish of any size that comes aboard my boat, that's the first one that gets handled, the first one that gets vented, the first one that gets released. That's the way I do it as a responsible steward of the resource.

I can't speak for other fishermen, but I'm sure that a number of them use the same technique, so I feel that if fishermen had been involved in this SEDAR – and they didn't come because they thought the stock was healthy – that there would have been different number at least in the commercial and probably in the recreational. There would have been more discussions about these other studies and probably the number would have been lower. That's all I'm going to say.

MR. GEIGER: Dr. Farmer, in that Diamond study you referenced, Texas has a pretty large state fishery. Was that study conducted offshore, inshore?

DR. FARMER: I would have to review the study. Perhaps somebody who is more familiar with it can contribute.

MR. ROBSON: Roy, can you address that?

DR. CRABTREE: I think probably, but I can't tell you for sure it was done offshore in federal waters. Texas actually doesn't have a large state water fishery. There is lots of arguing about that. There are some areas in Texas where there is a state water fishery, but I don't think it's that large, really.

DR. FARMER: I have a bit more information on it. Just from Table 1 in here, it looks like it's a survival study at three Gulf of Mexico Petroleum Platforms at 30, 40 and 50 meter depths.

DR. CRABTREE: I think, Ben, in some of the studies you're talking about like that headboat study, that mortality rate is just based on did the fish swim down or not; and if it swam down then it was assumed to survive. What this study really gets at is that a lot of those fish that look healthy and swim down die, and that's really the gist of Andy Diamond's study.

In fact, they did CAT scans on a lot of the fish that came up, and even fish caught in fairly shallow water had ruptured swim bladders. They looked healthy but there was damage and some fraction of those died. I haven't been to a stock assessment yet where there wasn't a lot of uncertainty about the release mortality rate, and I don't we're going to get around that.

Part of the trouble is that we know it is related to depth of capture, and we don't know what depths people are fishing at with any certainty, so that makes any of these discussions highly uncertain. I suppose if you as a council are uncomfortable with the release rates in the base run, you could go back and tell your SSC and express your doubts about it and ask them to look at it again, whether that gets you anywhere or not.

But I think the bottom line of it is there is just a lot of uncertainty about what these release mortality rates are, and you're not going to get that resolved. Circle hooks we did require in the Gulf of Mexico when we did the Gulf Red Snapper Rebuilding Plan. We did not take any credit or assumed any quantitative reduction in fishing mortality because of that, but we did require them because the general view on the council and with the fishermen was that they helped and they reduced the number of fish that are gut hooked.

The problem with trying to put some value on that is you have to make an assumption about how many people are already using circle hooks. What we heard in the Gulf was a high percentage of the fishermen that came to the council meeting and testified that they were already using circle hooks; so if they're already using them, it's already kind of factored into it, so to speak.

I don't have any way of knowing was the basis when these assumptions were made about release mortality rates, whether that would have reflected one type of hook after another, and I don't know you'd sort that thing out. Then we all went through the Wild Study on venting, which he concludes not only does venting not help; it likely does harm and he recommended against venting.

I think the plan was to have our SSC review that paper, but I think, Gregg, that has not happened yet; is that correct. The Gulf is in a similar situation with venting and I think they've asked their SSC to review that Wild paper, and I don't know if that's happened yet or not. There are all these uncertainties surrounding this issue, and I don't think you'll get them resolved.

I guess you could ask your SSC to give you more advice on this if you wanted to, but I don't know if that's going to get us anywhere or not. I think if you want to come in and require circle hooks, that's great, but if you want to come and require circle hooks and then figure out so that means we have reduced the release mortality rate by X percent, that's going to be a tough thing to get at.

I do think if we can make a pretty convincing argument that we're shifting fishing effort into water less than a hundred feet, that seems to me to be something that we ought to be able to figure something out of, because clearly something in that 100 to 150 foot zone is where the mortality rates of these fish starts going up substantially.

MR. CUPKA: I still continue to have some concerns, I guess, about the implications of creating these alleys in regards to enforcement and compliance. May Hal or Otha could comment on the enforcement aspect, and, Nick, maybe you could comment a little bit on the compliance aspect of what impact that might have. Maybe I don't need to worry about it but I continue to wonder about what kind of problems that would create, if any.

DR. FARMER: While he makes his way up here, I'll just add two more comments briefly. The Science Center had expressed a concern with regards to the fact that if you do have these limited spatial scale openings in an area that's otherwise closed, the assumption that fishing pressure in that area is going to be the same as it was over the last three years is probably going to be violated.

People are going to hit that area pretty hard during that limited time period, and they're going to be compressed into a small area and they're really going to hammer it. I built in a scaler for effort intensification in the case of a partial opening here under Input 7B. What I've just been showing you I'm assuming that the effort is going to be 1-1/2 times what it has been the past.

You'll notice that if I bump that up to 2.0 the effort doubles in there and correspondingly removals double and you'd no longer achieve your targeted reduction. That's going to have a

big impact. Even if we put down at 1.0, I'm pretty certain that if we bump compliance down to even just 90 percent you don't achieve your targeted reduction. I'm not sure exactly what a realistic compliance rate would be, but we did hear some commentary last night that suggested a hundred percent might not be correct.

MR. ROBSON: Before Otha addresses the law enforcement, just so it's clear to everybody, in addition you had actually selected out two months, but in addition to that the 25 percent opening of those particular grids, we don't have a defined alleyway or area based on your analysis. It's just basically taking the 25 percent back out of each of those grids?

DR. FARMER: Yes, under any scenario in my model where you make a partial opening during a month, the assumption is that if you have a bathometric closure the stock is homogenously distributed within that bathometry so that no matter where you open it you're going to impact the same amount of the stock.

No matter what shape that opening is, how it's aligned with depth, it's not spatially sophisticated in any way. It gets even less sophisticated if you have a full closure, so if you went with Alternative 5 or Alternative 6, which does somewhat overshoot – I think 6 somewhat overshoots under the current release mortality and a hundred percent compliance, it somewhat overshoots your targeted reductions, so you might think, okay, well, we can put a spatial closure in there.

The assumption with the model is that the stock is homogenously distributed within that cell or else you're going to make the spatial decision with regards to the stock in such a way that, say, you bump it down to 75 percent, you would make that spatial opening for the alley in a way that it would keep the removals at 75 percent of their historic value.

MR. ROBSON: A regression for that group?

DR. FARMER: Yes, exactly, so there are no actual shapes of corridors here, and it is not sensitive to that, so please keep that in mind that the strategy is not necessarily square footage or square kilometers that you're looking at here. It's actually a reduction in removal that you're looking at, so you have to make strategic decisions with regards to what you know about the distribution of the stock, which admittedly is limited.

Especially in the context of a full statistical area, if you're going to look for some sort of partial opening, you need to keep that in mind that you can't just open right where the core of the stock is and expect that the model is going to accurately replicate that.

MR. ROBSON: But, again, in terms of implementing this idea it requires us to define an area within each of those grids that would be opened up for bottom fishing, so that's the difference going from a conceptual model analysis to what we would actually have to do in reality?

DR. FARMER: Correct.

MR. ROBSON: Otha, there was a question regarding what the enforcement concerns might be on this kind of an approach.

MR. EASLEY: Well, compliance in general, I have a strong feeling that – a strange feeling that it's going to be a little bit more difficult than previous closures and that the compliance percentage is going to be lower. In other words, what exactly the difference is I don't know. There are many variables to consider along that aspect, and I can talk about those variables.

As far as the corridors, how wide is the corridor, that comes into play. We still have the same amount of resources as far as enforcement by our state counterparts and coast guard. We have a difficult time adding any long-term resources to just this particular closure, that we can raise the priority.

Otherwise, if the vessels that are in this fishery had some device to let us know where they are; i.e., VMS, then we would have a greater chance of ensuring if any vessels who were in the alleys, that we would be able to enforce that; something similar to the Oculina situation where VMS is required there. I hope that answers your question.

MR. CUPKA: Well, certainly, that would work with the commercial, but we know the major impact on this resource is not the commercial. It's the recreational and there is no way you're going to tell where all those guys are at any one time.

MR. EASLEY: You're absolutely right, that would be a pretty big burden there to put VMS on the recreationals that are not charter and not headboat.

MR. ROBSON: George has a question to Otha's comment.

MR. GEIGER: Well, it's more analogous to Otha's comments in regard to the Oculina area, and certainly VMSs for the commercial sector is a viable tool. However, as Otha know, because I pass them along to him most of the time, I'm deluged by these complaints about the recreational sector continually breaking or fishing illegally inside the Oculina Bank. There again we have this same problem and it's directly analogous to what we're discussing here and creating here so keep that in mind.

DR. CRABTREE: Otha, if we decided, okay, we're going to make some kind of VMS requirement in order to fish in these alleyways; I mean, I guess we could in theory decide, okay, we're going to create an alley but to fish in it you've got to get a permit, and in addition to that permit you've got to put a VMS on your boat. If we did that and we ended up 5,000 people with VMS and all in that, could law enforcement handle that with the system you have in monitoring the vessels? Is your ability to track this stuff affected very much by the number of units that are out there or is it not really a factor?

MR. EASLEY: If we jumped an additional 5,000, yes, that would be something that we would have to beef up our infrastructure with. One thousand we can handle. I already have a commitment from headquarters that will give us another FTE or contractor to handle – an additional person for that number, but 5,000 I would have to reach up to headquarters for some additional support.

DR. CRABTREE: Okay, do you know how much money is left in the VMS Reimbursement Fund at this point; do you have any idea?

MR. EASLEY: Something in the neighborhood of \$3 million. That is for VMS U.S. implementation worldwide including the Pacific.

DR. CRABTREE: And then there would be additional funds go in there when and if we get a budget for next year, I suppose?

MR. EASLEY: It's in the proposal, yes.

LT. SULLIVAN: I just want to say another thing you need to consider is – I don't know how large the alleyways or timeframe, I know months are taken into consideration, but when you start putting a short timeframe in a short area and you're going to have a lot of boats, you start needing to think about safety issues with the commercial fishermen and the recreational fishermen.

I just wanted to bring up the safety issue, the recreational safety, the commercial fishing safety, getting out there and trying to get as many fish as possible in a short amount of time could be kind of a safety issue. I just wanted to bring that to the table and make sure that we're aware of that.

MR. CURRIN: Question for Nick first before I comment. Nick, I assume since the circle hook is required in the Gulf, that the Diamond and Campbell Study used circle hooks; is that a safe assumption or not? Of course, it was published in '09 and I don't know when they did the work, and perhaps they used different hooks, but that was my question.

DR. FARMER: All I have in the methods here is that they were caught on or near the bottom via hook and line. At this moment I don't have any information on that.

MR. CURRIN: A couple of points; one, Roy mentioned the Wild Study which indicates that venting fish may be a feel-good thing, but that there is delayed mortality. There are additional studies that indicate that as well. If you remember a few meetings back, Paul Rudershausen made a presentation to the council about some work he had done with black sea bass and came to basically the same conclusions.

Based on his recaptures of black sea bass, he actually was catching a higher percentage of fish that were not vented as returns, which led him to believe – it's not conclusive by any means, but it led him to believe that venting wasn't increasing the survivability of those fish. I guess my fundamental problem with the whole discussion so far is we've got values for release mortality.

I know there are a lot people that don't think they're right. There is some perception, as was indicated by Roy and others, that as fishermen see the fish go down they feel good about it, and we don't really whether they survive or not. There are a couple of studies now that indicate that they don't survive as well.

But we're sitting here talking about adjusting some values that we've received from several scientific studies that have been approved by our SSC to some lower level. It's a pick 'em, you know. Nick just arbitrarily chose or for some reason perhaps chose to reduce it by 15 percent. Well, why couldn't I make the argument to reduce it by 50 percent?

I'm on equal footing I think as far as the evidence or something to back me up to reduce it. I'm very uncomfortable with trying to just back off of something because we feel so badly about the implications of what we're doing. I think we need to keep our eye to the science; and if we don't waiver from that, I think we're going to be better off in the long run.

MR. WAUGH: Now that we have this tool to look at the implications of compliance, we're going to need some guidance from law enforcement and from you as to what reasonable values to assume for compliance as we do these analyses. I don't think given you've seen the effects of changing the compliance in the model, you've heard the public input, I don't think we can make a good argument for assuming 100 percent compliance. We're going to need some guidance from you for the team as to what you think a likely rate of compliance is to plug it into the model, to then see if any of our alternatives meet our necessary reductions.

DR. FARMER: With regards to the comment on choosing the release mortalities, my intention was to show the council how far down you'd have to push them in order to even consider an alley, so that was the point of that. Then with regards to compliance, here I've entered everything under Alternative 6 with current release mortality, and you can see that you do achieve your targeted reduction assuming a hundred percent compliance, but if you even have 10 percent that aren't adhering to that you don't get there anymore. The compliance is going to be a big issue. Even with those massive closures in Alternative 6, you don't get there unless you have somewhere over 90 percent compliance. I haven't looked at the sensitivity of that, but 95 percent gets you there, but it's very important.

DR. CRABTREE: Well, I want to come back to Mac's comment. Obviously, we cannot just pull an arbitrary reduction figure out. We can't do anything that's arbitrary. We have to have a sound rationale for it. But with red snapper there are studies that show a logistic relationship between depth of capture and the release mortality rates.

So if we can look through all of this and make some – draw some conclusions about what the average depth of fishing activity is and then say, okay, we're closing areas outside this depth and so we believe the fishing effort will shift into this average depth, then you could go into that logistic equation and estimate if you've shifted fishing effort, say, to waters 50 meters deeper on average, I think you could go in and make a calculation of how much the release mortality ought to change if you did that.

I think that would be defensible and is something we could take before SSC and have them look at it. There would be a host of uncertainties associated like everything else, but I think at least in the case you could lay out your rationale for doing it. So there might be ways we can get at this, but we can't just – obviously, you can't just be, well, I think, and that's the way it is.

The compliance thing, yes, that is an issue, but let's be real, that's an issue with everything we do. There is no getting around that, there is some level of non-compliance. This may be more of a concern because it requires at-sea enforcement, but we have lots of things on the books right now that require at-sea enforcement.

MR. CURRIN: Roy, I agree totally. I mean that's one explanation for the difference between the rates assigned to the commercial sector, which tends to fish deeper, and the recreational sector. I have no problem with adjusting those if we're going to restrict that depth, but it's going to have to be up around a hundred feet, in my mind, on average to give you any sort of significant reduction from that 90 percent for the commercial sector.

Keep in mind the recreational sector fishes around that hundred foot depth currently or perhaps at times and maybe even more than frequently outside that depth. So, I can see some adjustment primarily for the commercial fishery; but I don't know, somebody is going to have to present a good argument to convince me that the recreational value needs to change.

One point about the compliance as well; remember back in several amendments – in fact, I raised a number of issues with Jack about it when we discussed it. I forget exactly which amendment, but if I recall correctly we adjusted some TACs based on compliance in the recreational sector, and it was about 17 percent – does that ring a bell with anybody – and that seems about reasonable, but then I'm hearing from the recreational community now that if something drastic goes through, that that compliance is likely to go down or at least threatened to be. As a threshold or a minimum, 17 percent is where we ought to start and then adjust that compliance value downward from there.

MR. PHILIPS: I think the fishing effort is definitely going to move inshore and the fishing effort is going to drop drastically. There are a lot of people, if they can't catch red snapper, they're just not going to go. I think you've got two ways that you're going to be dropping interaction with this fish. The other thing, if we don't figure out a way where they can fish some, whatever compliance we've got with some fishing is going to go downhill fast with no fishing. We need to do everything we can. We've heard a lot from public comment. People are getting closed to – I mean, these people are hurting. We need to do everything we can to do what we can for them.

MS. SHIPMAN: Just a quick question, Nick, and you may have said this earlier, and I apologize if I missed it. In Proposed Alternative 2, the alleyways, corridors, whatever, we were talking about 150-foot depth contour cutoff. Did you incorporate that in here? I know you were talking about you're dealing with cells, the statistical reporting cells. I didn't know whether you used the 150-foot contour, which was part of what this alternative was.

DR. FARMER: No, the way that the model is currently set up is you're just dealing with a proportion of the stock. I mean if you can assume that the stock is homogeneously distributed, then you close out to 150 feet and take a slice of the area. If you have a 75 percent closure, you just take 25 percent of that area that was closed and you open it and you can keep your eastern boundary be that 150-foot bathymetry line or you could do it however you wanted to.

Now, the question is, is how is the stock actually distributed and we don't really have that sort of information to support that analysis in terms of actually pinpointing where those spatial closures are, nor do we have the sophisticated analytical tools necessary to even evaluate that if we did have that information I think at this point. I would have to make something.

MR. GEIGER: I can detect the disappointment in your voice, Mr. Chairman, but I've got to say it again. When you look at the map of the closed areas and the potential places where those alleys are going to occur, we're talking a coastline of Florida that I think it's about 140 miles. Certainly, if you compare that length of coastline to the coastlines we're talking about in South Carolina and Georgia that is directly affected, I would have to argue that we need more than one corridor if we're going to be proportional.

And if you're going to talk in terms of landings, again, to be proportional and fair, we should have an equitable opening elsewhere in the state of Florida as well. I mean, one corridor off of Jacksonville in my mind is unworkable for the people – what about the people in St. Augustine and Daytona? You know, they're 150 miles away from being able to buy a permit to fish in a corridor off of Jacksonville.

MR. ROBSON: There is no disappointment in my voice. Actually, we had asked that question earlier of Nick, and that was under the conditions that he was looking at, adding one more alleyway puts you over the brink as well as a number of the other decision criteria that we're looking at are very marginal. Wilson.

DR. LANEY: I had a different point, Mr. Chairman. I'm not on your committee, but I guess to pose a question to Nick – I don't know a whole lot about red snapper, but what little I do know suggests that their habitat is probably not homogeneously distributed throughout the whole area in which they're caught, so as you've already pointed out that assumption of homogeneity is a pretty big one given their habitat requirement.

DR. FARMER: To that point, yes, in the context of the bathometric closure, which you can only achieve your target if you make some pretty aggressive assumptions about reductions in release mortality, perhaps you could assume that they're somewhat homogeneously distributed within that bathymetry and you could just carve a slice out of it here or there, maybe. Now that doesn't take into account where the hard bottom is, which is going to be an important situation.

But then when you're looking at the full spatial closures of an entire statistical area, which is admittedly far more conservative and possibly a safer way to go with your assumptions on release mortality, your compliance and other things, then you would need to seriously consider where the red snapper are, and a strategic move would be to set that corridor up in such a way that you avoid the red snapper distribution as best you can, kind of based on what fishermen tell you where red snapper are, what the limited data we have tells you on where on red snapper are.

I mean if you fully believe that the stock is more within the 98 to 240-foot contour, then perhaps you could open a limited space out to 98 feet or beyond 240 feet, something like that. I'm not making any statements regarding where the red snapper stock is, because to be honest I haven't seen any compelling data that gives me that answer.

Then with regard to the other question with regard to two openings off of Florida to compensate for the length of coastline, I went ahead and punched that in. This is under Alternative 6 which as I said if you had a hundred percent compliance, it overshoots the mark a little bit on your targeted reduction, and you could under a current release mortality assumption get an additional opening off of St. Augustine Inlet of 75 percent closed in June and 75 percent closed in July, so you get that little quarter out of there in those two months.

Now, again, that's assuming a 1.5 effort shift and if you thump the compliance down to even 95 percent in that case, you don't get there. It's very sensitive to the assumptions about release mortality and compliance.

MR. GEIGER: Could we set it to 80 percent compliance; we know it's not going to be a hundred percent, so let's just see what happens with an 80 percent compliance.

DR. FARMER: Well, with 80 percent compliance, then you're not going to get there with any partial closures. I already showed you at 90 percent compliance you don't even get there with Alternative 6. At that point if you got 80 percent compliance and you want to just look at spatial closures to get there, let's see what we've got to do. Well, the model doesn't allow you to close more than ten cells so you can't get there.

MR. GEIGER: Well, let me go ahead and I'm ready to make a motion. I'm going to make a motion that we move this alternative to the considered but rejected alternatives. I think we've touched every facet of the gemstone here in this discussion, and I think Dr. Farmer's tools have proven to be very, very useful, very effective, and very helpful in this deliberation. Again, Dr. Farmer, I thank you for your participation in this process. It has been most beneficial.

MR. ROBSON: Okay, we have that motion, and, Brian, are you seconding that?

DR. CHEUVRONT: Yes.

MR. ROBSON: In terms of what point of order – we had originally voted to table this to full council – this would supersede that original motion. I think we can do that as a committee. I'm looking to somebody that knows Roberts' Rules of Order because I have no idea.

MR. GEIGER: Well, I think we tabled the original motion. We tabled the original motion to give an opportunity to get the analysis that we need to make a decision. We've heard this now in lieu of hearing it at full council because of the schedule conflict. I now is the appropriate time to address –

MR. ROBSON: I think we have to untable the motion.

MR. HARRIS: Mr. Chairman, I would move to untable the previous motion.

MR. GEIGER: Second.

MR. ROBSON: All right, we have a motion to untable and a second. Any objection to the motion? Seeing none, all right we're back to the original motion that was just made to move this to the considered but rejected alternative. Any discussion?

MR. HARRIS: And while he's getting that up, Mr. Chairman, if I might, I would say just for practical purposes 80 percent compliance is what I would consider to be normal and not a hundred percent. I mean when you're looking at compliance you start at 80, probably, and then you go down from there. I don't think you think you probably ever go up from 80, but maybe you do.

MR. CUPKA: Mr. Chairman, we've voted to untable a motion, and I'm not sure what that motion said, how it compares to the motion that he wants to make now. If they're the same, that's fine, but I don't recall the exact wording of the motion when it was tabled.

MR. ROBSON: We'll go through the motion that was tabled. Rick, do you want to read that.

DR. CRABTREE: Yes, just bear in mind if you have this discussion, because I think this is directly relevant to what your current preferred alternative, though, has an 84 percent chance of rebuilding by 2045 and a 50 percent chance of rebuilding by, when, Jack?

DR. McGOVERN: 2032.

DR. CRABTREE: 2032, which is, what, 12 or 13 years ahead of time. I think if you have a rebuilding strategy that has a very high likelihood of its success, then you have more flexibility on how you deal with some of these other unknowns in terms of compliance and all. I think all of this, ultimately the real issue is, is this going to work, so if you start off on a strategy that has a very high likelihood of working, then you can afford to have some uncertainty about things like compliance and all that because you still are probably going to have a pretty good chance of getting there. I think all of that mesh together and you ought to consider all of these things.

MR. ROBSON: Before we keep talking about it, we need to clarify the motion that we voted to untable.

MS. SHIPMAN: The motion was Motion Number 11. It was include Proposed Alternative 2 in Amendment 17A to allow for alleys but no deeper than 150-foot depth. Then Motion Number 12 was to table Motion Number 11.

MR. CUPKA: It seem what we need to do is vote on this motion, which is not the same, I don't think; and if we want to do what George is proposing, wouldn't we have to vote this one down and then have a new motion to do what George suggested, just to be clean about it.

MR. GEIGER: And in his role as parliamentarian, the vice-chairman is correct, so I call the question.

MR. ROBSON: We have a motion and a second; does that need to be withdrawn?

MR. GEIGER: Well, can't we just table my motion until we vote on this one?

MR. CUPKA: You could withdraw your motion until we –

MR. GEIGER: Okay, if it's okay with my seconder, I will withdraw my motion.

MR. ROBSON: So we need a motion –

MR. CUPKA: Well, we have a motion that's been untabled. We need to vote on this motion; and if gets voted down and George wants to make his new motion, then he can make that, but we need to vote on this one.

MR. ROBSON: So we have a motion that we need to vote to untable – we already did that, okay.

MS. SHIPMAN: I think we need to vote on Motion 11 now.

MR. ROBSON: Now we need to vote on Motion 11, which was to add this proposed alternative to allow for the alleys. We've had this discussion this morning about that. We have a motion. Is there any discussion? All right, the motion now is to add it.

MR. CUPKA: The motion we're considering is not do what George wants to do, so we need to vote on this as a motion by itself.

MR. ROBSON: Right, so we need to either vote this motion up or down. All right, is everybody clear because I'm just now clear? **All of favor of adding this proposed alternative to the list of alternatives signify by raising your hand; all opposed. The motion does not pass.**

MR. GEIGER: I make a move this Alternative 2 to the considered but rejected appendix of the document.

MR. ROBSON: Second by Brian. Is there discussion on this motion? All in favor of the motion; all opposed. Okay, the motion passes. There was the other issue related to days-at-sea information that we had asked staff to provide. Jack, do you have any additional information you can provide to the committee at this time?

DR. McGOVERN: No, I think a days-at-sea program would take a lot of coordination and design and that sort of thing, and I don't think we can do that in the short amount of time available. I think it would take a lot of input from the council and all that, so I don't think that we can provide that kind of information right now.

MR. HARRIS: Mr. Chairman, I agree with Jack. I think there are a number of alternatives that we have rejected and put into the considered but rejected appendix. A lot of those alternatives I think we need to analyze and I'll be making a motion later on to analyze some of those alternatives for a future amendment after this new stock assessment is done.

I don't want to delay analysis of those and then get into a situation where we can't act on them because we don't have the analysis. At the end of the day I'll be making a motion to put those in the next round of amendments. Thank you.

MR. HARTIG: And I agree with Duane; I think once the fishermen see what is happening, they may come to us with some other ideas in the near future.

MR. ROBSON: Are you including the circle hook discussion we had as well into that?

MR. HARTIG: Well, I'd like to see the circle hook in 17A if possible.

MR. GEIGER: And however we can that expeditiously, I would support that wholeheartedly because I think circle hooks are in fact a tool that needs to be supported.

MS. SHIPMAN: Then based on Dr. McGovern's comments, I would move that we untable Motion Number 16, and that one was to add the Proposed Alternative Number 6 to the alternatives in Amendment 17A. I think we can go ahead and dispose of that motion.

MR. GEIGER: Second.

MR. ROBSON: Motion and a second to untable; was it 16?

MS. SHIPMAN: Sixteen dealing with Alternative 6.

MR. ROBSON: Which is days at sea?

MS. SHIPMAN: Right, that is correct.

MR. CURRIN: There was a lot of discussion, as those of you who attended the advisory panel meeting, though, about this particular alternative. Bill Cole spoke highly in favor of consideration of some sort of days-at-sea approach, and I agree. I can't disagree that it perhaps had some merit. However, in the preliminary analysis that has been done with the ACL that we have for this particular stock, the days at sea that are likely to be available to the fishermen are so reduced that I don't think that there will be much approval or a desire to approach it in that manner. I would support this motion to move this to the considered but rejected.

MS. SHIPMAN: Well, that's not the motion.

MR. ROBSON: Right, we still have a motion right now and a second to untable that proposed alternative. Is there any discussion on untabling the motion? All in favor of untabling; all opposed. Okay, the motion is untabled. George.

MR. GEIGER: And I'd go ahead and make a motion to move it to the considered but rejected portion of the document.

MS. SHIPMAN: We need to vote on the motion to Proposed Alternative 6 to the alternatives in Amendment 17A.

MR. HARRIS: Mr. Chairman, let me point out that Susan complained vigorously yesterday about starting at 7:00 a.m., and she is the only one that's on top of it this morning, so I just want to put that on the record.

MR. ROBSON: All right, we are now back to – we need a motion to consider adding Proposed Alternative 6 to the alternatives in the amendment.

MR. HARRIS: No, we have the motion.

MS. SHIPMAN: We've got the motion; we just need to take a vote.

MR. HARRIS: We need to vote on.

MR. ROBSON: Okay, we have that motion; it's been untabled. Is there any discussion on that motion? All in favor of adding Proposed Alternative 6 to Amendment 17 signify by raising your hand; all opposed. The motion fails. Are there any other motions related to this? Mac.

MR. CURRIN: Yes, I'd like to make a motion to move this alternative to the appendix for the considered but rejected.

MR. CUPKA: Second.

MR. ROBSON: Motion to move this considered but rejected. Second by David. Any discussion? All in favor of that motion; opposition to the motion. The motion passes. Those were the two key issues that we wanted to have some further analysis and discussion of. Now, Duane, you said you had something later you were going to bring up. I think we have gone back and revisited those issues that we need to – Nick.

DR. FARMER: I just wanted to say that given the little bit of guidance that I seem to have heard from the council about 80 percent compliance, I'm prepared to show you a visual of the spatial closures that you would need to achieve your target under that consideration if you'd like to see them.

MR. ROBSON: This is for Alternatives 3 through 6?

DR. FARMER: Correct, so basically back to what we were talking about earlier on compliance.

MR. ROBSON: I think if you've got them ready to go we can look at them.

DR. FARMER: All right, there are a couple of ways you can approach. Basically, your flexibility lays in the tenth cell that you closed, but basically you're going to have to close ten. This is under current assumptions of release mortality of 40 percent and 90 percent with 80 percent compliance.

In order to get there you do this way, you pull that one out and close up here, but that's basically the only flexibility you have. In order to get there under those assumptions, you're looking at nine to ten cells, I guess ten cells closed. Under 50 percent compliance, I'm not going to be able that for you. I don't even know if you would potentially get there by closing the whole thing, but 50 percent compliance I'm not prepared to show you what that would look at this time.

MR. WAUGH: Well, we're going to need some input from law enforcement as to what they think a reasonable compliance is because we may need to know what it looks like at 50 percent.

MR. CURRIN: Regarding the compliance, Nick, and how that is incorporated in the model; is that a compliance figure for both the recreational and for-hire sectors as well as the commercial sector?

DR. FARMER: Yes, that is correct. Under the model the compliance is unilateral across sectors, and obviously it has a larger impact on the recreational sector because the removals are primarily coming out of that sector, yes.

MR. CURRIN: Okay, thank you very much, because the 17 percent that I remembered from – I forget, I think it was 13C that we used to calculate some needed reductions was I believe 17 percent.

MR. HARRIS: Mark, I would just go back to what Roy said earlier, that this is an area where there is some flexibility. I understand what Dr. Farmer is telling us about this, but we've got some flexibility with respect to the compliance, and we really don't what it is. I probably shouldn't have even brought it up, but nonetheless I did. I think that we ought to just stick with what we have right now with respect to those closed grids. Unless law enforcement has some pretty good information on compliance, I would just stick with what we've got.

MR. PHILIPS: As far as compliance goes on the commercial end, I think it's probably much higher than recreational. I mean, we've got a whole lot more to lose by not being compliant. Our fines are astronomical and not to mention the possibility of losing a fishing permit. I would like for LE to verify that if they could.

Plus, I'm watching the way you slice and dice this model, and I'm going to guess that you could put in different compliance factors for each – you could do that, which could very well make a totally different model again, because I would think compliance on the commercials, probably 95 to a hundred.

DR. FARMER: And to that point, yes, basically as I was saying earlier, if you have a better compliance rate for commercial, the benefit of that is not as extreme with regards to red snapper removals, but, yes, that could be something that I could do if the council so desired.

MR. GEIGER: Mr. Chairman, have we tabled the discussion about circle hooks to full council or can we go ahead and just dispense with that now so we can get done with 17A? Couldn't we just direct staff to add it as an alternative – this is a public hearing document and just add the use of circle hooks.

MR. ROBSON: Yes, on the circle hook, if we had done a tabling motion, we need to untable it and then we can take it up.

MR. GEIGER: But the one thing we hadn't discussed in there were the geographic boundaries of where circle hooks would be applied. We've heard testimony about the use of circle hooks in the yellowtail fishery in the Keys.

MR. ROBSON: Susan, read the motion.

MS. SHIPMAN: Yes, Motion Number 23 was to add an alternative to analyze the use of circle hooks for all snapper grouper species north of 28 degrees north, and that's the motion we tabled.

MR. HARRIS: Mr. Chairman, I'll move to untable that motion.

MR. GEIGER: Second.

MR. ROBSON: Motion to untable and seconded. Any discussion? All in favor of untabling; any opposition to untabling. Okay, the motion to untable passes. We now have the original motion add this alternative on circle hooks to the public hearing draft. Is there any discussion on that? Ben.

MR. HARTIG: Yes, I think it would be appropriate to add to include it in the grids that were on that last – the range of those grids and at 28 does that, but doesn't 28 go farther than that? Doesn't it include the whole state of North Carolina?

MS. SHIPMAN: Yes, it's all north of 28 degrees.

MR. HARTIG: Well, I'll do whatever you all want to do, but I wasn't – you know, in areas where red snapper doesn't commonly occur, I don't think you have to use circle hooks to get at the red snapper problem. I hear concurrence from North Carolina at the end of the table. I would put the northern border at the northern end of that grid pattern we saw in the last slide.

MR. ROBSON: Let's be clear which grid pattern we're talking about. Are talking about the grid pattern that would be in either four or six?

MR. HARRIS: We're talking about the six grids, I believe, and was somewhat midway along South Carolina.

MR. HARTIG: Latitude 32?

MR. ROBSON: So we are amending this motion to add that northern one; and, again, this would be the grids that are currently in Alternative 6. We would to include this in the maximum size block, which was –

MR. HARTIG: Yes, that's the intent.

MR. ROBSON: -- I believe would be Alternative 6, so it's 33 north. We probably can ask staff to verify exactly what that line is -- all right, 33, that would be the northern boundary. Brian.

DR. CHEUVRONT: Okay, then, 33 does go into North Carolina. That covers Brunswick County to Cape Fear.

MR. HARRIS: Mr. Chairman, let's make sure we've got this right.

MS. SHIPMAN: It looks like it's right at the boundary of Little River.

MR. HARRIS: Yes, we're looking at the grids on Nick's model, and we're not sure where the 33 and 30 -- which line 33 represents, whether it's nor or -- so, what is it, Robert?

MR. BOYLES: Thirty-three is Cape Romaine.

MS. SHIPMAN: Yes.

MR. HARRIS: Well, then, we want to do 32 because 32 is the northern boundary of those closed grids in South Carolina.

MR. BOYLES: I just wasn't sure if you were talking about the grid block that was -- I don't know if we were describing latitude or the grid blocks, and I think what you're talking about is ending latitude 33 north.

MR. HARRIS: Thirty-three is the right number; 33 is the right number according to Gregg. He has got the better chart.

DR. CHEUVRONT: I'm okay with 33. I looked at the chart that Gregg showed. I took the number off the grid square, and the grid square is based on the southern latitude line and not the northern one, so 33 does run right there about Cape Romaine and 34 is the one that's closer to Cape Fear.

MR. ROBSON: All right, and just, again, to be clear, are we talking about the grid squares that are identified in Alternative 6 of the amendment or Alternative 5, which?

MR. DeVICTOR: Well, I think it depends on which alternative you're choosing. It sounds like you want it to be the northern end of the closure, right, and it depends which one you choose. We're going to have to have a range of alternatives here, so why don't we correspond it to the northern end depending on which one is chosen?

MR. ROBSON: All right.

MS. SHIPMAN: I think Rick's suggestion is very good because depending on where we end up with the compliance rate, we may be taking in ten cells versus these six or seven that you all are talking about, and it's going to need to be whatever we include.

MR. ROBSON: Okay, so this actual motion should perhaps even get – should it even specify the exact latitude boundary? Okay, is that language satisfactory to the motion maker?

MR. HARTIG: So now we're back to Motion 23; is that where we are?

MR. ROBSON: Yes, we've untabled it; we're back to this motion?

MR. HARTIG: And that's what we're going to use and then we'll come up with alternatives to the document to incorporate the entire range of the closure? Yes, that's fine.

MR. ROBSON: Is everybody clear on this motion; this would be adding it to the alternatives – oh, we haven't voted on the amendment; that's right, sorry. Tom, you had a comment?

MR. SWATZEL: I just want to make sure I understand where it applies. I understand the issue of the northern boundary, but then is it depth related according to – or is it just the EEZ north of that boundary; is that what you're looking for?

MR. HARTIG: Well, I'm hearing depth related.

MR. ROBSON: It would be related to whichever of the four –

MR. HARTIG: Of the four alternatives –

MR. ROBSON: -- alternatives showing an area we select and it would be incorporated into that area, so it could be – three and four are depth related and five and six are block related. **All right, we have an amendment to the original motion that would add the northern boundary at the northern end of the closed blocks, whichever that set of closed blocks or area that we settle on in terms of an action. Is there any discussion on that amendment to the motion? All in favor of amending that motion, any opposition to the motion. The amendment passes.** We now have the motion as amended to add this alternative for use of circle hooks to be incorporated into the area that is selected as the closed area in the amendment. Charlie.

MR. PHILIPS: Susan helped me reword what we were talking about yesterday with the commercial guys working and pulling their hooks out of the water. I don't know if we were going to do it at full council when they brought up their corridors, but I just want to know when it would be appropriate to bring this up and have a short discussion on it, now or –

MS. SHIPMAN: Probably after we vote on this.

DR. CRABTREE: I guess I'm a little confused by the northern boundary at the northern end of the closed blocks. I mean, requiring circle hooks isn't going to do anything in the closed blocks. They're closed so the discards are presumably going to occur north of the closed blocks and south of the closed blocks, so why would we – that's where you want to require the circle hooks.

Well, that's only if we go with the bathometric boundary, but based on what I think we saw and the discussions you're having, it's likely you're going to go with closing those entire blocks.

You just need to make sure the way you structure alternatives you recognize to get anything out of this you may have to require circle hooks north of a boundary of the closed blocks. North and south may be the only place there is anybody fishing.

You could just put it in as an alternative to have it geographically in there, but have another alternative that has it go all the way up. Just make sure you give yourself the flexibility because depending on what you close you may have to require them north of there.

MS. SHIPMAN: Well, Roy's point is a good one. The original motion would capture that as well as this one; and depending on were to have to close more blocks, that goes well up into North Carolina. I mean, I think we could vote on this motion, but then also have a subsequent motion and direct the team to include some additional alternatives.

MR. ROBSON: That may be what we need to do. All right, so we have this motion as amended. Is there any further discussion? All in favor of adding the motion; any opposed. The motion carries. Brian.

DR. CHEUVRONT: I'd like to go ahead and make another motion that we look at the use of circle hooks for snapper grouper in the entire South Atlantic Region, including South Florida.

MR. ROBSON: Is there a second? Seconded by Duane. This would be an additional alternative in the amendment. This would be an additional circle hook alternative that would be included in the amendment. Any discussion on this motion? George.

MR. GEIGER: Again, I'm making an assumption, which is always dangerous, but I don't think there is any analysis required on this because we're not really going to claim any reductions based on the use of circle hooks, correct? We're taking this as an alternative to the public comment to get reactions from the public and either employ it or not?

MR. HARTIG: Well, I'm not so sure you can with the studies you have make a case that you could get a reduction with circle hooks. I don't think you can. I don't think you can do that right now. I don't think you can make that assumption right now. I think that we have --

MR. GEIGER: That's what I'm saying, that there is no analysis required by our staff to do anything; just add it as --

MR. HARTIG: Just add it as now; those will come later.

MR. GEIGER: And this would be basically the use of circle hooks would be intended as good practice.

DR. CHEUVRONT: I want to make sure that motion carries everything I put into it. I said specifically just in the snapper grouper fishery. I don't want it to be required, for example, in other fisheries.

MR. ROBSON: Any discussion or questions about the motion? George.

MR. GEIGER: The word “evaluate” is there; what does that connote to staff based on my just-recent comments about – how about we propose the use of circle hooks in the SAFMC EEZ?

MR. ROBSON: We’re talking about adding this as a management alternative.

MR. HARTIG: Well, what it does is it gives us the flexibility to do whatever we want after we come back from public hearing, to narrow it down. If you go with the most – I understand that, thank you.

MR. ROBSON: For the author of the motion, is this the language that gets you where you need to be? Okay, we have this motion and a second; is there any further discussion on the motion? We would be adding this to the amendment for public hearing. All in favor of adding this alternative; any opposition. The motion carries.

All right, that get us through the issues that we had tabled from yesterday on 17A. The only thing we didn’t do was approve 17A for final public hearing because of those issues we were going to take up. Charlie.

MR. PHILIPS: This proposed, I guess, amendment to go to public hearing failed yesterday, but Susan helped – or she basically helped wordsmith it. I think we took out most everything that would have been the problem. We know we’re going to have a massive shift of effort of fishermen have to come out of those boxes.

We know the discard mortality is 90 percent or thereabouts or that’s the numbers that we have to work with. Roy asked me yesterday was I talking about discards and I said yes; and after thinking about it a little bit because of the problems or potential problems with discard logbooks, if we used – when we put in some buffer zones north and south and get right to the meat of where most of the blocks are, get down to where most of the fishermen are catching red snapper or interacting with red snapper, and you can let the commercial guys that are highly – you know, everybody knows what they’re doing. They’ve got logbooks.

In listening to public comment where those people that are actually working out there need to keep working out there – it’s not that they just want to; they need to keep working out there for these other species. I think we could rework this where we can make it make work. If I can read Susan’s writing, because we’ve got lots of notes in here, and her writing is a lot better than mine, but I’d like for us to reconsider it for a few minutes.

I think it’s something doable. I think we need to take something to the public other than just closed blocks. As difficult as it is, I think we need to have something that they can say, yes, we’ll do this or, no, it’s not working, we’ll just close the blocks and be done with it. I think we really, really as a council need to give them something.

If we can have some directed catch instead of throwing the fish away, then it brings in otoliths and everything else, size, weights and all this other stuff that we’re going to be desperately

needing for the data. It has got a lot of pluses. I would like to bring back in – and I'm open for total wordsmithing on this to help make it work. I'm new up here so bear with me. We would do the commercial annual catch target and we'll lower it to 30 or 32 percent, whatever was said in some of the previous amendments that they had used for commercial.

Then we will set at whatever X amount of pounds. I think we ended up at very high in there. Then the team can figure out what kind of – what the number would be for a boundary; taking out Southern Florida and North Carolina. Take the poundage offset for North Carolina and South Florida. Then we would implement VMS, real-time electronic reporting. We could do bycatch but since we're going to be catching them, we can wordsmith this however it works best – or have video monitoring and/or observers to verify what is going on.

I would remove the size limit because we've got very few fish under 20 inches out there, anyway; and if it's 90 percent fishing mortality we might as well bring those fish in for the data. I am totally open for fine tuning.

MR. ROBSON: Are you making this in the form of a motion, Charlie?

MR. PHILIPS: I would like to bring this out for public comment, yes.

MR. ROBSON: So you're making this as a motion?

MR. PHILIPS: As a motion, yes.

MR. ROBSON: Did I hear a second? You're seconding? Seconded. Discussion. George.

MR. GEIGER: As a seconder I guess I can make a friendly amendment or suggest a friendly amendment. Leading up to this council meeting, I've heard from several commercial guys in Florida and I think I even heard it at the Snapper Grouper AP although I'm not positive, but there are some within the commercial sector who would like to have a self-procured or a voluntary VMS. Would you accept that, Charlie, as a friendly amendment if we said implement a voluntary self-procured VMS, real-time electronic bycatch reporting.

Just to take it a little bit further, the people who are proposing this are people who believe sincerely that the professionalized fishery is important to them, and they believe that the snapper grouper commercial fishery can be further professionalized by having a self-procured VMS because the people who are just hanging on and in it for whatever reasons other than actually being the true professionals that we would like to see them be and the industry would like to see them be will probably not comply with that and drop out.

MR. PHILIPS: From what I gather there is money for VMS; and whether we require them to do it – and I agree, I think anybody long term that is going to do snapper grouper is going to end up and need VMS.

MS. SHIPMAN: And I think maybe we could take it out to public hearing with the amendment George is suggesting and then based on the feedback and the input we can also get some

additional information the National Marine Fisheries Service about the funds that are there. For purposes of going to public hearing, I have no problem with leaving that in or including that.

DR. CRABTREE: Well, what is worrisome to me about it, though, is it only deals with the commercial sector. I tend to agree with Charlie; I'm a little uncomfortable with going out with something that is nothing but closed. I think a better way to come at this might to go back to setting up some – whether they're corridors or how you do them, but set up scenarios where you're going to allow some level of fishing, but require a permit to go in and fish in those areas and put a VMS requirement contingent on the permit.

You could put a limit on how many permits there are going to be, and you could allow some proportion are going to be commercial and some are going to be for-hire. You could have a lottery of some sort. You could put some stringent reporting requirements on those vessels. With the VMS you could actually watch how much are they out there. If you made them report, you could keep track of what is going on.

You could have an accountability that if it is not consistent with what you expect, then it goes away. You could have it if anyone violates, they're finished. If you want to have an alternative that's going to allow some level of fishing out there, I really think you need to have something that considers recreational, commercial, and for-hire. Otherwise, I just think this will be seen as unfair and won't get you anywhere. You know, I think you'd be better off to craft something along those lines than this.

MS. SHIPMAN: Well, working in this we sort of put this together in anticipation that this would be an overlay, if you will, on alleys or corridors. We have since dispensed with that so I appreciate what you're saying. This beauty of this to me is where are you going to allow fishing in the commercial sector. I think this gives you your AMs, your accountability measures. Well, it gives you your tracking and your monitoring, clearly, and then you would have to figure out your response to that, which would be your AM.

That is the one fishery or the one sector in this I think we can – just based on the technology that has been developed, the experimental fishing permits, the Sea Grant work and all of that, I think something could work here if there were going to be any fishing. And even bycatch, even you took out the directed fishery, I think you've still got an opportunity to apply some of this to a non-directed fishery.

MR. PHILIPS: I agree with Roy; I would love to see some kind of directed – you know, from the recreational side; and as Susan said, we were going to overlay this with some corridors. But, yes, I'm trying to stay kind of in my area of expertise, if I've got one, but, yes, anything that we could do, lottery, however you want to do it, but I'm just trying to bite the elephant one bite at a time.

DR. CHEUVRONT: A couple of points. When Charlie first made this motion, he used the word "voluntary" when talking about VMS and real-time electronic bycatch reporting or video monitoring. I don't know if you want to drop that portion of it now because this sounds like it would be a big part of the AM. The other thing is that in this Section C that's up there, we need

to be very clear about what areas this would apply to. Did we intend this also to apply in North Carolina and South Florida?

MR. PHILIPS: No, we would set out buffers for North Carolina and South Florida and deduct that from the amount of catch. That was the –

DR. CHEUVRONT: I understand that but I'm talking about Section C only; are we going to be requiring VMS in these areas that are not part of the closure?

MR. PHILIPS: No, that wasn't in there.

DR. CHEUVRONT: Well, I think we need to be specific when we say that because the way it reads now it would apply to the entire South Atlantic area.

MR. ROBSON: So we need to modify that language a little bit.

MR. PHILIPS: Yes, and I'll let the team figure out how to properly word it.

MR. ROBSON: Brian, he has taken a shot at that; I don't know if that's specific enough.

DR. CRABTREE: Well, the problem I see with it is what if we have closed area off North Carolina? Depending on what you assume about compliance, you might. I'm going to vote against this, and the reason is because it just focuses on a single sector. But, if folks could, by full council, which I guess we'll do tomorrow, could come in with something – we're going to do full council today – all right, if we could at the end of the afternoon come in with some sort of proposal that involves looking at everyone, the little more fair scene, then I think I could vote for something like that, but I think just putting just one that's just the commercial fishery just seems too one-sided.

We have charterboat guys who have been in this room yesterday who are fully capable of doing this and just as capable of doing all this as the commercial guys are, and I'm convinced there are private boat guys out there who are very serious fishermen and may be willing to do this and could comply with it all.

I think that an approach that might be worth doing would be looking at a special permit that you have to have in these areas where the closures are and we limit the numbers of them, something along those lines, and I could probably support something like that at least to go out to the public hearings with.

MS. MERRITT: Would it be feasible to just leave out commercial sector and add in the word "voluntary" for overall on the VMS and the real-time electronic bycatch reporting and observer, and just leave it as an open ended alternative for the public hearing as being a voluntary program?

MR. SWATZEL: Well, I just want agree with Roy comments that this kind of a proposal is not really equitable concerning the other sectors that are involved. Also, I'm a little bit troubled that

it presumes that there will be blocks of closures off South Carolina when there may or may not be.

MR. ROBSON: There has been a suggestion that if we have an opportunity to work on this a little bit, that we might be able to come back to this.

MR. HARRIS: Yes, there is a lot of work that needs to be done on this motion. I think we can get that work done when we come back at full council. We will have something that will not be as controversial that we can move on. **I'm going to move to table this motion at the present time and bring it back at full council.** After I get a second and we vote on it, I'd like to make an announcement.

MR. ROBSON: All right, we have a motion and a second to table this motion and bring it back at full council. We need to vote on that tabling motion. All in favor of tabling this motion; any opposition. Seeing none, the motion is tabled.

MR. ROBSON: We'll get the Snapper Grouper Committee back to the table and we'll get started on 17B. We're going to start now going through 17B, and just a slight change in the order on the agenda. Tony Lamberte is going to talk to you about the economic impacts to the recreational sector.

MR. LAMBERTE: Good morning; my name is Tony Lamberte, and I work with the Social Science Branch of National Marine Fisheries Service Regional Office in St. Petersburg. I'm here to talk about the economic effects of Amendment 17B on the recreational sector. There are essentially four sets of management measures in Amendment 17B that would affect the recreational sector.

My presentation now is a little different from the ones done in – I didn't do any presentation in the June meeting, but included in the June Briefing Book was a preliminary analysis of the effects on the recreational sector of the amendment. Since then I update some of the statistics for this fishery.

This is a little different also with what you had originally in the September Briefing Book, and there are a couple of things there. I did more explicit estimates of the average fish landed, and at the same time I also used more recent economic data that is based on a study in North Carolina. They did some of the tables.

The modeling approach is essentially the same, the one I described for 17A, and we look at two major components of economics effects in the recreational sector. We have the consumer surplus, which is the net benefit that an angler derives from a fishing trip and net operating revenues, and that is essentially the profits that is derived by for-hire vessels on the fishing trip.

Regional impacts in terms of rippling effects on the communities and the supporting industries, we're not doing it here. Hopefully sometime in the future we can do this type of analysis. All economic values here are expressed in 2009 dollars. The first set of alternatives would be on speckled hind and warsaw grouper. There are four alternatives here.

It's not all deep water in the case of Alternative 3 that will be affected by this, but there is a set of species that will be specifically affected by this analysis. The Alternative 1 is no action. Alternative 2 is prohibit retention and sale of both species, warsaw and speckled hind. Three would go as far as prohibiting harvest of deep water species; and four is a modification of Alternative 3 in that it allows for opening of some depth in terms of harvest of deep water species.

Essentially the general analysis that goes with Alternative 1, no short-term economic effects. Alternative 2 which prohibits the sale and retention of warsaw and speckled hind has relatively minimal short-term economic effects because of the absence of targeting behavior on these two species; and three, I have some estimates on this; and four, because of the depth specification cannot quantified, but can be essentially compared to Alternative 3.

In terms of effects on Alternative 3, we have these estimates of both consumer surplus and net operating revenue. As you can see, it's essentially the anglers that will be hit hard by the deep water species ban. In terms of fishing modes, it be essentially the charterboat anglers that will be hit the hardest type by this type of prohibition. Conceptually, Alternative 4 should come up with lower effects than tabulated here.

The second set of alternatives would affect golden tilefish and there are two groups of alternatives here. One is the allocation alternative. Although there are essentially four changes in allocation, supposedly, but there actually only three that would result from these allocation changes. We have essentially 3 percent, 4 percent and 50 percent.

The 3 and 4 percent are essentially based on the historical landings of the species by the recreational sector, so in essence we would not expect much of a difference in terms of economic effects once these allocations are implemented. In the case of the 50 percent recreational allocation, if historical allocation or historical landings or proportional landings to the recreational sector is right around 3 or 4 percent, a 50 percent allocation would definitely favor this sector.

There are also alternatives for ACL and AM. We have Alternative 1, no action; two, you base the ACL on the allocation alternatives; and three would be a single commercial/recreational ACL of 327,000, roughly. Alternative 4 would establish a recreational AM of one fish per vessel when the ACL is reached. Alternative 5 would establish a commercial and recreational ACL, and the AM would be to prohibit the harvest of golden tilefish when the recreational landings exceed the ACL – not recreational but the commercial landings exceed the ACL.

Now, in analyzing the effects of these alternatives on the recreational sector, I looked at the ACL for Alternative 2. There are actually three possible ACLs there based on the allocation, a 3 percent and 4 percent allocation. The first one, the 10,000 is based on the 3 percent allocation to the recreational sector; second is a 4 percent allocation to the recreational sector.

The 50 percent allocation I haven't estimated it here. The major difficulty with that is that the recreational model cannot handle supposed increases in the target trips, especially beyond

historical points of target trips. If the recreational sector has been landing right around 3 or 4 percent of golden tilefish, the 50 allocation would definitely be a significant increase.

I'll try to find a way later on to handle that big increase in supposedly in number of target trips by the recreational sector. In the meantime I looked at two types of allocations, the 10,000 and the 13,000. When I looked at these allocations, I tried to compare it to historical landings, essentially 2003-2007 in this particular case I think, and tried to see when will these allocations be reached by the recreational sector.

In the case of a 10,000 pound allocation, remember this Alternative 2 is supposedly – the closure would not happen right away, but it will be compared to the ACL or some landings in the future and the Regional Administrator, in the event that the ACL is exceeded, may reduce the season the following year, so this analysis should be taken in that context.

In the case of 10,000 the closure would start sometime in June. In terms of 13,000 the closure might start sometime in July. If you're going to Alternative 3 with a higher ACL, even it is a single commercial/recreational ACL, the closure might start sometime in October; and four/five, slightly lower than the Alternative 3 ACL, the closure might start in September. This has various consequences in terms of reductions in consumer surplus and the net operating revenues. As you can see, the anglers would be the ones hit hardest with this type of management measures on the golden tilefish.

The next set of alternatives is on the snowy grouper. Alternative 1 is still status quo. Alternative 2 would establish a recreational daily bag limit of one snowy grouper per vessel, and then the AM would be to shorten season the following year. Alternative would establish a single ACL for commercial and recreational based on the TAC of 102,000 something. The AM would be a closure when the ACL is projected to be met. Alternative 4 has an AM of one snowy grouper per vessel when the ACL is projected to be met.

I looked at these and tried to determine or estimate the effects. In the case of Alternative 2 the one fish per vessel would have a good chance of forcing the recreational sector to be within its ACL. The way I looked at it is that if that were the case and you look at the ACL as something like 20 percent of its historical catch, then 80 percent of the assumed target trips would be proportional to the landing proportion or historical landings of the recreational sector – 80 percent of the recreational trips would be affected by Alternative 2.

Alternative 3 has a relatively lower ACL, but if you compare it with the historical landings the ACL would be reached sometime right around August, and Alternative 3 would mean essentially a closure starting in September through December. Alternative 4 is a little bit similar to Alternative 3, but it imposes this AM of one snowy fish per vessel so it leaves essentially the recreational sector open.

But to handle this reduction in the catch, I assumed that once the ACL is reached under Alternative 4, then the one fish per vessel would kick in, and that would be equivalent to 80 percent reduction in target trips once the common ACL is reached, so that would mean Alternative 4 would affect 80 percent of the target trips from September through December.

As you can see, the effects of Alternative 4 would be lower than Alternative 3 mainly because under Alternative 4 the fishery can still remain open even if the common ACL is reached, but in the case of Alternative 3 the fishery is totally closed sometime in September through December.

The next set of alternatives is on black grouper, black sea bass, gag, red grouper and vermilion snapper. We have several alternatives here. AMs would be essentially on Alternative 4 and Alternative 5A and B. There are a couple of things here that I just want to make mention of. The ACLs for each of these species, even with combined ones, are of expected catches once several previous amendments would be implemented. They are currently implemented now, like 15A, 15B and 16.

These are the expected catches out of implementing those amendments. So in effect if you adopt the same of these expected catches as the ACLs and you base your AMs on these ACLs, there would be essentially minimal effects on the recreational sector because they would supposedly be within their expected catch limit.

The second issue I would like to raise is although that is true with most of these species here on the list, there could be something – it will be different with the black sea bass fishery. I looked at the recent landings. In 2006 I believe the ACL was set at something like 400,000 pounds. Now, in the 2006-2007 fishing year the recreational sector caught something like 800 to 900 thousand, which is double essentially the ACL, but that could be partly because the ACL was only imposed and all those other requirements like size limit and the bag limit were imposed only in 2006.

So I looked at 2008 and it has significantly been reduced to something like 600,000, which is still a little higher than the ACL for black sea bass. So in essence while all these other species might not be subject to an AM because they're expected not to overshoot their ACLs, it could be a little different for black sea bass, but this one needs a little bit more examination, and that is what I'm going to do in the near future, especially for this document.

There are some limitations for this type of modeling. We have the target trip definition for MRFSS. There are several ways of defining target trips, but we have chosen for our analysis trips that have stated preferences, primary and secondary, for certain species. In the case of the headboat target trips we just used all those trips landing the species.

In the case of consumer surplus there is the benefit derived by an angler from the fishing trip. We assume it to be constant across species, areas, and modes, which most likely is not true, but that's the best we can do at this stage. The same thing with net operating revenue; for-hire operations in various areas, for-hire operations targeting species might have different revenue and cost configurations from those that target other species or operate in other areas.

The basic assumption we have here in this modeling is that all those trips affected by the various measures will be canceled. That assumption may not hold true in certain areas because anglers and headboat operators and charterboat operators might shift to other species just to maintain their business and anglers to continue fishing if they choose to target other species or go to other areas. That assumption might mean that we are overestimating our economic effects in this particular case. The period of analysis, again, is only one year, and we are not considering any

adaptive behavior on the part of anglers and the for-hire operators. I think that's all I have for this presentation. Are there questions, discussion, comments?

MR. ROBSON: Any questions from the committee for Mr. Lamberte? Ben.

MR. HARTIG: Yes, Tony, in your all-inclusive ACL, how does that work? I mean does it stay open as long as long the commercial fishery stays open? I was just wondering because you had the months stretched out considerably in those estimations.

MR. LAMBERTE: There is an ACL here that closes when the commercial fishery is reached – I mean the combined ACL. In the case of a combined ACL, what I did is look at commercial and recreational catches. Once they reach the ACL, both sectors are closed. Now there is also an AM here. There is an ACL combined commercial and recreational ACL, but once the ACL is reached the recreational sector can still continue under a very restricted bag limit like one fish per vessel, so that's how I stretched out the fishery for the entire year for the recreational sector. I did not do anything about the commercial sector. I just used it to determine when the trigger comes in as to whether they reached the ACL and which month they are expected to reach the ACL.

MR. HARTIG: I just wish the commercial fishery was able to stay open as long as you had in yours.

MR. ROBSON: Any other questions on that presentation? Thank you, Mr. Lamberte, I appreciate it. We have another presentation. Jim Waters is going to give us the economic impacts' information on the commercial sector relating to 17B.

DR. WATERS: I would like to talk a little bit about the proposed alternatives for the commercial fishery that appear in Amendment 17B. The presentation and analysis is going to be very similar to what I gave regarding 17A. Your draft amendment is the briefing book as Attachment 21, and my report about my analysis appears as Appendix Q.

Most of the graphics that I will show here are going to be the same as what appear in that appendix, so if you want to follow along you can look in the report. Basically, that report is a little bit more complete than what you'll hear now. It describes the method analysis and summarizes and interprets the results. I'll show you some of those highlights.

The results basically are not very different from what you heard at the June meeting. There are a couple of minor changes to the alternatives primarily concerning tilefish. As I mentioned with the report on 17A, I added data for the year 2008. Just as a little reminder, I used federal logbook data from 2005-2008, and I hypothetically imposed the proposed regulations on the results from each trip that are reported through the logbook program, and then I sum up those results by year, so I have four years of information.

Then I take the four-year average and that's my expected outcome for the proposed alternatives. The assumption there is that what happens in the near future is going to be very similar to what

happened in the recent past. We know that is not always going to be true, but that's the assumption of how we started here.

I did make a minor change in how I treated records where the depth of fishing was missing or unrecorded. That occurred primarily in 2005, and it really did not change the results by very much. Before I get too much farther along, I'd like to mention that this is a complex fishery. There are a lot of different species; there are a lot of different areas. The species composition changes as you go from north to south. There are different gears. There are lots of different things going on.

We manage on a species-by-species basis, but even if we have a directed regulation for vermilion snapper, for example, some of the effects of that regulation can be felt in the harvest of some other species. There is potential for a lot of interactions going on here, and it's not always clear from the face of it as to what the overall effects might be. One thing I like to do in my simulation model is look for something that I really didn't expect and then try to figure out whether that's a problem with the model and if it is I try to fix it; or, if it really is a reasonable outcome that I just didn't expect.

It turns out in this 17B that there is nothing unusual. I mean everything was telegraphed right – if you want rank the alternatives, they're telegraphed right by the language of the alternative, so no surprises here. For speckled hind and warsaw grouper Tony already presented the alternatives here. They're pretty the same as – well, actually they're identical to what we had at the June meeting.

I did treat these alternatives just a little bit differently this time than I did last time. The no action alternative allows the one-fish possession limit under the recreational bag limit, and that prohibition on the sale for both of these species has been in effect for quite a long time, but yet when we look at the commercial landings data there are small quantities that are landed associated with each of these species and some minor revenue.

At the June meeting I considered those revenues to be primarily bag limit sales that would have been prohibited by Amendment 15B, but for this amendment I just considered them as normal revenues. So when I look at Alternative 2, prohibit sale of both species and eliminates the one-fish possession limit and retention limit, so there is going to be a small difference here, a small loss associated with Alternative 2. That's the only difference from what we had previously.

These are the same type of graphs that we had with Amendment 17A. Just to refresh your memory a little bit, the trips are categorized by the primary gear used on each trip. We're not keeping track of the results by boat. We're just categorizing things by trip. These are the alternatives across the bottom.

There is no action, Alternative 2, Alternative 3, Alternative 4, and there should be one bar for each of those alternatives. Now the no action alternative is basically zero, so really there is not going to be anything that shows up here. Alternative 2 has a very, very small effect, so it hardly shows up at all, so it really only appears that you've got to big alternatives here. One is for Alternative 3 and one is for Alternative 4.

Alternative 3, as you recall, would prohibit all fishing for the deep water species. Alternative 4 would prohibit fishing for the deep water species but only in depths of 240 feet or greater. So, it's not unexpected that the losses associated with Alternative 3 would be greater than with Alternative 4.

By the way, I would like to remind you that these bars are going downward because these are changes in net operating revenues compared to the no action alternative. Since each of these alternatives would create extra losses for the commercial fishery, I've got the bars going down because there are differences between no action and the proposed alternative.

These two graphs reflect the same information except the scale on the left graph is in dollars and the scale on the right graph is as a percentage of no action. The magnitudes of the losses in percentage terms are between 10 and 12 percent. In dollar terms most of the effects are felt by trips with vertical lines, but as a percentage the greatest relative effect affects the use of longlines, and this is primarily because of the loss of snowy grouper and yellowedge grouper and a little of the blueline tilefish.

Now, Alternative 3 would prohibit the harvest of those species completely so you might wonder why this is a hundred percent loss here, but the longline trips include the golden tile, so that's why it's not a hundred percent. In terms of areas this graph just reflects where the snowy grouper and yellowedge grouper are primarily caught in the Keys and in North Carolina.

Now, the alternatives for golden tilefish are largely different than what we had in the June meeting. There were two actions; one action to specify the TAC for tilefish and one action to specify the allocation for the commercial and recreation sectors. The product of the TAC and the allocation would give you the commercial ACL.

There were two levels of TAC for the tilefish. The no action was a little over 300,000 pounds, and then all of the alternatives, two to five, were about 290,000 pounds. For the allocation the alternatives are 97 percent commercial and 96 percent commercial or 50/50 between commercial and recreational.

This double star up here indicates that you've selected this as the alternative for your TAC – I'm sorry, this is the third alternative for your TAC and you don't have any preferred yet for your allocation. All of the analyses will assume the existing system of trip limits, 4,000 pounds a trip unless 75 percent of the quota is reached prior to September 1st. Then it drops down to 300 pounds.

Let me go back for a second. There is no allocation for the no action. No action means that no allocation has been specified, but if you look at the commercial quota right now and take the ratio of the commercial quota to the existing TAC, it works out to about 98 percent. The 98 percent is what I used for simulating the no action here in this.

These graphs are dominated by the alternatives for a 50 percent allocation for the commercial sector. You probably can't read this; there is a lot of fine print down here, but Allocation 5 is the

50/50 allocation and these two bars right here reflect the 50/50 allocation, and that's a huge change compared to what we have now and that's why these bars up here are so small.

The only thing really of interest that I think worth noting at the moment is you might wonder if there is a 50 percent reduction in landings of golden tilefish for the commercial sector why does my graph show that the losses for the commercial sector are only around the magnitude of 35 percent or so, and that's because I'm dealing with what I call net operating revenues.

Landings are basically proportional to revenue, but because of this big reduction in the allowable landings, we're going to see a lot of trips for tilefish that just do not happen; and when trips don't go, then people don't spend money for fuel, they don't money for other types of supplies, and that savings in cost tends to at least partially offset the loss in the revenue, so the net loss is somewhere around the order of 35 percent.

Not much unexpected here; tilefish are primarily landed in two areas. Tony talked a little bit about an alternative for snowy grouper. I didn't see anything in there that really bared looking at for the commercial sector so I'm going to skip right over that. There were ACLs for a host of species. For the commercial sector you already have an ACL for vermilion snapper and black sea bass. What is different in here is red grouper and black grouper so that's what I'll talk about here.

The alternatives are the same as what appeared in the plan that you looked at in June, but if you remember I totally overlooked these in my June presentation, so the analyses that I gave you in June didn't include anything about this just because it was just an oversight on my part. This is kind of an interesting action that you have here and has interesting effects on the commercial fishery.

Right now we have some fairly strict regulations on the commercial fishery through Amendment 13C. That affected black sea bass quite bit, but it really affected snowy grouper quite a bit. Amendment 16 is just now going into effect, and that's going to have a big impart on the allowable catches of vermilion snapper and some gag grouper.

When we look at the commercial data for 2007 and 2008, we see a big spike in commercial landings of red grouper, and I interpret – I don't have that graph on the board here, but it is in the presentation in the briefing book. Anyway, I interpret that as people jumping out of their other fisheries that they've been closed out of by these previous amendments and they're looking for some alternative, and red grouper happened to be a viable alternative for them.

These ACLs right here, even though they're based on historical landings and they're sort of intended not to be too intrusive on fishermen, in fact because of the way people are changing patterns they will have an effect on the commercial fishery. Right now, by the way, your Alternative 2B is the preferred alternative. The preferred alternative includes an aggregate ACL, which is the sum of the individual quotas for gag plus these two numbers here for red grouper and black grouper.

Now, you're not going to be surprised when I flip over to the next graph. If you have individual quotas for all species, that's going to provide less flexibility for keeping the commercial fishery open; so when I flip to the next slide and show the graphs you will see that the potential losses associated with 2A are greater than they are with 2B.

The reason for that is when you get up and hit the red grouper quota, bang, the fishery closes; whereas, with 2B it's possible you could hit what would have been the red grouper quota, but because the overall aggregate quota hasn't been filled yet, the fishery stays open for just a little bit longer.

There is some interesting feedback here with respect to the alternatives in Amendment 17A. One of the predictions of the simulation model for 17A was that the recent regulations for gag would close the gag fishery, but some of the proposals for 17A on red snapper, some of those closures would actually slow down the harvest of gag, and that would actually keep open the fishery for the shallow water groupers just a little bit longer, so that tended to be sort of a mitigating circumstance.

Part of that mitigating circumstance sort of dissipates when we look at these alternatives here in 17B, so the potential gains that are partially offsetting gains from a longer grouper season just don't really show up quite nearly as much as just looking at 17A alone would have been. The big potential effects would be on the state of North Carolina and South Carolina because that's where the recent shifting of effort has happened, especially in North Carolina.

I might also that these graphs, I think I already mentioned that these are based on four-year averages of data from 2005-2008. Most of the shift has happened in 2007 and 2008. If I were to go back and rerun these models using only data from 2007 and 2008, the height of these graphs would be steeper than they are here. That's pretty much it.

Here are the standard caveats. Once again, these results are based on a simulation model that is a simplification of a reality. The real world is more complex than what I can model, and so I take these results with a grain of salt. I consider them to be highly suggestive, but I do take them with a grain of salt.

As Tony already mentioned, these results are based on historical fishing patterns. They do not reflect adaptive fishing behavior that people are likely to look for to try to get around the really adverse consequences of some of these regulations.

MR. ROBSON: Thank you, Dr. Waters. Are there any questions on the information provided?

MR. CURRIN: Just one question on golden tilefish, the no action alternative, I think you assumed the allocation or calculated the allocation as 98.2 or something percent. Is that based on a long-time average or the last handful of years or what is the timeframe?

DR. WATERS: Actually it was just based on the legislated quota right now for tilefish compared to what this plan says is the current TAC for tilefish.

MR. HARTIG: Jim, I was interested in that red grouper quandary you found; I mean, how the fishermen were able to target red grouper much more specifically, and that was a direct result of gags being closed or just targeting red groupers in another direction?

DR. WATERS: Actually, I'm only looking at secondhand logbook data, and that's my interpretation. I haven't actually gone out and done a survey to ask fishermen what they're doing. My interpretation is when you look at the timing of the incidents of these regulations and who is being affected, and then I look at what is happening in those areas and at those time periods, it seems pretty straightforward to me that a reasonable interpretation is that people are looking for something different to fish for and they found red grouper.

MR. CURRIN: And there is another possible explanation as well, Ben, and I think we see that up our way in that the red grouper stocks seem to be increasing up our way at least, so that would also explain it I presume, Jim, and it likely is a mix of those two things.

MR. ROBSON: We have question from the audience. Come to the microphone.

MR. FEX: My name is Kenneth Fex. I'm on the advisory panel for South Atlantic Grouper Snapper. To his point exactly, the red grouper stock has dramatically increased, so really the effort increased towards the red grouper because when you throw a jab hook down to catch a grouper, it don't discriminate which grouper gets on it. Really, the stock has increased.

They actually spawn from December through May. I mean, I've worked with all the scientists all the time doing research and I gut these fish. So, really, I think their stock has increased because they spawn a lot longer. And also your increase on the red groupers and the catch landings, also they increase by effort because we all know regulations are about ready to hit the fan, so we're all trying to fish harder to try to make the most.

The same thing with the recreational fishermen, they try to utilize it as much before the elimination of bag sales. So your spikes you see on there is probably for the stock increase of the red grouper and the effort increase before all these regulations. Thank you.

MR. ROBSON: All right, if there are no other questions, thank you, again, Dr. Waters, and we will move on to the next part of our agenda. We'll start going through the alternatives in 17B. I'm going to ask Rick to help with that.

MR. DeVICTOR: This is Section 4 of the document, and, again, Amendment 17 deals with specifying ACLs and AMs for nine species undergoing overfishing. Where 17A deals with red snapper, this deal with the rest of the nine species. We have been through these alternatives a number of time before.

There are preferred alternatives for all the actions except for one action that was recently added, and that is the golden tilefish allocation. We will go through those alternatives in a second. As before, I'll walk through these alternatives. I'll highlight where there were Law Enforcement AP recommendations and Snapper Grouper AP recommendations. Again, those recommendations are in your in your briefing book materials, the motions from those meetings.

So, again, we have the speckled hind and warsaw grouper. Really, what sets this up is that we have a recommendation from the SSC where ABC equals zero landings only for these two species. Alternative 1, status quo, would retain the current regulations for the deep water species. Alternative 2 would specify an ACL of zero for speckled hind and warsaw grouper, plus prohibit all commercial and recreational fishing for those two species. Right now the current regulations are at one per vessel.

Alternative 3 would again specify an ACL equals zero for speckled hind and warsaw grouper, but would prohibit all the commercial and recreational fishing for, possession, and retention for all the deep water species, and they're listed after Alternative 3. Then your current preferred alternative is four; again, set the ACL equals zero. Perhaps we need clarification that this would just be landings only, and perhaps we should put that in the wording of the alternative.

This would have that depth closure starting at 240 feet, and then beyond that depth you would prohibit the possession, fishing for and harvest of deep water species. The regulations for the deep water species would remain the same inside of 240 feet. I have a map showing the depth contour like we did with red snapper according to the LEAP recommendations.

The Snapper Grouper Advisory Panel had a motion where they recommend closing 300 feet, 50 fathoms and beyond, so pushing this out from 240 to 300. The vote for that was five for, three opposed and six abstained. But then they followed up with a separate recommendation, and I believe that this occurred – and Charlie could step in here if I'm wrong, but they talked about the effects that this would have on fishing off of Key West, for an example, where they fish closer to shore and they land a smorgasbord of species. So certain people were against that due to the impacts it would have down in Key West. That was 12 for and one opposed.

MR. GEIGER: Rick, do you have a map that shows that; does that provide them an opening between what is proposed in 17A in terms of closures and where that 300-foot buffer starts?

MR. DeVICTOR: The recommendation from the LEAP was to have this line start, since they're both at 240 feet, so the intent would be – and I'll show it on the map – where the red snapper closure stops is where this closure would begin. So red snappers as to all snapper grouper species, this would be for deep water species, but again this goes all the way up into the entire EEZ where the snapper closure does not.

I don't have the full closure up there and I know Roger sent it to me. I have it somewhere, but you can see this would continue southward and go to the northward EEZ, South Atlantic EEZ, but this is basically how the closure would be along the 240 depth contour, approximately.

MR. GEIGER: But the AP recommended you said 300 feet?

MR. DeVICTOR: The Snapper Grouper AP did make a motion to push this out to 300 feet.

MR. GEIGER: So if went with the Snapper Grouper AP, then there would be a break between the red snapper closed area that they're proposing?

MR. DeVICTOR: Yes.

MR. ROBSON: That's not something the Law Enforcement AP would have even had a chance to look at based on that AP recommendation. Brian.

DR. CHEUVRONT: I think it probably would be worthwhile for us to put in an alternative in here that would allow us to look at this and get comments from the fishermen and other interested parties on this as to is that even – I mean, we're talking a 60-foot depth wedge that would run out there, and I don't know if that's feasible, manageable, or anything.

I think our AP has made that as a recommendation; and just to get comments on it, I don't think it would hurt to include that, so I would like to go ahead and make a motion. **I would like to make a motion that we add an alternative that moves the deep water closure to 300 feet or 50 fathoms, to the end of the EEZ – yes, to clarify that, to the eastern side of the EEZ, not coming in but going out.**

MR. ROBSON: And this would be an additional alternative that would mirror Alternative 4 with the exception of a different depth?

DR. CHEUVRONT: Yes, Mr. Chairman, that was my intention.

MR. ROBSON: Does that capture your motion, Brian, as worded?

DR. CHEUVRONT: Yes, it does.

MR. ROBSON: Duane seconds. All right, discussion. Mac and then Charlie.

MR. CURRIN: I'm not opposed to looking at this, but I suspect what we're going to see, if we put it on a map of the scale of the one Rick showed us, we may not have a spot thin enough to draw that line, so it's going to be a very, very narrow band. If you think about it, it's about the edge of the shelf where things start dropping pretty quickly. I think I've got an idea of what law enforcement would say about such a thing as that, but if you want to look at it, we can.

MR. ROBSON: Well, this would add it as an alternative for the public hearing document.

MR. PHILIPS: Considering everything else and how people are being pushed from fishery to fishery, I had a friend of mine who happened to look at some pictures from some of the deep water coral and stuff, and he noticed what we thought were queen snapper, and I'm guessing it's out toward the wreckfish bottom somewhere. That would be way out past any of the yellowedge grouper or any of this other stuff.

I don't know if having a potential fishery for something like a queen snapper that has never been fished for before, if we're going to make it where it can't ever be a potential fishery, I might like to consider maybe taking queen snapper out or, you know, should something like that be a viable option that's eco-friendly, be a vertical line gear, obviously – I'm just kind of curious about, you know, closing something that might be a relief for something later on.

MR. HARTIG: This is not inclusive of tilefish?

MR. ROBSON: Not golden tile. All right, is there any other discussion? We're ready to consider this motion. **All in favor of the motion signify by raising your hand; all opposed. The motion carries.** This would be added as an alternative to the document.

MR. DeVICTOR: Something else I failed to mention, we spoke about it yesterday, there was a motion from the Law Enforcement AP to specify an allowable golden tilefish fishing area. If you recall the last time you met, you moved that to the rejected alternative appendix in part because you felt it would increase the work that law enforcement would have to do.

Law enforcement spoke about it when they met and they said it would help them in terms of enforcement where you would know a boundary between where they would be allowed to be golden tilefish fishing. That alternative is currently in your rejected alternatives' appendix, but I just wanted to make you aware of the AP's motion.

MR. CURRIN: To that point, in essence the alternatives we have in there would allow golden tile fishing outside of 240 feet; so if it's a line they're looking for, then there is a line there. Now we could draw a different line and try to outline and exclude all of the rocky areas between whatever depth where the mud begins and the 240 feet. If what law enforcement is looking for is an edge, it seems to me that we have one at 240 feet. Am I missing something?

MR. ROBSON: I think that is correct; we have a line. Brian.

DR. CHEUVRONT: But part of the thing I think is aren't the longliners currently restricted to 300 feet, and so this would make it consistent with what the longliners are doing already.

MR. ROBSON: All right, if there is no further comment we'll move on.

MR. DeVICTOR: Okay, the next action is golden tilefish allocations. This affects the next action where we're setting a recreational ACL, so what you determine here will affect how many fish constitutes the golden tilefish recreational allocation. We will get to that next. Allocations were added to the document and you have not reviewed these before.

We've used the alternatives that we have in the past amendments, looking at historical catch. Alternative 2 would be 97 percent commercial and 3 percent recreational. That's looking at ALS, MRFSS and headboat data bases from '86 to '08. Then Alternative 3 would be 96 percent commercial and 4 percent recreational, and that's looking at more recent years of '06 to '08. Alternative 4 looks at our equation where it's 50 percent of the long catch range and 50 percent of the most recent. Alternative 5 is a 50/50 split.

MR. ROBSON: We have these alternatives; we don't have a preferred selected. We need to decide whether we want to have a preferred first. Rita and then Duane.

MS. MERRITT: Well, I'll make a motion to make Alternative 2 the preferred.

MR. ROBSON: Motion to make Alternative 2 the preferred; is there a second.

MR. PHILIPS: Yes, I'll second.

MR. ROBSON: Charlie seconds. All right, Alternative 2 which would set it using the years 1986-2008. Is there discussion?

MR. HARRIS: Mr. Chairman, I would speak against the motion. I would have moved Alternative 4 because that's consistent with what we decided previously and we've gone with in a number of other fisheries.

MR. CURRIN: I would echo what Duane said. Effectively they're the same; the percentages work out exactly the same. I would have felt better with Alternative 4 as well.

DR. CRABTREE: That was the only point I would make is that the net result is the same for the two alternatives.

MR. HARTIG: And it's just a general question, and I've thought about the allocation quite a bit. Have you all selected a series of years that you're going to use for making every allocation decision you're going to make? Has the council determined a year set? I know, George, you've been very involved in it.

MR. GEIGER: Yes, Ben, and we actually had an Allocation Committee at one point where we tried to address this and figure out an equitable way to do it, because I'm not sure it's appropriate to just select blanket years and use catch history as the rationale, which is the genesis for Alternative 4. The Allocation Committee actually came up with a type of formula.

One of the ingredients of that recipe is not included in this, and that at some point in the future may become a component of the recipe. But we have in the past utilized this recommendation from the then Allocation Committee to make our determinations and believed that it was the fairest and most equitable way of determining what the allocation should be.

MS. MERRITT: George, do you want to make that a friendly amendment to change two to four because they are basically the same. I agree it goes along with the formula we had talked about in the Allocation Committee.

MR. CURRIN: Yes, Rita, thank you, I would make that as a friendly, and I would add something else to it so we can do it in one step. **Adopt Alternative 4 as the preferred and move Alternative 2 to the considered but rejected file.**

MR. ROBSON: Is there a second by that amendment. Duane seconds. This was a friendly amendment; do we need to vote – no, we're still working on this as a motion. Okay, Rita.

MS. MERRITT: I'm not comfortable taking out Alternative 2, though, because I think the public hasn't quite gotten there yet as far as accepting this new equation that we're using or have recommended to use for allocation. I'd kind of like to see it in there for comment.

MR. DeVICTOR: Perhaps you could combine those alternatives instead of taking one out. Essentially both give you the same exact thing, which is 97 percent and 3 percent, and that's the real heart of the alternative, but you can say there are two ways that we calculate it.

MS. MERRITT: I can agree to that.

MR. CURRIN: Yes, and I'm okay with that, any way to approach it. I'm just trying to pare the document down a little bit. They're effectively, as has been stated, the exact same thing. There is no need to have both of them in there. I'm fine with wording a single alternative such that it reflects what was done in both of those alternatives.

MR. WAUGH: I think you need to decide how you want to do your allocation. If you're using this formula, then that should be the way we calculate it. If you do it and combine the two, then the number is 97 percent and 3 percent, but how did you calculate it? What is the council's policy for allocations?

MR. CURRIN: That was my reason for selecting Alternative 4 was the method of calculation. If Rita chooses not to accept this amendment, we can vote on an amendment to her motion and we can vote on that motion and move on.

MS. MERRITT: I think I'm confused as to why we can't just have it separately so that the public can give us comments on whether or not they accept this or have further comments on how this new allocation is being done. Gregg, can you clarify that for me; can we not separate it or are we saying that this is the way that we're calculating it, period?

MR. WAUGH: I was just commenting on if you put the two together, then there is no clear indication of what the council's policy is. If you keep them separate and Alternative 4 is your preferred, then it's clear what the council's policy is for developing allocations. Then what you do with Alternative 2 is separate from that. Does that answer your question, Rita?

MS. MERRITT: Yes, thank you, and I will go along with the amended motion.

MR. ROBSON: So the amendment part of it would be moving that to the considered but rejected. Charlie.

MR. PHILIPS: Okay, I understand why you don't want two and four mixed because two is setting a set number. Four, the allocation is probably going to change over time. It may affect what you would do if you end up with a LAPP or something or a catch share in golden tilefish. Yes, I could see why you wouldn't want mix two different formulas. It would be confusing. I wouldn't have a problem leaving two as an option and put four out there or maybe put four as the preferred, but let's let the public look at it because that's what we're supposed to do.

MR. ROBSON: Well, right now if this motion were to pass, Alternative 2 would be removed from the document and put in the considered but rejected area. So for purposes of having all of the alternatives laid out, if you wanted to leave Alternative 2, then you would have to vote against this motion the way it's worded. Robert.

MR. BOYLES: Mark, can I ask Brian, who chaired the then Allocation Committee; did the council adopt that equation kind of as a working – okay.

DR. CHEUVRONT: Yes, they did, and I think some of the rationale behind why the council adopted that was because it allowed us to make some allocation decisions without seeming to be capricious, and we wanted to have something that we could point to that say that we're trying to apply this as fairly as possible across all the fisheries and account some for the historical trends as well as recent trends.

MR. ROBSON: All right, is there further discussion? **All in favor of the motion; any opposition to the motion. The motion is approved.** Roy, were you abstaining on that one? Okay, show Roy as abstaining. Okay, next.

MR. DeVICTOR: Okay, the next action has to do with Golden Tilefish ACLs and AMs. You have your no action alternative. Again, the commercial ACL is set at the Fmsy level, so you're looking at revising that and also setting a Golden Tilefish ACL. You talked about that in June and you're looking at setting that in numbers of fish just as you're doing with the snowy grouper recreational ACL.

The Science Center gave us a report showing what the average pound of golden tilefish was, and I believe that came out to 6.21 pounds per fish for golden tilefish. You have a table where you made your allocation choice and you would see what the recreational ACL would be in numbers of fish. You can see that in Table 4-12. Under Alternative 4 that would come out to 1,625 would be the yearly recreational ACL.

You have a preferred alternative and we would specify that ACL in the wording of the alternative. Then basically just going through the alternatives, Alternative 3 would specify a single ACL where you would track landings from both the commercial sector and the recreational sector, but it would shut down the fisheries when that single ACL is met. Alternative 4 establishes a per vessel limit of one golden tilefish when the single ACL is met, so that's your accountability there, that you would not close fishery but you would go from one per person to one per boat.

Then Alternative 5 which would establish a commercial and recreational ACL based on the yield at Foy. In this case the recreational catch would not factor into that ACL; just the commercial catch. The Snapper Grouper AP had a motion to replace the three-year running average that's currently in your preferred alternative with a five-year average where you'd drop the high and the low number. This is in terms of the recreational golden tilefish landings, so it's just dealing with the recreational sector. So, again, you have your preferred alternative, which is Alternative 2.

MR. ROBSON: Any questions or discussion? George and then Ben.

MR. GEIGER: I guess this is part of the broken record that I've played a couple of times already. When you try to establish accountability measures for this low number of fish, we're just setting ourselves up for this sector to overrun this. With the potential spiking in MRFSS

numbers, it just leads to whatever accountability measures we put in place they going to probably be applied in this fishery based on the small numbers and the fact that we know, based on public testimony, that there are more people fishing for these animals and landing more than are captured in the MRFSS sampling. We're just setting this sector up for a future closure.

MR. HARTIG: Well, first, to George's point, where is the effort occurring on golden tiles that you're talking about?

MR. GEIGER: Primarily in Florida. We received the testimony in the Stuart area, but I know there is a whole deep drop contingent. There is even one club that is formed and that is all they do is deep drop for snowy grouper and golden tilefish. I'd say from Stuart south to Miami.

MR. ROBSON: And you're talking about recreational deep dropping?

MR. GEIGER: Recreational deep dropping.

MR. HARTIG: Well, the question I had before George said anything was about the AP's five-year running average. Actually, we'd probably benefit from actually having staff or someone actually do some of the calculations and see if that did smooth the recreational landings even further. I just know that working with that data a lot that that may have an advantage of added smoothing that we hadn't seen before.

MR. CURRIN: To that point, Ben, I couldn't agree more; it will smooth, but it's a very risky approach because of the timeframe over which it operates. Going from three years to five years, we run an increased risk of exceeding that AM to an extreme level, which would result in some very extreme reaction. That's kind of my interpretation of it. It certainly would smooth it and it's appealing from that perspective.

MR. HARTIG: Well, certainly, I would the three-year average until you got far enough down the line to then use the five. That's what my thinking was in convincing the AP to try and go to a further smoothing. We'd certainly used the three years in the first three years and then when we've got the approve five-year level we would start with the five-year level if you think that would further smooth it. I don't know that we can actually do it right now. It would be nice to see some numbers and see if it actually did smooth those numbers further, but it is something to think about.

MR. CURRIN: So what you're suggesting, then, or what they suggested is that you kind of step into it just the way we're stepping into it now. As we're doing the three years, you'd go to three; then use four; and when you got to five, then you could implement a smoothing technique or drop the low and the high.

MR. HARTIG: That's the way I had envisioned it.

MR. CURRIN: That makes sense.

MS. MERRITT: This is another example of when a tagging program might work, and I keep hearing since we first brought it up some time ago that it takes time to do that and to work out all the details of it, but perhaps it's time that we put it in as an alternative to get public comment on it and to do a little homework even if it isn't feasible to get it into this amendment in the long run.

It would certainly give us a starting point that we might be able to apply when we run into this condition of so few fish available; either commercial or recreational. **With that, I would like to make a motion that we add an alternative to establish a tag program.**

MR. ROBSON: Okay, there is a motion and you're referring in this case to just for the golden tilefish fishery?

MS. MERRITT: Yes, in this case. Mr. Chairman, I think in this case we'd have to say golden tilefish recreational fishery. That's really where the accountability measure is more necessary because of the low numbers.

MR. ROBSON: We have this motion; is there a second?

MR. HARTIG: Well, I'll second it for discussion and then would speak to it, if I could. Rita, I think it's a great idea. Unfortunately, any time we're going to put something like this in a time-certain amendment that we're trying to get in for ACLs, I don't think we can do; I really don't. We're pressed for time to get all these in, and I don't think we could give what you want the needed time to develop it in the context of when we have to have ACLs in place. I certainly would put it in the next amendment that we see coming up to be included.

MR. GEIGER: To Ben's point, which is well taken; do we have to wait to be doing an amendment to begin working on developing a tag program? Why couldn't we begin to investigate the aspects of developing that program now, because we have at least two fisheries right off the top of my head which this would apply to. I believe you could begin developing a framework and all the nuances.

MR. ROBSON: I think I heard her motivation was to get us working on this and that was the basis of the motion, but we maybe need to do that regardless. Susan.

MS. SHIPMAN: Yes, I heard an invitation yesterday from the Regional Administrator to come in with – you know, for the states to come back to him and to this council basically with a model of how we thought something like that could work, and we're certainly – I talked with my staff who were here yesterday and we're going to immediately begin working on trying to develop something like that.

MR. ROBSON: And that discussion was related to red snapper?

MS. SHIPMAN: Red snapper, correct.

MR. ROBSON: This has come up before I think in discussion with the snowy grouper.

MS. SHIPMAN: Snowy and –

MR. ROBSON: And now we, of course, have the golden tilefish.

MR. SHIPMAN: But the principles are going to be the same. I think if we start working on it for red snapper or whatever the fishery is we've got the mechanics. It's the logistics, the mechanics, the administration, and that will apply regardless of the fishery.

MR. ROBSON: And I think that is something that we've talked about. To Ben's point, I don't know that we get something like this implemented in terms of this amendment, but we do have a motion and a second. Is there any other discussion? **All right, no further discussion, all in favor of the motion; all opposed.** I think, again, related to what we just talked about, this is something we need to do, and we have the capability to do that outside of this amendment.

MR. WAUGH: This issue came up when we were doing our run through with the region, but in terms of counting towards these ACLs in 17B we will only be counting fish that are harvested in our area of jurisdiction. We have an alternative in Amendment 18 that deals with extending the management unit to the north, but until we make that change only individuals harvested from our area of jurisdiction will count towards these ACLs. I just wanted to make sure that was clear.

MR. CURRIN: To that point, Gregg, the Mid-Atlantic already has a Golden Tilefish Plan, so this particular species won't be an issue, but it will be an issue with some others.

MR. ROBSON: All right, I think we're ready. We still have Alternative 2 again as the preferred.

MR. DeVICTOR: Okay, next is dealing with the final deep water species and this is snowy grouper. Again, just to remind you tentatively there is an update scheduled for snowy grouper in 2010. What is currently in place, snowy grouper is overfished so there is a rebuilding plan that was put into place. The allocation for snowy grouper is 95 percent commercial and 5 percent recreational.

We do have a commercial ACL and an AM as specified in the no action alternative. The recreational ACL is, again, 523 fish. Again, the problem here is reported recreational catch for snowy grouper can fluctuate by as much as 200 percent year by year because the CVs are great, and they're basically over 50 percent. We do not have an AM for the recreational sector for this species.

Alternative 2 would establish a recreational daily bag limit of one snowy per vessel, and then the AM track what is proposed for golden tilefish where you'd look at it over a range of years, using a three-year running average. That's the current preferred alternative. Alternative 3 would have a single ACL, so it combines the commercial and recreational into one ACL but hasn't that recreational AM.

The concern here is that the recreational catches would factor into the closure and that's very difficult to monitor, as we've talked about. Alternative 4 would actually put in a recreational

AM, so it would have tighter restrictions when the commercial quota is met. The concern here, of course, is that you could exceed that 523 fish but have no repercussions on that.

You have a current preferred alternative which is Alternative 2. In terms of recommendations, I don't recall any recommendations from the Law Enforcement AP or Snapper Grouper AP on this action.

MR. ROBSON: All right, any desire to change or modify these alternatives or the preferred.

MR. HARTIG: Not to change it but just to ask a question; what is the bag limit now? One per person per day, okay. Thank you.

MR. ROBSON: All right, if there are no other questions or discussion on that we'll move.

MR. DeVICTOR: Okay, next deals with the rest of the species that are undergoing overfishing. SEDAR updates are tentatively scheduled for black sea bass, 2010; vermilion snapper update, 2012. You have a current range of alternatives for these species. Again, this deals with black grouper, black sea bass, gag, red grouper and vermilion snapper.

You can see the commercial ACLs and recreational ACLs, which is Table 4-16, what those are in place. I'll run through the preferred alternatives. Again, there are no red grouper or black grouper ACLs in place right now. As you know, they're currently being assessed right now. I believe the review workshop is to be held in January.

What this would do is the preferred alternative, which is Alternative 2B, would create one gag, red grouper and black grouper ACL, and there would be one commercial and one recreational, and so whichever one is met first would close the fishery for the sectors. You would have a commercial gag, which is in place right now, and you'd have a gag, red grouper and black grouper, whichever one is met first would actually close the shallow water grouper fishery. That is Alternative 2B.

Then you move on to Alternative 4, which gets into the AMs, and the current preferred is, again, to use a range of years to monitor the recreational ACL, so you compare a three-year running average to your recreational ACL. Then Alternative 5B deals with if a species is overfished, it would just apply to black sea bass at the moment; that if that recreational ACL is exceeded or is projected to be met you would close the fishery.

Again, the whole purpose there is to keep on the rebuilding plan – that's the intent – so if you are in a rebuilding plan you would take more stringent measures if you do exceed that ACL where you would close the fishery. If the ACL is exceeded independent of stock status, the RA could reduce the length of the following fishing year to recoup that ACL, so that's Alternative 5B.

The team did recommend adding a 5C to this, and this is identical to your 5B except we put in the language of ACT, because there are ACT alternatives. We felt that just in case one of those was to be met, you could match it up to 5C that uses the language of an ACT. We would need

here if you want to change one of your preferred alternatives and also do you want to add Alternative 5C as an alternative?

Getting on to the recommendations from the Snapper Grouper AP, there was a Motion 22 from the Snapper Grouper AP that the council consider a combined gag and black grouper commercial ACL and a separate red grouper ACL. Their recommendation was for the commercial sector, instead of having a gag, black and red, to move red out and have that as a separate ACL.

Again, we sort of talked about before, I believe. Kenny came up and spoke on that that there are people that red grouper perhaps is in better shape. There are seeing some increasing catches. I believe the intent from AP was to separate out red grouper. It was 5 for, 3 opposed and 4 abstained in that Motion 22.

MR. HARRIS: Rick, do we have numbers for red grouper that we could plug in there, then, if that's the case, if that's what we decide to do?

MR. DeVICTOR: What is being used to calculate that is to look at the anticipated harvest from Amendment 16 so it factors in historical landings, too. We used ACL currently through Amendment 16, and then we look at the anticipated landings of red and black to come up with this three-species ACL. Yes, we do have numbers. We don't have them here, but I can get that on what the red grouper and black grouper, what they constitute.

MR. HARRIS: Well, is there a reason not to do what the AP has requested with respect to separating red grouper out from that ACL number?

MR. DeVICTOR: Well, I think just because the stock status is not known at this time and perhaps it is just best to wait until you get the stock assessment before you decide to split that out.

MR. HARRIS: Then I won't make a motion to do that; thank you.

MR. DeVICTOR: There was one more motion from the Snapper Grouper AP. Motion 23, if the ACLs on an indicator species has been reached and shut down the fishery, that spearfishing would still be allowed for the remainder of the groupers that have ACLs that have not been reached; 5 for; 1 opposed; and 7 abstained on that motion. Those were the recommendations from the AP.

DR. CHEUVRONT: Rick, going back to Alternative 5 and the subalternatives, it sounds like the plan team would really prefer us to go with something similar like in 5C rather than 5B because that matches the previous language that we had set up. Am I reading that correctly?

MR. DeVICTOR: No, what the team is thinking is that there are ACT alternatives in Alternative 3, but they are not the preferred, but were the council to choose that as the preferred, there are not linked because you've used the ACL language and not the ACT, so we just think that should be brought before the public in case you do choose an ACT alternative as the preferred.

MR. HARRIS: I thought I heard you suggest – maybe I way off on this – that we combine 5C with 5B; is that what you were suggesting? No, okay.

MR. DeVICTOR: Just add 5C as a separate alternative.

MR. HARRIS: Separate and also preferred?

MR. DeVICTOR: No. I mean, it's just in case if an ACT alternative is chosen.

MR. CURRIN: I would move that we include Alternative 5C in the document.

MR. ROBSON: There is a motion to include 5C; seconded by Duane. David.

MR. CUPKA: I was just going to ask if we had to take any action on the ACT alternative before we add that or have we decided that we're going to include ACTs? We haven't picked a level for them. I'm not sure if we were putting the cart before the horse here, I guess is what I saying. Is that right, Rick?

MR. DeVICTOR: That's up to the council if you would like to choose ACT alternatives. You have not been talking in terms of ACTs for the rest of the species, just ACLs, and ACT is optional. It's really viewed as an AM right now where it accounts for management uncertainty, that you could lower your ACL and actually have a lower target. But, again, you haven't been considering that for any other species. We have that in there for a range of alternatives.

MR. CUPKA: I understand all that; I just wondered if we needed to make that decision in regards to setting an ACT before we add the alternative that would establish an AM based on an ACT.

MR. HARTIG: I agree with David; we don't have any ACTs defined in the document. I don't think we should add this to the document.

MR. ROBSON: Well, there are ACTs; we just haven't selected it as a preferred. We haven't selected a preferred ACT, but they are listed as alternatives, which is unique I think. For most of the species we haven't done that.

MR. CURRIN: David, it's a good point; and I think that if we had selected alternatives or do select Alternative 5C as our preferred, then it would necessitate selecting an ACT alternative, but I guess until that happens it wouldn't be necessary. That makes sense.

MR. ROBSON: So in a sense adding 5C is carrying you up with what you already have for ACT alternatives in case something happens, and then you've got a companion for the AM. We have a motion and a second to include 5C; is there any further discussion? **All in favor; all opposed. All right, the motion carries.**

Now as far as the run-through of those alternatives for those other species, Rick gave us the rundown on the ACL and we have a preferred. We have ACT alternatives without a preferred.

There is an AM preferred, which is Alternative 4. Are there any discussions any of those pieces of the action?

MR. CURRIN: Yes, just briefly, this would be another place where the suggestion from the AP regarding the five-year average, dropping the high and the low, might be implemented if we choose to do that. I would like to discuss that with Dr. Crabtree and Jack McGovern, perhaps; and then during full council if that looks like a better approach, then maybe we can do that.

MR. ROBSON: Okay, and that would be specific to Alternative 4, which is now our preferred, with the three-year average. We had mentioned Rick had reported to us on the AP recommendation regarding the red grouper issue; is there any discussion or question about that?

MR. CURRIN: Could you tell me again what that was? I'm sorry, I know you mentioned it once, but I've got too many things floating around in my head.

MR. DeVICTOR: The recommendation was for the council to consider combining gag and black grouper commercial ACL and a separate red grouper ACL; so instead of the three species, that red grouper would have its own ACL, but, again, that ACL would be based on anticipated landings from regulations in 16, and we're going to get the results for the stock assessment next year.

DR. CHEUVRONT: We're going to probably end up having to do something with red grouper once the stock assessment is done. I think if we're going with that other plan, we're just adding an extra step to do something again that we're going to have to change again very shortly. I can't see the merit – I understand where they're going with it, but I can't see the merit in doing it right now.

MR. ROBSON: All right, any other discussion on these suite of actions for the remaining species? Seeing none, Rick.

MR. DeVICTOR: Okay, the final action in the amendment is to update the framework.

MR. HARTIG: Before we go any farther, I didn't know why the SSC specified zero for speckled hind and warsaw, and what was the rationale they used for that? Does anybody know?

MR. ROBSON: Is there anybody that can speak to that? Is John here?

MR. HARTIG: I'll talk to him.

MR. DeVICTOR: Okay, framework action; again, this is to update the framework; and you have a preferred, which is Alternative 2, to add the language of ACLs and AMs. I won't go through each step unless you want me to. I have gone through it in the past. You have a current preferred alternative.

I would just point out that Number 8 I believe specifies what you would be able to change through framework;, and the idea here is if you get a stock assessment, you can change the ACL

faster than going through the normal amendment process. There is just one comment from the AP; request the council add changes to black sea bass pot fishery such as changes to allowable pot numbers be added to the framework. We talked about that at the AP and you do have gear restrictions under 8D, and that probably could cover what they're asking for.

MR. CURRIN: Just to that last point Rick made, I just want to make sure that in fact the use of the term "gear restriction" would allow changes in restrictions in the pot fishery, both number and size, dimensions, anything else that we might want to do.

MS. SMIT-BRUNELLO: Let me double-check that real quick, Mac, and I'll get right back to you.

MR. GEIGER: And also method of fished; for example, if we could require them to have, for example, retrieval on a daily basis or if at some point we wanted to extend it to allow 72 hours, if that would be included in the framework.

MR. ROBSON: You said method of fishing, because 8D now talks about gear restrictions. Are you saying you want to know if that includes method of fishing?

MR. GEIGER: That's what I'm asking, if under gear restrictions the time limitations for deployment would be also included.

MR. HARRIS: The other thing I would ask if we can include is if it's not already specified here – and I can't tell that it is – is if we do separate out the ACLs for gag and red and black in the future; can that be done by framework? Is that what this means?

MR. DeVICTOR: You have quotas; I'm not sure if that's implicit – you can change the quotas, but you're talking about separate species.

MR. HARRIS: Yes, because we may decide that we don't want to combine these in the future and we want to separate them out as individual ACLs for gag and red and black, and can we do that by framework if we specify it in here?

MS. SMIT-BRUNELLO: Your framework allows you to set quotas, so I would read that rather broadly and I would think you could. Getting back to Mac's question also, it talks about gear restrictions or gear. It talks about gear regulations and restrictions, so I think that would encompass George's question as well as Mac's, and I would say, yes, you could do that under framework.

MR. HARRIS: Susan suggested something that I think is a good idea; that in front of quotas in "D", we put "species-specific" or "aggregate quotas". Would that make it clearer and make it more understandable?

MS. SMIT-BRUNELLO: It sounds like a good idea, I think.

MR. HARRIS: Okay, then I would move that Item D, the language be changed to put “species-specific” and “aggregate quotas” right after “and” in the second line of that sentence. Let’s think about it before we vote on it because I want to make sure that doesn’t further limit us in what we’re trying to do.

MR. ROBSON: So you’re making a motion to modify 8D under this alternative?

MR. HARRIS: Yes.

MR. CURRIN: Second.

MR. ROBSON: A question for Monica; you mentioned gear restrictions and regulations, and that term “regulations” isn’t currently in the framework language that we’re looking at now. I just wonder if that’s something to add. Gregg.

MR. WAUGH: I think what would be helpful here, too, is to indicate what we’re changing because it’s hard to look at this and see what is in place now versus what is being added, so some direction to the staff and the team to show clearly what is being modified in the framework. A lot of this is already in place versus what we’re adding. It’s not clear to me what we’re adding and what is in place.

MR. ROBSON: Okay, I was assuming that what is here currently in the document is what – I didn’t realize it was already in the framework somewhere else.

MR. DeVICTOR: If you wanted to look at it, it’s Appendix O, but we can add the exact language of the framework underneath the no action if that is what you want.

MR. WAUGH: No, it’s not to add that language. The public is not going to go digging around in a thousand-page document for an appendix or look at the no action alternative. We’re proposing to change it. They should be able to look under that action and see what the changes are.

MS. SMIT-BRUNELLO: I have a couple of things, but going to Gregg’s point would it be good to set out in first action, which is status quo, what exactly it says, the current framework? You could do something like a red line strikeout or something to show for Action 2 where you’re changing the framework from the above one, so then it’s clear to people what you would be inserting. I don’t know how that would look, Rick, but it might be worth a shot.

Going back to Mark’s question, what I have that I’m reading from really right now is the adjustment of management measures under 50CFR622.48, and what that section does, .48, is it kind of codifies not in summary form, but in a way it does, of what the various frameworks are for all the various FMPs, snapper grouper, shrimp, golden crab, any of those.

And for whatever reason in these regulations, it states that gear regulations and restrictions are something that you can change via framework. I think that’s a little odd because, of course, you

would change the regulations. If a framework required you to change the regulations you would, so I think that gear regulations are just kind of not necessary.

Going back to what Duane asked earlier, when we put descriptive words in front of quotas, then we're getting even more maybe tighter on what the kinds of quotas we can change. Right now it says quotas including quotas equal to zero is what the regulation says. So, maybe you don't want to have "species-specific" and "aggregate" in front of "quotas". Although I'm not sure what other kinds of quotas you guys could think of, but you could very well think up something that would maybe not come within species specific or aggregate.

I don't know what that would be so maybe you would just leave the word "quotas" as it is and not put the qualifiers of species-specific or aggregate. You could certainly discuss that in the text and the discussion of the document that is what you're aiming for, but let's leave it broader and just put "quota".

MR. HARRIS: Given Monica's explanation, I was think that might be what she would tell us and that's why I asked the question. I would withdraw that motion.

MS. SMIT-BRUNELLO: If you think it's good, though, Mark, in the discussion to make it clear to the public you really are talking right now about species-specific or aggregate in the future.

MR. ROBSON: Yes, I think that's noted by staff. The motion has been withdrawn. All right, was there any other discussion relative to the framework action? Rick, I think that takes us through all the alternatives for 17B. Are there any other questions or issues related to 17B.

MR. HARRIS: Mr. Chairman, I would move Amendment 17B for public hearing.

MR. ROBSON: Motion to move this to public hearing; is that a second, Dave?

MR. CUPKA: Second.

DR. CRABTREE: Well, one thing I wanted to bring up before we do this. We did get a couple of letters; one I think from the Pew Foundation, and it seems like we got one from another one of the environment groups. They're basically asking us to incorporate the ABC Control Rule information that the SSC put together I think at the last June meeting.

Now, I believe that document was just distributed yesterday or this morning to the council, but we probably ought to have some discussion with that. I assume this will come up in public testimony, but it seems to me if we were to do that it would entail – I think, Rick, it would mean another action to put the control rule alternatives in; is that correct?

MR. DeVICTOR: Yes.

DR. CRABTREE: So it would probably slow us down. I don't know that we could do that if we're going to go out to public hearings with it after this meeting. I mean certainly the council

wouldn't have a chance to see the action before it went, so maybe some discussion about that and then we can see what comes out of the public testimony.

I don't think the catch estimates for many of the species would really come out greatly different. I haven't really seen a list. When I looked, and I just briefly looked at the control rule document, it gives the P-stars and a lot of that, but I didn't see that it actually has ABCs or landings' recommendations in it. It does have them in it?

MR. WAUGH: Yes, at the very end of it is a table with their ABC recommendations, at the very end of the document.

MR. HARRIS: Okay, as Gregg is bringing that up, I just say that I have not had a chance to review it yet, and this is an extremely important matter. If it's the desire of the committee to review it now, fine with me, but we don't have a whole lot of time left in this meeting. We're pretty far behind right now, and I would suspect this might take a good bit of discussion; maybe not.

MR. WAUGH: Actually, Roy is correct; it doesn't. Maybe I'm thinking back to an earlier version that did have some ABC recommendations, but, no, Table 2 does not.

MR. CURRIN: What page is Table 2 on in that document, Gregg?

MR. WAUGH: PDF Page 13. Okay, Rick is reminding us that in the June SSC Report, they did give the values for gag and vermilion. Rick has those.

MR. DeVICTOR: In this table you can compare the ABC recommendation that was in the June 2009 report, and there are the P-star values that were used; 0.30 for gag and 0.275 for vermilion snapper. You can compare those to the current ACLs, which is 75 percent of Fmsy, that were in Amendment 16.

What you do here is compare landed catch, which is the recommendation of 805,000 gutted weight to the ACL of 694,000 gutted weight. Again, we're talking in terms of ABCs here versus ACLs. Then you can also compare the vermilion snapper, which is 1.078 million pounds whole weight landed catch versus the current ACL in Amendment 16, which is 1.066 million pounds whole weight.

DR. CRABTREE: So, what we have currently in 17B is below the ABC recommendations. Let me suggest this. I mean, this is a complicated document and it involves some pretty fundamental decisions about risk of overfishing and those kinds of things, which I think will take a lot of discussion and be complicated.

I think if we put an action in 17B it's going to slow us down considerably. Right now 17B is to be an environmental assessment and not an EIS. If you were to bring all this P-star in there, it's arguable something novel and new and it could kick you into a different NEPA document, and I think that – so we've had some discussion.

Let me suggest let's have our public testimony. I suspect we'll hear from some of these groups, and then we can ask some questions maybe and see where they are on it. But given that we're below those recommendations, I guess my preference at this time would be to go ahead and move forward with this one and then address all of these.

I think the plan has been, Gregg or Rick, to address all this in the Comprehensive ACL Amendment, and at that point we'd have the new assessments for red and black, and I think we have black sea bass next year, and we could revisit all of these things with more up-to-date information and deal with it then. That's my suggestion.

MR. CURRIN: I think that's a very good suggestion.

MR. ROBSON: All right, we do have a motion and it was seconded to go ahead and forward 17B approval for public hearings as a committee recommendation. Any other discussion? **All in favor of this motion; any opposition. Seeing none, the motion carries.** That concludes 17B. It would be nice to take a very brief break.

MR. ROBSON: The next item on our committee agenda is to move into Amendment 18. We don't have any presentations. We're going to go right into reviewing the alternatives and some of the AP recommendations. Kate is going to step us through some of the alternatives and also the AP recommendations.

MS. QUIGLEY: Okay, this is Attachment 22 in the Snapper Grouper Committee, Amendment 18, PDF Document. I'm going to go through –Section 4 has a lot of the feedback that you wanted from last time and a lot of questions that need to be answered in order for us to analyze further.

I'm looking at Page 168 of the PDF Document and the first action is to extend the FMU. Two alternatives there; there is a no action alternative; Alternative 2, extend the management boundaries for all species in the Snapper Grouper FMU northward to include the Mid-Atlantic Council's jurisdiction; Alternative 3, extend the management boundaries to include the Mid-Atlantic and New England Council's jurisdiction.

The question is for this action, what we need information from you on in order to analyze further is how would you like to do this. One suggestion that's been made is to do something similar to what is done with mackerel where you have some line, perhaps between North Carolina and Virginia, and you have some percentage that's taken in those waters and some percentage that's taken south of there.

Just to remind you, the timing for this amendment is it was going to be considered for approval for public hearings at this meeting, but there are a number of things we haven't been able to analyze because we need some more specifics in the alternative. Like I said, one suggestion has been similar to the mackerel, how mackerel is managed between the South Atlantic and the Gulf. Gregg is here to go ahead and further explain that if you would like. What we need from you in order to further analyze is how would you like to do this?

MR. MUNDEN: Mr. Chairman, you may recall at our June meeting the Chairman of the Mid-Atlantic Council, Rick Robins, came down and made some comments relative to extending the northern boundary of the Snapper Grouper Management Unit. The Mid-Atlantic Council would support extension of the northern management boarder up into the Mid-Atlantic Area of Jurisdiction.

Whenever the Mid-Atlantic has met, I have briefed them on the Snapper Grouper Committee actions, and we have had, at most of the meetings, a liaison from the New England Council, so the liaison is familiar with the actions that are being proposed by the South Atlantic Council, but I have not received any direct word from New England as to whether or not they would support the management unit being extended into the New England Area of Jurisdiction.

The Mid-Atlantic would support this, but we would also support the establishment of a northern management area. One of the things that would be proposed, if indeed the decision is made to move the northern boundary further north, is that the Mid-Atlantic would prefer that a committee be established.

It would be populated primarily by Mid-Atlantic and New England Council representatives with representation from the South Atlantic Council. That committee would serve in a role similar to this committee whereby the Northern Management Area Committee would make recommendations to the full South Atlantic Council for consideration relative to the management of snapper grouper species within that management areas. Thank you, Mr. Chairman; I just wanted to get that on the record as to what the Mid-Atlantic position would be. I'll be briefing the Mid-Atlantic when we meet in a couple of weeks on this committee meeting.

MR. HARRIS: Mr. Chairman, that's what I would recommend to this council as we deal with the Mid-Atlantic Council's request. We have talked about a variety of alternatives, including joint plan development and all that. This seems to be the most manageable alternative that we can do immediately and we can create this new committee populated as Red has suggested.

It just makes sense to me. We're going to have to extend the management unit; there is no question about that. It's what we do with respect to management in those other areas that is the real question. I suggest that we adopt Red's suggestion.

MR. ROBSON: And I guess we need to have some discussion of that suggestion relative to the current alternatives in Amendment 18? Is that what we need to do because he has got a specific suggestion regarding working through a committee process? How does that relate to the current alternative I guess is what we need to answer? Mac.

MR. CURRIN: In some of the discussions that we've had with folks from the Mid-Atlantic over the last six or eight months or so, the idea of a northern management unit has come up, and it seemed to me that there were some problems that the regional office had with establishing a separate management unit, at least independent of management from the South Atlantic Council.

I guess my question is, Kate, to you or anybody else on the staff, other than using the mackerel management as a model; what other approaches have you guys identified that might make sense as far as a way to do this?

MR. ROBSON: Red, do you want to address some of this?

MR. MUNDEN: The New England Council manages monkfish through a northern management area and a southern management area, and that is what I would anticipate is management area more so than a management unit. The New England and the Mid-Atlantic Council have agreed that the management measures do not have to be the same within each of the two management areas, so we envision that this could be managed very similar to the way that monkfish is already managed and possibly the way that king mackerel is managed by the South Atlantic Council.

MR. HARRIS: Mr. Chairman, the distinction there is between management unit and management area, and that why area is the preferred term here. In talking with the various parties, including John Pappalardo, the Chairman of the New England Council, and Rick Robins and Red and others and NOAA GC, we think that's something that is doable, and it just makes sense to us to establish this committee and populate it as Red has suggested.

The council is still in charge as the management of these species in those areas, but they would have a lot of input into the decision-making. And as he said, the management may not be the same in each area, but we would still be party to those decisions with the folks from the South Atlantic Council that would be on this committee.

MR. WAUGH: In answer to Mac's question, really we had only been thinking along the lines of what we did with mackerel where there would be a separate management area, and then our council would have to decide what portion of the ACL or ACT would be allocated to that area. Our assumptions, sort of thinking about this, was then it would be up to the Mid-Atlantic and New England Councils to determine what management regulations were necessary to keep their harvests below those ACLs and ACTs, exactly like we did with mackerel. We really hadn't thought of any other approach.

MR. CURRIN: Well, that makes sense as a way to approach it. I don't have any problems with that. I think when we get into the weeds that's where the problems are going to arise with establishing a percentage, as you indicated, and dealing with trying to restrict harvest to whatever that tenth of a fish might be.

MR. GEIGER: I guess my question is to Gregg; when you say manage it just like mackerel, so we're going to have joint plans and they're going to have to approve what we do and we approve what they do, and this sounds like the first blush of new love after we've just gone through the pain of an association or a relationship that had problems.

MR. WAUGH: That's not what I meant at all. Under this action where you extend the management, we would clarify that what that means is we will create a management area either just in the Mid-Atlantic area, and we need to account for the different boundary for three species that is at Hatteras and not the council boundary, and some we exclude.

But, there would be a management area created in the Mid-Atlantic area under the alternative that extends it to the Mid-Atlantic. There would be a management area created in the Mid-Atlantic and New England. We would allocate a portion of each species' ACL for either of those areas, and we would do that on our own.

The Mid-Atlantic and New England, you have given them voting seats at our committee level, but the action that we would take would be setting up that management area, specifying the percent that would be allocated in there exactly the way the Gulf Council now sets Gulf Group TAC, and then there is a percent that is allocated to the northern zone.

Then it's entirely up to us to set the regulations for that northern zone. It would be done the same way here; we'd create this area in the Mid-Atlantic and New England. You agree ahead of time what percent would be allocated to that area, and then it's entirely up to the Mid-Atlantic and New England to figure out what regulations they approve to limit catches and mortality to those ACLs. That wouldn't require any action on our part. Our council's action would be creating this and setting the percentage that is allocated to that area. After that all we do is set the ACL and automatically that percentage is allocated in the future to the Mid-Atlantic and New England and then they take care of the regulations.

MR. MUNDEN: The Mid-Atlantic Council has joint plans with the New England Council for monkfish and spiny dogfish and complementary plans with the Atlantic States Marine Fisheries for summer flounder, scup, black sea bass and bluefish, and we are not interested in anymore joint plans.

MR. HARRIS: The question I would have is are the alternatives in here compatible with what you've just heard suggested?

MR. WAUGH: Yes, but we need guidance and it would be helpful to have a motion that says add under each of these a procedure patterned after how we manage the northern zone of Gulf King Mackerel, because that is what is lacking now. All these alternatives here just say we're going to extend the unit. It doesn't give us some guidance as to what procedure you want us to use.

MR. HARRIS: And is that procedure then consistent with what you've heard here today?

MR. WAUGH: Yes.

MR. HARRIS: Then, Mr. Chairman, I would move that we do what Gregg just suggested. Since he is going to write it, he can put it up there – that we establish a management regime similar to the way we manage king mackerel in the South Atlantic area.

MR. CUPKA: Second.

MR. ROBSON: We have a motion and a second by David. Red.

MR. MUNDEN: I would ask the maker of the motion to include that this management regime would include the Mid-Atlantic and/or the New England Council Area of Jurisdictions. That could be two options because I'm not sure how New England is going to wade in on this. I don't think they have any choice, but they haven't committed that I'm aware of – made a commitment that I'm aware of.

MR. HARRIS: Is that necessary or does this motion go to each of those extensions of the management unit that are already in there? The sense of the motion is we add that to each of those two management units, in the New England Council Area and the Mid-Atlantic Council Area.

MR. ROBSON: We don't have a preferred so both of those are part of the actions. Does that get at everything we're trying to get at in terms of coordination? All right, we have a motion and a second. Is there any other discussion or question? Rita.

MS. MERRITT: At the last meeting I brought up the fact that we are including wreckfish in the snapper grouper unit if we do establish this northern unit. Of course, in the South Atlantic it is managed separately from the rest of the species under an ITQ. So, here again, while it doesn't seem to be a large problem for it right now because up in the northern area it is outside of the South Atlantic.

It comes under the, what is it, the 175 pounds I think total landings allowed of snapper grouper in Virginia, so I guess it doesn't become a major problem, but I'm just wondering if perhaps we need to address that now in a motion to separate it out and be handled as a separate item.

MR. ROBSON: I don't have the answer for that.

MS. MERRITT: Maybe, Gregg, do you know or Kate?

MR. WAUGH: You would have to decide. When we come back and have the information for you to go down species by species, you would have to decide what portion of the wreckfish ACL or ACT you wanted to allocate to that northern zone. I think it might be better to wait until that time so we know what we're talking about as far as an ACL and what level of catch might be available to allocate a portion to that area.

MR. ROBSON: Rita, does that address your issue there?

MS. MERRITT: Yes, thank you very much.

MR. ROBSON: All right, we have this motion; are we ready to vote on it? **All in favor of the motion; any opposition to the motion. The motion carries.** Kate, next.

MS. QUIGLEY: Okay, the next action is limit participation and effort in the golden tilefish fishery. This is Page 178 of the PDF document. There are two alternatives, limit participation and effort in the golden tilefish fishery through the implementation of an LAP Program; and then Alternative 3, which is the endorsement type program.

One option, but this decision doesn't necessarily need to be made at this time, is to move Alternative 2 into the Snapper Grouper Comprehensive LAP Amendment that has been recommended to the council by the LAP Committee. That decision doesn't necessarily have to be made at this time. Of course, we can't analyze further right now with the language just as it is.

Alternative 3, there has been several endorsement options added. In June the council requested that staff develop additional endorsement eligibility requirements, and so three more requirements were added for each of the longline and hook-and-line endorsement options. What we did is we just used some different years, 1997-2007. We used that twice, so now there is a more complete diversity of eligibility requirements.

You can take a look at those. I'm not going to read through them. I'm not sure that would be too helpful; they're rather specific. The question is are the endorsement alternatives that have been added satisfactory to the committee?

MR. HARRIS: They have been added so we would need to move the addition of those into the document. Then, Mr. Chairman, I would so move that we add Subalternatives 3C, 3D and 3E into the document that we take out for public hearing.

MS. QUIGLEY: And there is also 3G, 3H, 3I and 3J.

MR. HARRIS: And as I said, as well as Subalternatives 3G, 3H, 3I, 3J, and I think that's it.

MR. ROBSON: Okay, we have a motion to add these additional subalternatives; is there a second?

MR. HARTIG: Yes, I'll second it.

MR. ROBSON: Seconded by Brian and Ben. All right, we have a motion to go ahead and add these to the document as alternatives. This would be subalternatives for endorsement eligibility. Any discussion or questions regarding these additional criteria or options? Mac.

MR. CURRIN: Do these cover the range of suggestions made by the AP when they met, or did they get to 18 in their last discussion.

MS. QUIGLEY: The AP did not comment on this action.

MR. ROBSON: Any other discussion? **All in favor of this motion signify by raising your hand; any opposed. All right the motion passes.** Next issue.

MS. QUIGLEY: Just one remaining question; does the committee have any interest in moving the Golden Tilefish LAP option under this action into the Snapper Grouper Comprehensive LAP Amendment?

MR. HARTIG: Well, I was going to do that and then I thought might be advantageous to have some public comment on LAPPs, so I don't know what the committee would like to do.

MR. ROBSON: I don't think there is any urgency to move it at this time in my sense from staff.

MR. CURRIN: Well, I was just going to comment that I think the AP has been kind of mixed about how they want to approach this. I do remember some comments at least from the golden tile fishermen that with the quota being so low as it is right now, that a LAPP may not be the best thing for them to consider; that these endorsements would be how they would prefer to go at this time; and in the future if the quota goes up, as it should, with recovery of that stock, then at that time a LAPP may be appropriate for that industry. That's what I recall, Ben.

MR. HARTIG: Yes, and it's not just that. It's that the allocation scenario didn't reflect what the current fishermen in any reality would get out of the allocation scheme we used in the LAPP Workgroup. I've been telling the fishermen ignore that allocation scheme; that is open for discussion as always. There seems to be that if that can change, that's also another driver possible in the future to LAPPs, so there is a mitigating circumstance there also.

MR. ROBSON: All right, I don't detect any desire to move that Alternative 2.

MS. QUIGLEY: Okay, the next action, modifications to management of the black sea bass pot fishery, the alternatives remain as they were in June. We were asked to look into if the black sea bass pot fishery had any additional restrictions placed on it as a result of the – I think it was the Large Whale Take Reduction Act. I checked that with several black sea bass fishermen and the answer is, no, there are no further restrictions, and that was included as an appendix in June.

There are no questions that we have at this time, and that's the only information that I have. The only thing that was brought up at the Snapper Grouper AP meeting, and the Law Enforcement AP has also brought this up, that Subalternative 7A, which reads "allow fishermen to leave pots in the water for no more than 72 hours" – well, first of all, the Law Enforcement AP said that this option is not enforceable.

Then the Snapper Grouper AP had suggested that they would like that as a separate action since it's not really a sub-action of Alternative 7 – I'm sorry, the Snapper Grouper AP said Alternative 7 and Subalternative 7A would be better off as separate actions for clarity, and so the council would be free to choose the no action alternative with regard to number of pot tags but would still be able to address the soak time.

MS. MERRITT: A couple of comments; on the number of pots allowable, I think in the alternatives where we're talking about reducing the number, it would seem to me that because there are such differences in vessel sizes and methods of fishing for the black sea bass that it may be more fair to do these reductions by way of a percentage rather than by an actual number, so that it would be fair across the board for limiting the number of pots that are in the water.

Then under Alternative 7, about bringing back to shore the pots at the end of each trip, I think we might want to consider the fact that that particular alternative can place undo economic impact

on those boats that do not have a place to store the pots and an impact on the environment in that a lot of these people, not just black sea bass pots but in other fisheries with similar kinds of gear, are adding to marine debris by piling them up on uninhabited islands and areas off the beaches.

MR. MUNDEN: All of these alternatives are consistent with the recommendation from the Atlantic Large Whale Take Reduction Team to reduce the amount of vertical line in the water; and hopefully if the South Atlantic does go with pot limits or whatever, the Mid-Atlantic will pay attention to that because we have no limit on the number of pots. In some cases the fishermen leave the pots out during closed seasons. It's referred to as wet storage. I think that any of these alternatives would be better than what we have in the Mid-Atlantic right now.

MR. CURRIN: Just a comment to Rita's point about the percentage reduction; that bothers me a little bit, Rita, I guess because we don't have any way of documenting – I don't think we do – the numbers of pots that are currently being used now by individuals, and it would be perhaps very easy for people to say, "Well, let's see how many I want and then I'm going to declare that I had X number to allow me to continue fishing what I wanted to."

I think we've got a good range of pot reductions compared to the numbers of pots that are being use now. As I understand it, there are a handful of people using over a hundred. We've gone one alternative I think to step that down from a hundred to 75 to 50, to give them some time to do that, and then some that jump right into some kind of pot reductions. Anyway, just a comment on your proposal.

MS. MERRITT: Yes, I appreciate that, Mac, but we do have a way. While we can't be sure of how many are being used, we do know how many tags they're getting; so if we reduce by a percentage the number of tags, then we're not putting an undue burden on any one particular type or methodology of fishing.

Where some prefer to put out a small number of pots at a time when others may put out a larger number, well, they may leave the smaller number out for longer periods time versus the larger number for shorter periods of time. While I don't know particularly that is the way it's occurring, I do think that a percentage step-down is a fairer way to go across the board.

DR. CHEUVRONT: Just to clarify, actually I think on our North Carolina trip tickets where most of this fishery occurs is we do ask for pot numbers. I'm not sure how reliable those data are or whether it has even been analyzed, but I believe that could be captured on the trip tickets. But like I said, I don't know if it has been analyzed.

MR. CURRIN: Question for Brian; Brian, are they asked to provide the number of pots fished during a particular trip or accounting for the landings that they brought to shore; is that where that is captured?

DR. CHEUVRONT: Yes, it's supposed to be captured by trip, but I think generally what happens is that the dealer knows this guy fishes 75 pots or 50 pots or whatever and they probably end up writing that number down on each one. I do know that we did look at the pot data when

we were looking at our blue crab fishery, they noted that in the first years that we were collecting those data they were not very reliable, but as time went on it actually became quite reliable.

I believe what they did in our Blue Crab Fishery Management Plan is they just dumped the first couple of years of data for numbers of pots fished and then only considered the later years to be reliable. I don't know if the same thing is true in black sea bass or not. But, Mac, I wanted to say that I agree with you. I've been one of the people who has talked in the past about guys fishing over a hundred pots, and I've continued to follow up on that with a few people. What I've been told by people out the field now more is that we are really just talking a couple of people who are fishing more than a hundred pots in North Carolina.

MR. CURRIN: Brian, that's my impression as well. It's a very small number of people and they fish quite differently than the people who are fishing smaller numbers of pots. In fact, Rita, what I've heard is that the people who fish the most pots are the ones most inclined to leave them out the longest, so it's the people who are fishing numbers of pots that can pick those things up and move them on a daily basis.

All of them are finding it fairly easy, as I understand it, to make a good living fishing small numbers of pots, but it's a handful of people who are fishing very large numbers of pot, and my impression is checking them when they are in that area doing something different or when it's convenient for them to check some portion of those pots. I'm content with the alternatives that are there.

MR. ROBSON: We have a good range of alternatives here, it looks like. The only other issue that has been brought up was the possibility of making what is now Subalternative 7A a separate alternative.

MR. CURRIN: I would move, Mark, that we establish Alternatives 7 and 7A as a separate action in Amendment 18.

MR. ROBSON: So the motion would be to make Subalternative 7A Alternative 8?

MR. CURRIN: Actually it would be a separate action. It would be Alternative 1 under a separate action; is that what the suggestion from staff was? No, just separate alternatives, then.

MR. ROBSON: Just a stand-alone alternative.

MR. CURRIN: Okay.

MR. ROBSON: Not be a subalternative of 7.

MR. CURRIN: Then I would ask that we change Alternative 7A to Alternative 8. That would be my motion.

DR. CHEUVRONT: And I'll second that.

MR. ROBSON: Any discussion or questions about that motion? **Okay, all in favor of the motion; no opposition. The motion passes.** Any other discussion regarding these alternatives? If not, Kate, I think we've got that covered.

MS. QUIGLEY: I just want to let people know that in the biological section of this document the number of pots recorded in logbooks as well as number of tags requested per pot was used in the analysis. Okay, the next action is separate the snowy grouper quota into regions/states, Page 191 of the PDF Document.

Just two very simple alternatives; separate snowy grouper commercial quota into regions with Florida and Georgia encompass one region and South Carolina and North Carolina encompass another region; and the Alternative 3, separate snowy grouper commercial quota by state. There is no other detail under here, so in order for us to analyze any further – right now it is just a qualitative analysis.

If you want us to analyze further, we probably need some suggestions on how to make this more detailed. The IPT did discuss the possibility of wanting to separate the snowy grouper commercial quota into three regions if the northern expansion of the council's jurisdiction is chosen as preferred. We probably don't need to deal with that at this time.

The Law Enforcement AP noted that quotas by region or state; as the alternatives currently read are not clear. Once these regional or state quotas are met, will the restrictive measure be a landing closure or a fishing closure location. A landing closure is more enforceable, but the actual fishing and harvesting can come from any body of water off any state or region. A fishing harvest location closure would require at-sea enforcement, which is already spread very thin. Enforcement is in favor but not adamantly of Alternative 1 if that is a viable alternative under the circumstances.

MR. ROBSON: All right, we have the two alternatives that create a region or by individual states. Any other thoughts or discussion about changing this or adding anything? This would go out for public workshop. Brian.

DR. CHEUVRONT: I think I'd like to have this go out to public hearing, and let's hear what the public says and they can offer us some suggestions here on how to handle this issue. I'm hearing lots of different things from different people. Sometimes I'm hearing different things from the same person, and you probably know who I'm talking about.

I would like to gather some information from the public and see what we can do to help refine some of these alternatives. I think anything that we set up now would probably end up having to be seriously refined after we come back from public hearing. I think we're going to hear a lot from people in North Carolina about this.

MR. CURRIN: I think this was a much bigger issue than it is now, but I'm sure we'll still get some input from folks all over the place but particularly from North Carolina. I'm content with the three alternatives that are there.

MR. MUNDEN: The Mid-Atlantic Council manages bluefish, summer flounder and scup through their fisheries management plans which allocate the quota on state-by-state basis for the commercial fishery. Like Brian, I would like to see this go out for public comment. It works well. We have built into the FMP provisions for payback of overages. The allocations to the individual states are based on historical landings. We do have a model in place that could be followed relative to putting a system like this in the FMP.

MR. ROBSON: All right, are there any comments or suggestions relative to identifying tracking landings or is that something that's adequately covered right now for this document? Okay, no thoughts or comments.

MS. QUIGLEY: Okay, the next action is separate gag recreational allocations to region or states with just develop the same alternatives as above, except this refers to gag recreational allocation only.

MR. GEIGER: Again, for the same rationale we should leave this as it is to get the public comment.

DR. CHEUVRONT: And I think I was the one who wanted to get this in here, and largely it was sort of as a buffer to see what Florida is going to do in state waters. Even by the time of our December meeting, there may be some action in Florida. Mark, correct me if I'm wrong, but Florida might have actually mirrored what we have set for our spawning season closure, and that might actually be in place by our December meeting, so we might even be able to get rid of this because we won't have to worry about at that point. I just as soon let's leave it as it is.

MR. ROBSON: Okay, that's probably best. The schedule right now – and, again, the commission would be looking at the final public hearing at its December meeting to adopt consistent regulations for gag grouper as – well, for shallow water grouper, including the four-month seasonal closure. The commission's meeting is the same week as our council meeting, so it would be that Thursday before they took action. It's a matter of timing; it's always timing. I can't tell you what the likelihood is of them passing or not passing that.

MR. CURRIN: Regarding the note in there that the IPT discussed the possibility of separating the gag recreational allocation into three regions as well, with the first action of establishing that management area up there, I don't know whether that's still a point worth considering changing or whether we need to add something in here to facilitate that. It would seem to me that they would include all the species that our council manages with the exception of species that the Mid-Atlantic manages separately and are covered. Is that something we need to deal with, Kate?

MS. QUIGLEY: It would be good if we did because then we could be clear in the analysis. I'm trying to think of how to do it cleanly.

MR. CURRIN: Are the gag landings significant off of Virginia? I suspect they don't go much further north than that.

MS. QUIGLEY: Rick is saying probably not. I can't remember at this time. I would have to take a look at some of the tables, scroll through and take a look at some of the tables. I don't think it was one of the significant ones. No recorded recreational landings of gag in the Mid-Atlantic or New England.

MR. CURRIN: Well, it's hard to judge that because we had very few to no reported landings of blueline tilefish and snowy groupers until we looked at the websites and all that, so we'll probably see some showing up. I don't know as a precaution if we might want to include an alternative in here that would at least address gag.

MS. QUIGLEY: We can probably leave it as it is for public hearing and then just give this some thought and come back to it in December.

MR. ROBSON: All right, if that's acceptable to everybody; no additional items here.

MS. QUIGLEY: Okay, the next action, Page 202 of the PDF Document, is 4-35, change golden tilefish fishing year. We don't have any questions for the council at this time so the alternatives are the same as they were in June. Unless there are any questions, I can move on.

MR. HARTIG: I would just make a short comment. I want to thank you all for finally getting it in somewhere. We've dropped it out of three or four amendments, and it has been a long time coming. It would have been nice to have, but now it's in here. Thank you.

MR. CURRIN: And you're comfortable with the array of alternatives that are there? Okay.

MS. QUIGLEY: Okay, the next action is improve accuracy, timing and quantity of fishery statistics broken up by sector. We've got commercial; none of these alternatives have changed since the last time; however, the council did ask for – I'm sorry, we do have one additional alternative and that is provide the option for fishermen to submit their logbook entries electronically via an electronic version of the logbook made available online.

Some fishermen have told us that they really would like to submit online, and so that was entered. We thought that was a rather minor thing that could be done, so it is entered as Alternative 6, but the committee would have to adopt that as an alternative if they would like to have that included.

DR. CHEUVRONT: I would to go ahead and just make the motion that we include Alternative 6 as an alternative.

MR. ROBSON: Okay, we have a motion to include that; second by David. Any discussion or questions? Monica.

MS. SMIT-BRUNELLO: Kate, have you checked Amendment 15B to see what things are common in this draft amendment as opposed to what was just approved by the Secretary?

MS. QUIGLEY: Yes, we took a look at Amendment 15B, which included those alternatives on Page 208 of the PDF Document. It appears that Amendment 15B, the difference between the alternatives in Amendment 15B and these alternatives is that 15B is contingent upon funding, and the alternatives in here don't speak to that point. Other than that, they're very similar and probably 15B could encompass some of these alternatives although Amendment 15B was focused on bycatch, but the Amendment 15B alternatives could probably encompass the ones that are here.

DR. CRABTREE: I'm not sure that having the word "contingent" on funding in here or not – I mean, if it costs money we can't spend the money unless we have it so ultimately everything is contingent on funding. I'm not sure if there is anything gained by having these again if they just duplicate what is in 15B.

MR. HARRIS: Well, this doesn't say that if there is funding needed it has to be provided by the National Marine Fisheries Service, so the fishermen themselves could fund this program. In fact, I've had that suggestion made to me several times at this meeting that the fishermen, if there is no federal funding available, would be willing to do it themselves.

MS. SMIT-BRUNELLO: I just think it's going to be very confusing to the public to see that these various alternatives were basically approved in 15B, but yet they're here again in this amendment. I understand that there are some funding questions, but I'm not sure what is to be gained by keeping them in here.

MR. WAUGH: I think the alternatives from 15B all address bycatch and the alternatives that are under 4-71 don't address bycatch, and these would actually implement these reporting requirements if the council were to leave them in the document.

MR. ROBSON: What do we need to do here, folks?

MR. HARRIS: Mr. Chairman, I think David makes a good point. I think we should leave it in there. This is to take it to public hearing. It doesn't mean it's going to stay in the final amendment that's submitted to the Secretary. If we can't figure out how to fund it and that's a critical issue, then theoretically I would assume that the Secretary could disapprove that portion of the amendment based on the lack of funding; couldn't they?

MS. SMIT-BRUNELLO: Well, the Secretary has approved Amendment 15B, but the final rule hasn't been issued, so you're talking about disapproving a portion of this amendment?

MR. HARRIS: Yes.

MS. SMIT-BRUNELLO: And I understand this is fairly early – well, not fairly early, but it is kind of early in the process and you're just going out to public hearing; so if you choose to leave it in here I would think that you would want to explain to the public what was in 15B and what this does is different.

DR. CRABTREE: I'd have to pull out the exact text, but I don't see the bycatch issue that you raised, Gregg. As I recall it, 15B required if you were selected to carry observers, you're selected, you report. I don't think it said the observer would only observe bycatch or anything like that.

I don't know; we'll have to pull up what was in it, but I tend to agree with Monica if we go back out to the public with the same thing we just did, I think we would look bad, for one thing, and it's confusing to them. We'll have to pull the language out and sure there is not some difference.

MR. WAUGH: It's PDF Page 208, and I was just referring to what the team has put in here, pulling out from 15B Alternatives 2, 3 and 4, and each of those alternatives address bycatch. We can see, even though it has been approved – well, we discussed yesterday how we still can't, using the methodology that's here, track discards.

The difference between the other alternatives in 15B is those are all hinged on if selected; so if NMFS doesn't select anybody we have no additional data collection. The difference for the public to understand is the alternatives in 4-7 don't have that "if selected". A couple of them do, but the others would implement the reporting. That's the difference. I know we've talked about this chicken and the egg for years, but at some point we're going to have to change our data collection programs.

DR. CHEUVRONT: I'd like to go ahead and call the question; we do have the motion on the table and this is just for taking it out to public hearing.

MR. ROBSON: All right, we've got the question called. **All in favor of the motion. All right, the motion carries.**

MS. QUIGLEY: Okay, I'm going to move on to the next action, unless someone wants to discuss specifics about any of those data reporting options, designate snapper grouper EFH in new northern FMP areas. This is the last action in Amendment 18 and is largely contingent on the first action with regard to northern expansion. There are two alternatives; these have not changed; designate EFH and EFH-HAPCs for snapper grouper in the northern areas encompassing Action 1 and track the MAFMC's EFH and the HAPAC designation.

MR. HARRIS: It's MAFMC under Alternative 3.

MR. ROBSON: Are we good; everybody all right with these?

MS. QUIGLEY: That's it for Amendment 18.

MR. HARRIS: Mr. Chairman, I would move to approve taking Amendment 18 out to public hearing.

MR. ROBSON: **Okay, we have a motion to move this to public hearing; seconded by Robert. Any discussion? All in favor of moving Amendment 18 on to public hearings. The motion passed.**

MR. HARRIS: I would suggest that we recess right now, come back at 1:30 and we'll go into full council at that time.

MR. ROBSON: We have a couple of items on Amendment 20, and we will go ahead and get started on those, reviewing some of the alternatives, including some recommendations from the APs.

MS. QUIGLEY: Okay, we have a couple of different alternatives in Amendment 20, which are shown. Alternative 1, no action; Alternative 2, eliminate the current Wreckfish ITQ Program and replace with alternate effort limiting criteria for participation; Alternative 3, eliminate the current Wreckfish ITQ Program and do not replace it with any effort or participation limiting criteria; and Preferred Alternative 4, modify the Wreckfish ITQ Program to keep the Wreckfish ITQ Program and then update it to meet the new requirement of MSA.

Those have not changed at this point in time, so that's Action 1. Action 2 was put in as Wreckfish MSY Options; so a couple of different options here based on past stock assessments. Option 2, MSY of 1.946 million pounds, which is the average landings from 1988-1994; Option 3, MSY of 0.835 million pounds, the average landings from 1988-2007, except for 2001 and 2003.

Then we go down those other actions as well. There is the Wreckfish OFL options and the Wreckfish ABC options. Then the Snapper Grouper AP had made a motion that recommended a 1.1 million pound ACL for the Wreckfish Fishery, and that was put forth by Paul Reese. We've have got a number of different options here, and so the idea would be to review the alternatives under Action 1, to make sure that those are the ones that you want; and then to review the other actions; and if the committee wishes, to choose preferreds for MSY, OFL and ABC so that we have something to go to the SSC with in December to ask them if they have any objection to those preferreds or if they have additional information. If they okay those we can go ahead with analysis at that time.

MR. ROBSON: All right, so going to Action 1 on the Wreckfish ITQ, we have the existing alternative. The preferred alternative that has been selected is Alternative 4 by the council at this point. Any comments or suggestions? Mac.

MR. CURRIN: I just had a question about the confidentiality. I don't quite understand why including two years of confidential data to derive an average for, I don't know, 20 years of data is a problem. I mean, they're hidden. As long as they aren't published in the individual year with the individual landings; is that a problem? I know that's a problem but is it a problem to use them to generate an average, including them in that long-term average or there is there some other reason that they're not included?

MS. QUIGLEY: I'm trying to recall. I might have to defer to Gregg. I can't quite remember why 2001 and 2003 weren't included.

MR. WAUGH: Well, not wanting to go to jail for disclosing confidential data, we took the conservative approach of not including it because those years are confidential and don't want to

have a way that someone could calculate what the landings were in those years. We are proceeding in trying to get those the fishermen and hopefully the dealers involved are willing to sign a confidentiality agreement so that we can release all of this data. But that's the reason, Mac, just to be absolutely sure that we're not disclosing confidential data.

DR. CHEUVRONT: Mathematically, if you have two numbers missing, there is no way that you could calculate the value of those numbers when they're combined in an average. It was just one year that was confidential, I could see leaving it out because you could do the math backwards; but if somebody wanted to look at the individual year's landings, you would have to leave those two years out, but there would be no way that anybody could figure out what the values were in those two years that are missing.

MR. ROBSON: Monica, can you shed some light on this>

MS. SMIT-BRUNELLO: Well, I guess this doesn't give you much help right now, but we're working to try to get this straightened out because it just seems a bit odd that you wouldn't be able – I understand about the confidentiality nature of the Magnuson Act, but I'm very hopeful that we'll be able to include those numbers in there for those years so that you can have a full picture. This isn't the final word that you can't include them, but I appreciate Gregg doing it the way he did it because I think that's the right way to handle it for right now.

MR. MAHOOD: As a matter of fact, Monica and I talked about this. We thought, well, why can't we go ahead and close the meeting and let the council members see the confidential data. It's kind of a Catch-22 because under the Magnuson Act there are only certain things that we can close the meeting for and to look at confidential data doesn't happen to be one of them. We're caught in a bind where we can't talk about confidential data in a closed session. Although we believe the council members should be privy to confidential data, we can't do it.

DR. LANEY: Well, a question for Monica; if there is a limited access privilege program in place, as there is for wreckfish, I thought there was some provision that rendered the data non-confidential if there was a limited access privilege program in place. That's question one. Question two is has there been any consideration for the fact that public trust resources should be more subject to transparency when they're being harvested?

MS. SMIT-BRUNELLO: The answer is to your first question, yes, there are exceptions under the Magnuson Act for those kinds of programs. We're having a bit of legal debate as to what is all covered under those programs, so I'd like to get that resolved so that Gregg doesn't get in trouble for releasing confidential information. I'm sorry that it's not resolved prior to this meeting. As to your second point, yes, that discussion is going on as well at the same time.

MS. SHIPMAN: And we've had these discussions for decades, and part of it goes to the Magnuson Act. I don't believe congress has yet – even though these are public trust resources, I don't think congress has elected yet to remove some of that confidentiality language that's in there. Many people have brought this to the attention. Everytime we've commented on the Act and reauthorizations we've brought this up.

MR. ROBSON: All right, I don't know more we can do to resolve this. It is two o'clock and we may need to end our review of the alternatives in Amendment for now. Mr. Chairman, is that your wish?

MR. HARRIS: Yes, it is. Let's go ahead and recess the Committee as a Whole at the present time and we'll come back to the Snapper Grouper Committee Agenda as a Committee of the Whole once we conclude the public comment.

MR. HARRIS: Snapper Grouper actions of the Committee as a Whole, so, Mark, are you ready to proceed with Snapper Grouper?

MR. ROBSON: Where we left off on the agenda was to go through Amendment 20.

MR. HARRIS: Yes, we did recess right in the middle of considering an action on wreckfish, I believe.

MR. ROBSON: Yes, we had just started on the first action and that was regarding the changes to the Wreckfish ITQ.

MS. QUIGLEY: Okay, I think where we left off we were looking at the four different actions that are in the amendment. Action 1 was changes to the Wreckfish ITQ. Is there any input to me from the council?

MR. ROBSON: We have a preferred alternative on – there are four alternatives for the Wreckfish; we have a Preferred Alternative 4 in the document now. Any discussion? Okay, go to the next action.

MS. QUIGLEY: Okay, I'll go through each of the actions and then NMFS staff and council staff have reviewed a couple of different things that the committee and the council might want to consider. Action 2, Wreckfish MSY Options – there is no action, MSY of 1.946 million pounds; and MSY of 0.835 million pounds.

MR. CURRIN: Just a question, and I guess, Monica, we had this discussion earlier about those two years of confidential landings. Would it be reasonable for me to assume that if we are permitted to include those landings, then that would just simply modify Option 3 to include those landings and establish whatever the MSY was indicated by those average landings?

MS. SMIT-BRUNELLO: I think that's a great way to approach it.

MR. CURRIN: Do I need to make a motion to suggest that? It would seem logical to me that if the time is defined – we have two exceptions because of confidentiality – if we solve the confidentiality problem, then I would ask that those two years of landings be used to re-establish that average.

MS. SMIT-BRUNELLO: I guess your record is even more clear if you'd make a motion and approve it, so I think that's a great idea.

MR. CURRIN: Okay, then I would move that if the confidentiality problems are addressed and we are allowed to include 2001 and 2003 in the landings, that Option 3 MSY value reflect the inclusion of those two years of data. Is that clear?

MR. ROBSON: We have a motion and a second. This would apply to Option 3 under Action 2.

MS. MERRITT: For clarification when was the last assessment done and when is the next assessment planned?

MS. QUIGLEY: It seems the next assessment is planned for 2013, I believe, and the last stock assessment I would have to check unless Gregg can remember off the top of his head. He is taking a look, but I believe the next one is planned for 2013, and that's what we discussed in the LAP Committee. 2001 was the last one, and some of these numbers are based upon that, I believe.

MS. MERRITT: Well, I'm concerned that we would be using the more current landing numbers, since it's in such a tremendous lack of participation in the fishery, whether that's really an accurate number regarding Bmsy. I understand that's all we have for now and we probably won't be able to change that until there is a stock assessment; correct?

MR. ROBSON: I don't know what other basis you'd have to change it. Roy.

DR. CRABTREE: Well, kind of touching on all this, we've got this ABC Control Rule Report that the SSC gave us. It seems to me we would apply that to this species. Doesn't it have tiers and that sort of thing and it could be applied to wreckfish. I would think that we need to look into that.

Then the other question I have is if you look at the next action, which is the OFL, those are based on SPR, and so it's hard for me to see why you would have an OFL based on a 30 or 40 percent SPR but then not have MSY based on 30 or 40 percent SPR. Is there a reason why they're constricted differently like that?

MR. WAUGH: It's just trying to use what is available.

DR. CRABTREE: Well, it's hard for me to see how OFL could be constructed off a totally different frame than MSY.

MR. WAUGH: You have values of OFL from one of the assessments. That's where those values come from. There is no MSY presented anywhere. That's just a mere calculation of the landings. We're certainly open to other ways of doing it. We can't use the SSC Control Rule because that's not set up to handle species just based on landings' data.

You have to have the P-star distribution or some estimate of P-star, so this won't work for – the SSC Control Rule the way it's structured will not work for wreckfish and golden crab. That's why they made a request to the council and the council I think made a request to the Center for some additional analyses so that then they could come back with some recommendations for us.

DR. CRABTREE: Yes, and I don't think we're expecting to get that. Do we have an estimate of what the landings associated with F 30 percent or F 40 percent would be?

MR. WAUGH: No.

DR. CRABTREE: Then it's hard for me to see how we could use those for an OFL because the OFL is going to have to be a number or a weight of fish or something like that. At any rate, it seems to me that the way OFL is going to be set up needs to be consistent with how we define MSY, because I don't know what good an OFL would be to us if we can't translate it into an amount of fish.

MR. WAUGH: So you're talking about then coming up with an OFL based on some average landings?

DR. CRABTREE: In this particular case I would say it's whatever we come up with for MSY is going to be –

MR. WAUGH: An OFL.

DR. CRABTREE: I guess. I mean it seems to me we've got to go to the SSC and get their advice on this before we're going to get anywhere.

MR. WAUGH: We tried.

DR. CRABTREE: Well, and if they decline to give us any, then we can see what the Center has to say about it.

MR. WAUGH: This is the quandary we're in. We've asked the SSC for guidance and they've said they're not – well, the last time they tried to use average landings they got highly criticized for it, so they're not likely to go down that road again. We made a request to the Center for some analyses.

Initially we asked the Center if they could update wreckfish and golden crab, but due to workloads they couldn't. Wreckfish is now on the schedule. There is nothing for golden crab. We're faced with a deadline to put some values in and our approach was going to be to cobble together some values and try and get the SSC to not object to them, to using it until we get an assessment. That's about the only approach we can think now. If there is some other approach, then we need to hear about it and get that guidance so we can pursue it.

DR. CRABTREE: And I don't really have any other approach to offer except using some type of average landings. I'm not sure that we ought not have an option in here that doesn't – I mean, it's really hard for me to make anything out of these alternatives. Do we have a graph showing the landings' trends by years in the document that we can look at?

MS. QUIGLEY: You just mean landings over time?

DR. CRABTREE: Yes; is there something in here?

MS. QUIGLEY: Well, some years are confidential. We have a table in the program review showing the years that we can. That's in the program review, which is an attachment.

DR. CRABTREE: I don't know if this is enough range for landings or not. It's hard to say without seeing what the trend in landings – and I think the trend in landings has been largely down over the history of the fishery. But it does seem to me that whatever we do for MSY here, the OFL is going to have to be based on that in some way or another, and the ABC is going to have to be – well, we may not have an ABC, but what I would like to hear from the SSC is speak now or hold your peace because we're going to need to move forward.

What I don't want to have us do is get way down the road with this and then have them come up with something. Of course, there is the whole issue of reducing for uncertainty in this instance, but I don't know if we don't get some specific guidance from the Center or the SSC – I don't know how much to do that for.

But I would think the OFL ought to be structured off of the MSY. It may be that you folks need to look at the landings' trends and see if you can find a period of somewhat stable landings. I can tell you now I don't think there is any way you could justify going back and using those very high landings early in the time series for it, but beyond that I don't know.

MR. ROBSON: Kate, and then remind everybody we have a motion on the floor with now to modify Option 3. We're kind of going beyond that.

MS. QUIGLEY: Landings are shown in Table 1 up on the screen. We have 1987-2001, but you'll notice the 1997, 1999 and 2000 are confidential because of low numbers of vessels or low number of dealers and includes the reasons for that in the program review, I think just a little bit below the table.

MR. CARMICHAEL: The control rule the SSC has proposed it essentially goes through a way of objectively quantifying the amount of adjustment to make for uncertainty. So in case of assessed stocks, it's really presented in terms of how you adjust the P-star or the probability of overfishing, and it gives you a critical value.

But the vision of the SSC is that same approach, that objective approach to evaluating uncertainty to could be applied to MSY, to come up with a way of telling you what proportion of MSY is appropriate for ABC, and it might be something where they decide in the best case ABC could equal MSY or they could decide there is some default position where they drop down from.

That's put in the perspective of what we've already done with regards to the probability of overfishing, they would have some information that the starting point should be 50 percent, that the highest probability of overfishing occurring is acceptable at 50 percent, so then they came up with the plan that gives you essentially a range of 10 to 50 percent.

So there would have to be some decision made, and it is kind of a score risk decision just as the probability of overfishing about what is the maximum percent of MSY that they should consider when they set ABC when all they have is landings and some period of years that's chosen for MSY. And if that MSY is taken from average landings, whether it be done by staff somewhere or by the science center or whoever, I think the SSC can act on it from that point. They just don't want to the ones to take the year.

DR. CRABTREE: And I'm looking at the document, and it's got these tiers, I think they call them, where they go through a series of – hierarchies of dimensions and tiers, and just looking at this it looks to me like for wreckfish you could go through this and determine these percent numbers that they're talking about, so it appears to me you could apply this control rule to wreckfish, and I think that's what – so I don't know if you want a motion, but I think we ought to have some alternatives in here that apply this to it and at least that would give us the notion of how we might – then, you look at, okay, what years should we choose and this would be the way you make an adjustment from that. That would seem to make sense to me.

MR. ROBSON: Okay, we have a motion now on the floor. Mac, do you have a question?

MR. CURRIN: Yes, I have a question about my motion. After seeing that table, Kate, there were several more years in there other than 2001 and 2003 that were listed as confidential; am I to assume that those have been excluded from the average value you used to calculate MSY or were they included?

MS. QUIGLEY: It was revealed to us by Dave Glockner that 1997, 1999 and 2000 are likely confidential, in his opinion, after the June meeting, which is when these MSY, OFL and ABC options were come up with. There is a little bit of inconsistency between the table and between the MSY options.

MR. CURRIN: So the answer then to be clear is that those are included in the average landings that were used to calculate the MSY in Option 3? 2001 and 2003 and the only ones that have been excluded at this point?

MS. QUIGLEY: That's right.

DR. CRABTREE: Well, perhaps it will work out that the ACL is confidential and so we'll have it, but we won't be able to tell anyone what it is. How in the world can we take average landings and come up with this if they're confidential; we've got to find a way to do that.

MS. QUIGLEY: This is something we're actively working on with Monica, so one approach is to ask the fishermen who have volunteered to do so and the dealers to sign some sort of waiver so that we can take a look at their logbook landings if not the other components of the logbook. We expect to solve this problem sometime soon, and at that time you will be able to see a full table where landings are shown after 2001. That is the hope; that is what we're working on at this point in time, so we don't think this is going to be permanent problem, and we hope that it won't be.

MR. ROBSON: So it sounds like we're hopeful that we can get more years and get over this confidential issue. We do have this motion on the floor. Mac has another question.

MR. CURRIN: Yes, one more question just to clarify on the motion here because if it doesn't do what I think that I want to do with it, then I want to change it. But, currently, Kate, then 2001 and 2003 are the only years missing in that time series from 1988-2007; is that correct?

MS. QUIGLEY: That's correct.

MR. CURRIN: Okay, then I call the question, if I can, on my motion.

MR. ROBSON: All right, we have the motion and the question has been called. **All in favor of the motion raise your hand; all opposed. Okay, show one opposed. All right, the motion passes.** Roy.

DR. CRABTREE: Well, do we need a motion to try to apply the ABC Control Rules and to bring the OFLs into consistent format with the MSYs, Mark, or do we just need some discussion and instructions to staff? How do you want to do this?

MR. ROBSON: Well, the committee could choose if they want to include another option.

DR. CRABTREE: Okay, I would move that we include an alternative that applies the ABC Control Rule Methodology developed by the SSC to the time series that are in the document now.

MR. ROBSON: Okay, is there a second to the motion? Rita seconds. Gregg.

MR. WAUGH: In discussing this with John further, what the SSC will need is an MSY, and so I presume, then, we would give them the range of MSY alternatives that we've included in the documented thus far, and they'll use that to come up with a set of –

DR. CRABTREE: Well, the intent of the motion is you would base it on the time series alternatives for MSY that are in the document now, so you would have I guess under Option 2 and Option 3, then you would have another alternative that would take that value and adjust it based on the control rule.

MR. ROBSON: **We have a motion and it has been seconded. Any discussion? Is there any objection to the motion? The motion passes.** Are there any other potential alternatives for MSY? So, the OFL.

MS. QUIGLEY: As you can see we've got a couple of different OFL options.

DR. CRABTREE: My opinion is that we ought to take Actions 3 and 4 out of the document. If no one gives us an OFL, then I don't see why we would have one. ABCs are to be provided by the SSC, so I don't know why the council would want to vote on an ABC. We have MSYs and it

seems to me then we need to come up with an ACL that would be based on some variant of what we determine the MSY is.

I guess I have a question for John about the ABC Control Rule. Is the way that is structured, John, is that the time series average landings would be MSY; and then when you applied the control rule, that would then be the basis for the ABC?

MR. CARMICHAEL: The control rule gives you ABC from MSY and it doesn't say anything about how MSY may be derived.

DR. CRABTREE: Okay, so it seems to me the way this would be laid out is we would have those time series average landings for MSY. We would then apply the control rule and that would give us the number that would then be the ACL ceiling. I guess we could go below that if we wanted. That's how I would structure this is you have your landing series for the MSY; you then apply the control rule and that then gives you the value that would be at least the starting point for the ACL.

I essentially wouldn't worry about OFLs and ABCs if someone doesn't give us one of those, and that I think would be sufficient in the absence of any particular scientific advice. Does that seem reasonable, John?

MR. CARMICHAEL: I think so; and if you had, say, three options for a time series for MSY, you could still just have one critical adjustment factor and then you'd then have your three options for ABC based on whatever MSY you change. They all may be, say, 75 percent of MSY becomes the ABC, whatever MSY is.

MR. ROBSON: All right, so do we need a motion to delete Actions 3 and 4 from the document?

MR. WAUGH: If we delete them now and the SSC gives them, then we're going to have to come back to you guys to give us a motion to put them back in.

DR. CRABTREE: Well, if the SSC gives us an ABC or an OFL, then we don't need an action to establish it; they just gave it to us. Then what we need would be the action that would construct the ACL off of that, but I don't think we need an action to set up unless we get into a situation where there is uncertainty about proxies and all those kinds of things. Do you follow what I'm saying?

MR. WAUGH: And we don't have anything in place now for those, so we're not altering a value so we'd just be using the value from the SSC.

DR. CRABTREE: What did we do in the SFA Amendment, Gregg, on wreckfish? We must have had some sort of proxy. I'm assuming it's 30 –

MR. WAUGH: SPR; 30 or 40 percent SPR.

DR. CRABTREE: --or 40 percent, something like that? But, yes, so that doesn't help us if there is no way to calculate a number off of this. It seems to me if they give us something, we wouldn't have to add actions to set it; we would just have it.

MR. ROBSON: All right, we still would need a motion to that effect?

DR. CRABTREE: Well, I don't know; I guess I want to see if that seems clear to staff what the discussion is. I think rather than trying to make a motion out of all that, we just need them to go back and work on restructuring the alternatives along those lines, if that is good with everyone else.

MR. ROBSON: I see no objections to that approach. Is staff clear on what you need to do?

MS. QUIGLEY: Yes.

MR. ROBSON: All right, let's move on.

MS. QUIGLEY: Okay, then the only other thing to discuss for Amendment 20 are some suggestions on recommendations and actions that could possibly be considered under Amendment 20. I'll go through the possible action items that the council might want to consider.

MR. GEIGER: I apologize, Kate, I didn't realize we were moving off the technical aspect of this. In all of our other amendments when we talk about MSY, ABC and OFL we also talk about allocations. We talked about allocations, I think it was earlier this week although it seems like it was a hundred years ago. Should allocations be included and specify allocations along with MSY, ABC and OFL in this portion of the document?

MS. QUIGLEY: Allocations were something that we were going to bring up in the program review, but there is not a whole lot for us to talk about without the council putting some options on the table. I would suggest making a motion and making it an action in Amendment 20. That would allow us to have something to analyze.

MR. GEIGER: Based on that, Mr. Chairman, I would make a motion that we include allocation along with the other technical aspects for consideration or for development by staff.

DR. CRABTREE: I think you're going to need to give them a little more guidance on how they might do that because I guess in this case there are no recreational landings, and so we can't use landings' history. I think you need to give them some percentages or something so they have some guidance as to how to construct alternatives.

MR. GEIGER: Well, then develop an alternative of a bag limit of one per boat; one per person; one per vessel; one per person.

DR. CRABTREE: Well, those are management measures but not really allocation, and I don't believe we have any data that would allow us to calculate what the recreational sector might catch at a one per boat or one per person bag limit, because there is no fishery data to do that.

MR. GEIGER: So you're looking for a percentage allocation between the commercial and the recreational sector of 90 percent commercial and 10 percent recreational.

MR. ROBSON: That is your motion? Robert, is that a second?

MR. BOYLES: That's a second.

MR. ROBSON: Discussion. Rita.

MS. MERRITT: I guess the whole Wreckfish ITQ situation is bothersome to me because to me because of the lack of information over the years. It has been neglected, and I think we all know that. It hasn't had an assessment. The assessment is so far off and now we're trying to address so many issues regarding this.

I think at this point we have nothing whatsoever to indicate whether that percentage is even near what it should be. It could be way too high; it could be way too low; we don't know. As far as I know we don't have any indication to give us any comfort level with it.

MR. GEIGER: And the journey to a thousand amendments starts with the first step, I guess, and we have to have a departure point. I understand, Rita, that there is no basis for establishing this. My question was, when I came on the council and in reviewing the Wreckfish ITQ as it was, why there was not a recreational component included in that ITQ.

I was told that, quote, unquote, the recreational community never came forward and asked for any. If that's the basis; I mean, we're talking about developing these documents and moving them through a public process. I'm not saying 90/10 is the right number, but it's a departure point and it gives the public an opportunity to look at something.

Perhaps we need to look at ranges above and below that, and, of course, I'm certain we do because of NEPA. Maybe we need to make the amendment read "develop a suite of alternatives from a hundred percent commercial to 90 percent commercial and 10 percent recreational and throw in another there of 85 percent commercial and 15 percent recreational. Is that reasonable? No? How many do we need, Rick; do we need a 95 and a 5 to make a full range? Erase the 85; we won't use that.

So, to include a suite of allocation alternatives in the amendment of 90 percent commercial and 10 percent recreational; 95 percent commercial and 5 percent recreational; and 100 percent commercial. Did anybody second?

MR. ROBSON: Yes, Robert seconded your motion.

MR. GEIGER: Is that okay with you, Robert?

MR. BOYLES: Yes.

MR. ROBSON: So this alternative would have these three – this action would have these three alternatives; is that your motion?

MR. GEIGER: Yes.

MR. ROBSON: Okay, Kate was going to respond originally.

MS. QUIGLEY: I was just going to say that, yes, staff needs a range of alternatives and then we can analyze it.

MR. CUPKA: Susan can remind me, but back when we set this program up we weren't aware of any recreational catches, but since then you've had a development of these deep-drop fisheries and we're hearing reports that they are taken occasionally. I think one way we will find out is by taking it out to public hearing with a range of alternatives and see what kind of input we get.

MR. GEIGER: And to that point we've had public testimony that indicated they're catching them in shallower areas than the traditional very, very deep waters that the commercial fishery is prosecuted in, which is what is leading to this.

MR. CURRIN: Most of what I was going to say has been said. We do have evidence in Virginia where we're talking about extending the management area that they're encountered not only in the recreational fishery but in the commercial fishery there as well. I think this is a reasonable range to me. It certainly would allow us to interpolate between those values if we wanted to choose something, say, at 97 or 92 or 93 or something like that, so I'm comfortable with that range at this point.

DR. CRABTREE: I was just going to suggest one way you might come at this in developing a rationale for alternatives is to by analogy look at some of the other deep water fisheries like tilefish and snowy grouper where you do have some historical mix of the fishery and assume that something along those same lines would be appropriate.

MS. MERRITT: And, yes, if ITQs go away – if the Wreckfish ITQ goes away, which is one of the options, then I was thinking along the same lines as Roy that perhaps the alternative should fall in line with some others that we have done. I guess because it's in the snapper grouper complex perhaps the suite of alternatives should be the same that we've used in the snapper grouper complex.

MR. GEIGER: And this is one of the very real conundrums you get into with catch shares, LAPPS or whatever you want to call them when you have mixed-use fisheries. I understand, as David said, I agree. As I said when I came on the council and I asked it was the recreational community never asked for it because they never encountered them.

With the expanding recreational fishery and technology in the recreational fishery, they are now encountering these fish in shallower waters. There are encounters, there are landings; and in keeping with the chairman's mantra to eliminate dead discards, I think it's appropriate to establish some form of retention for these fish that are encountered. Again, you know, catch

shares are great in its sole use in a single-use fishery, but here we have a dual-use fishery and they present a bit of a problem.

MR. CURRIN: I was going to make a suggestion that we include 97/3 as we have in snowy, I believe, and golden tilefish as well, but this range will allow us to interpolate real close to that value, halfway in between those two, so at this point I'm very comfortable with the range that we have.

DR. CRABTREE: I just wanted to come to George's comment. It doesn't seem to me that it is relevant whether there is an IFQ Program for wreckfish or not. Whether there is or isn't, if you think there is a need to have some recreational allocation, then you can do that. I don't think whether the IFQ stays in place or doesn't stay in place changes the rationale you're putting forth to have some recreational component to the fishery.

MR. ROBSON: Okay, we have a motion and a second to add this action for allocation. Ben.

MR. HARTIG: I'm going to speak against the motion for a different reason. In some of the testimony you heard earlier about why we're protecting these people is directly applicable to this. All the anecdotal information I've heard in South Florida is that these fish are coming from off of that same depth contour where these catches are occurring.

It's primarily in the swordfish fishery where the new gear, especially fishing in the daytime, in the last three or four years has become very popular. The last thing I would want to see is a recreational fishery expanding into those areas using large weights in the coral habitat. That's a real problem. Eventually I would like to see this council have an allowable area for wreckfish harvest and that's why I would speak against the motion.

MR. ROBSON: Other comments to the motion? Duane.

MR. HARRIS: I would speak in favor of the motion simply because we're taking it out to public hearing right now. We'll do whatever we do later on with respect to that issue, but it's a good issue and we've got to consider it. I thought we had some testimony at one time from those deep-droppers that they were not using those really large weights. That's my memory and it's never very good.

MR. CUPKA: I was going to say the same thing and my memory is not that good either, but I do recall getting some testimony and maybe even some written testimony that they had modified their technique somewhat to where that was less of a problem, but I still think we need to take it out and see what kind of input we get.

MR. CURRIN: In thinking about this whole thing – I would like see it and whether we do it in this motion or somewhere else – there are encounters in commercial fisheries that aren't permitted right now and they have a devil of a time currently receiving any sort of coupons because they don't have permits.

It's kind of that Catch-22 with the whole permit thing so whether this could be clarified or if not I will do it in another motion, but I'd like to see something with a similar sort of range that would perhaps allocate to permitted fishermen and non-permitted fishermen. That non-permitted fishermen would include – well, non-wreckfish permitted fishermen. I don't know how you'd get there from here, but that's kind of where I want to go with it.

MR. HARTIG: Well, to that, could you include them in this allocation scheme here?

MR. CURRIN: That's kind of what I was getting at, Ben, and whether we do that in this motion or do it in another one, I'd like to see them lumped in there with the recreational fishermen as far as I'm concerned. That's why I would suggest wreckfish permitted ITQ holders versus non-permit holders or whatever it takes to get there.

DR. CRABTREE: Well, why wouldn't you look at opening up the IFQ Program to allow other people to come in, buy quota shares and participate? It appears to me you have a lot of shareholders who don't fish and haven't fished in years, and it's not clear to me why they ought to continue in this fishery.

It's also not clear to me why in any IFQ fishery you would close it up like this one is to just the initial shareholders. I think what you ought to look at is fundamentally redesigning the whole program, and I think you ought to look at some alternatives that, one, consider revoking a quota share that has been idle for many years; and, two, look at opening this up at least to the remainder of people holding snapper grouper permits, if not beyond that.

MR. PHILIPS: Well, what would be the problem with just revoking the share program totally and then they don't have a problem with trying to go get a coupon or whatever; you know, it's just an open fishery. We don't have that many people working on it anyway and they're not catching anywhere close to their quota.

DR. CRABTREE: Well, I think then you're talking about withdrawing an IFQ Program. Well, that's one of the alternatives in here, but I think the concern would be then that you develop a derby fishery, which I guess we had years ago and which is why the program was put in place. I guess that's certainly an alternative worth looking at, but I think there are lots of ways you could modify this program.

You know, the idea with the IFQ Program is to get the shares in the hands of the people who want them the most and want to go fish. This program is set up in a way where that just hasn't happened because of all kinds of hurdles, so I think what you're talking about is certainly an alternative, but then I think we ought to look at ways to removing the hurdles that have kept new entrants and other people from getting into this and from the shares to be transferred to the people who need them. I think we ought to look at all those things.

MR. ROBSON: Okay, I think we're ready to vote on this motion. **Is there any objection to the motion? The motion carries.** Okay, Kate, we were on some additional issues.

MS. QUIGLEY: Okay, we've got some ideas – these are included in the program review – just ideas to think about possible actions that you might want to put into the document. Here we're showing Action 1; create mechanisms for increased participation by interested parties without decreasing the current value of the fishery to active fishermen and shareholders. Basically, what they're talking about is a use-or-lose provision, so use-or-lose provision is one option.

MR. ROBSON: Can you help find what page they're on.

MS. QUIGLEY: This is not something that has been distributed to the council. This is just a list that NMFS staff has worked on and these reflect some of the changes that myself and NMFS staff have suggested in the program review. Basically, Action 1 is that simpler language might be a useful use-or-lose provision. That's one idea.

Another idea, which Roy just alluded to, was redistribution of shares belonging to deceased quota shareholders, which we know there are at least three; shareholders that are not able to be contacted over a long period of time, although this hasn't been identified, how long are we talking about; or those with violations on their records. There are just some ideas.

Another idea is we've got the cost-recovery fees as an option to go in there; implement a VMS requirement for all vessels fishing for wreckfish, especially if the fishery is expanded; another one is allow for overages or a banking and borrowing type system. Several of these actions would need to be supported by some administrative actions such as everyone would need to have their own computer account and then the landings would be monitored on that computer account.

We've got some recommendations up top, so what I can do is just go through those real quick, but distribute these to you. Web-based management is one suggestion; registration and account setup doesn't necessarily need to be an action in the document, we don't think, but a recommendation for changes in administration.

Allocation of a commercial TAC/landing transactions and transfers should be signed to be conducted online via a Wreckfish IFQ Website. All participants must have access to a computer and the internet. Number 2, provide a venue for sellers and interested buyers to post quantities and prices for available shares and allocations on the Wreckfish IFQ Website.

Identify what would be considered excessive shares, and we talked about a presentation in December or March on excessive shares, some sort of guidance. Provide allocation to be available in pounds' increments instead of the current 100 and 500 pound increments so fishermen can avoid forfeiting their annual allocated poundage. We think that might be an administrative action that doesn't require an amendment action.

Fishermen can select landing sites, but the sites will need to be created pre-approved by NMFS Office of Law Enforcement. Five, create a separate vessel account for each vessel participating in the Wreckfish IFQ Program; six, convene wreckfish shareholder meeting to discuss changes to the program to more accurately meet these or revised objectives.

We talked about me coming back with a draft agenda of some sort to show you in December. These are just a few suggestions of actions that we could go through. There is use-or-lose; redistribution of shares that belong to deceased shareholders; shareholders not able to be contacted over a long period of time; cost recovery; VMS; banking and borrowing type system.

MR. GEIGER: Kate, again, I apologize for my faulty memory, but didn't we discuss also resource rent?

MS. QUIGLEY: Resource rent was discussed in the LAP Committee. This was put together before the LAP Committee, so that's another option is some sort of resource rent beyond cost-recovery fees.

MR. GEIGER: Correct, so that is going to be added to this list?

MS. QUIGLEY: This is just a brainstorming list; so I'd suggest if you want to have that as part of the program you put in a motion. Any of these things you would have to put in a motion; none of these are sufficient; this is just a brainstorming list. Yes, if we were going to make another list, I would add resource rent.

MR. GEIGER: Okay, I would make a motion that we direct staff to begin considering and developing parameters associated with resource rent based on the new catch share policy to be released at the end of September.

MR. ROBSON: There is maybe a second to the motion, but I have a question. Do you want to just deal with this or do you want to look at all of those proposed actions and recommend staff develop them?

DR. CRABTREE: Well, that would be my preference. I think we ought to develop alternatives to look at all those ideas and, George, you could add this to the list.

MR. GEIGER: Well, that's what I wanted to do and she said I needed a motion and I can't do that.

MR. ROBSON: No, I think you misunderstood. I think what she was saying is any or all of those actions we want to do a motion to get them into the document, and I think maybe the approach would be to go ahead and include of them, including the resource rent, as actions for staff to develop as alternatives or actions with alternatives.

MR. GEIGER: And I'll take that as a friendly amendment to my motion, Mark.

MR. ROBSON: Okay, we have a motion to include all of those proposed actions, including the resource rent, and staff will develop those with alternatives. Second by David.

DR. CHEUVRONT: I just want to make sure that in the second line of the motion is "resource rent".

MR. ROBSON: That would be the use it or lose it; redistribute shares; cost recovery; resource rent; VMS requirement; and an overage allowance or banking provision. The other part of that is Kate went through administrative actions or measures that would go along with these and wouldn't necessarily actions in an amendment. We don't know they would be, but do you want to go ahead and include those in this motion to develop those in the document.

MR. GEIGER: Just take out the parameters, Rick, and say including resource rent, period; take out the "based on catch share policy". Direct staff to include alternatives for Actions 1 through 5 – is that clear, Kate; is that fine.

MS. QUIGLEY: Yes, that's clear and we can go ahead and explore those recommendations that are above that, the administration recommendations as well. They don't need to be actions in the document, we don't think, but we'll check it out.

MR. GEIGER: It's okay with the seconder?

MR. CUPKA: Yes.

MR. ROBSON: Okay, we have a motion to develop these five actions and staff will go ahead and also look at the administrative recommendations that would go along with those. Any objection to this motion? Seeing none, the motion passes. Kate, is there anything else?

MS. QUIGLEY: That's it.

MR. CURRIN: It may be in there and I didn't see it, but I'm real interested in making sure we include something that is going to facilitate and simplify the transfer of coupons or quota shares, whatever it ends up being, to currently non-wreckfish permitted commercial fishermen. I don't know the best way to go about that, but I want to make sure that people who hold snapper grouper permits, unlimited or limited permits are able to easily purchase, if they're available, quota share coupons.

MS. MERRITT: And to that point, Mac, I think that's right; I do believe that if it's going to be opened, it needs to be opened up to those, first of all, who have federal snapper grouper permits to begin with to be eligible to get a wreckfish permit. Now, the wreckfish, just for your information, as far as I know – and I think we were going to get this clarified by Monica – a wreckfish permit is a permit to the vessel that has no eligibility requirements. However, you've got to have that – in order to wreckfish you still have to have quota share under the current IFQ system.

You can get a wreckfish permit easily but you can't fish it unless you have a share; and if you buy it from a shareholder, all the shareholders originally had to have snapper grouper permits and history. I just think it would only be right to make that an eligibility requirement. And the good side of that is there are so many snapper grouper fishermen right now who have been shut out for one reason or another, and they have been shifted around to different fisheries.

This gives them an alternative to go to, if available, depending on what we wind with, ACLs and allocation. To Roy's earlier point about these inactive permits, well, you know, it's a very difficult fishery to prosecute so some of these people have – they've either abandoned it or they've gotten older and they don't have the boats anymore, or for one reason or another they might want to go back into it.

MR. GEIGER: Kate, refresh me, please, is there anything in the program review – I looked at it and I couldn't find it – about time limits on the duration of the quota shares?

MS. QUIGLEY: There is nothing in the program review or this list about the duration of the program.

MR. GEIGER: Not the program, the quota shares. It says we have to review it every seven years; we have to review the program every seven years, not later than every seven years.

MS. QUIGLEY: The program review talks about – I believe it talks about doing a program review every five to seven years or something.

MR. GEIGER: Well, I believe we ought to have a consideration in there about the time duration for these shares as well.

MS. MERRITT: Well, the new authorization of Magnuson-Stevens, if I'm not mistaken, Monica, ten years is the duration of an IFQ or ITQ. No.? I thought it was contained –

MR. GEIGER: I think that's up to the discretion of the council when we establish the plan.

MS. MERRITT: But, nonetheless –

MR. GEIGER: Roy, is that correct?

MS. MERRITT: -- there is something in there and this was pre-Magnuson, anyway, so I think when we redo it then we come under the new –

MR. GEIGER: But that's what we're doing, we're bringing this plan under new Magnuson, correct?

MR. ROBSON: Action 1 is changes to the Wreckfish IFQ and right now the preferred alternative is to modify the program and to update it and to meet the new requirements of MSA.

MR. GEIGER: Correct, and it's up to the council as to whether or not we have during durations applied to the quota shares within that ITQ Program.

MS. SMIT-BRUNELLO: When you say time durations applied to them; do you mean a use or lose, because there is a use or lose in there?

MR. GEIGER: Use or lose it is in there but what is the time duration? What if somebody uses it every year; do they get it forever? Is it something that once it is granted to them they have in perpetuity or do they have to reapply for it within ten years?

MS. QUIGLEY: There is no sunset provision. Usually it's called a sunset provision on quota share ownership. There is no sunset provision talked about in the program review, and there is no sunset requirement as far as I'm aware in the Reauthorized MSA. There is no sunset provision talked in these yet.

MR. GEIGER: There is no requirement for a sunset provision –

MS. QUIGLEY: That is correct.

MR. GEIGER: -- but there is nothing that precludes a sunset provision.

MS. QUIGLEY: Correct.

MR. GEIGER: Do I have to make a motion to get that included in the administrative thing again? Okay, direct staff to include alternatives for a sunset provision in addition to Actions 1 through 5, including resource rent. Well, I didn't want to lose anything here. It seems like things get – that helps wrap it up into one? **Okay, that would be my motion, direct staff to include a suite of alternatives for a sunset provision in addition to the items in the previous motion.**

MR. ROBSON: We have a motion and I haven't heard a second, I don't think. Is there a second?

MS. SHIPMAN: I'll second.

DR. CRABTREE: George, is the sort of situation you're envisioning is one where – and you talk about rent, so, for example, a quota share would be auctioned. People would buy it and that's how they pay their rent, potentially. Then when they buy the quota share, they would get it for X number of years and then it would go back up for auction or something like that? Is that the kind of situation you're wanting alternatives of that line?

MR. GEIGER: Yes.

MR. ROBSON: Is the motion clear to everyone? Is there any further discussion of the motion?

MR. CURRIN: George, I'm not sure that is needed. The council has the capability and the authority to go in and modify that program any way they want to at some point or anytime they want to and future councils can, also. You're trying to set up a system – one of your alternatives that you envision then would be one where an auction would occur every specified period of time to essentially reallocate those shares; is that where you're going with this?

MR. GEIGER: Yes, and, again, this is a public hearing document –

MR. CURRIN: I understand.

MR. GEIGER: -- and it gives the public then an opportunity. One of the concerns that's out there is about awarding these IFQ catch shares without a sunset provision or in perpetuity. There are pros to it and there are cons to it. The con is if you want to get into the discussion of it at this point, okay --

MR. PHILIPS: I think I'd have to vote against this. I think we're going to do something to let other people into the fishery. I really don't see as this being the way to do, though.

MR. GEIGER: And to that point, Charlie, what this does is it gives a guaranteed opportunity for people to get into the fishery in a set period of time. I mean, if you have a sunset provision on the ITQ shares and there is no sunset provision, you know, somebody has to decide to get out or get rid of their shares before somebody can get those shares. If you have a sunset provision in there, it affords a new entrant the opportunity. Without a sunset provision, I envision it as people who want to get into the fishery is being frozen out of it until somebody to sell their shares.

MS. MERRITT: I found the sentence that I was referring to about ten years, and it's in this document called "Draft Wreckfish ITQ Program Review". It's on Page 34 of 38. At the beginning of this is Appendix B, MSA Text Regarding Limited Access Privilege Programs". It says, "a limited access privilege established after the date of enactment of the Magnuson-Stevens Fishery Conservation Management Reauthorization Act of 2006 is a permit issued for a period of not more than ten years that" -- then it lists some provisions regarding that.

MR. ROBSON: Can we get a verification of that from Monica?

MS. SMIT-BRUNELLO: Attorney Merritt is correct in the sense that there is a section. It's in 303A of the Magnuson Act, and it's 303A(f). It talks about the characteristics of a limited access privilege. It does say it is a permit issued for a period of not more than ten years that will be renewed before the end of that period unless it has been revoked, limited or modified as provided in this sub-section. Then they go on to talk about revocations, limitations or modifications. We'll work on that and put something in there, I guess, at least to tell the public that this is the kind of thing that is in there, but it looks to me like --

MS. QUIGLEY: One thing we talked about earlier in the week is that the Wreckfish Program is not subject to new rules in the Reauthorized MSA, so the question is does this apply to the Wreckfish Program?

MS. SMIT-BRUNELLO: Well, you know, I think there is a line. What we said earlier about that 303A(h), that this is a program that existed before the Act was reauthorized and therefore there are a number of things that aren't required of the program review, but if you're -- and I'm not saying that this will happen now and go ahead and take these out to public hearing as you will, but at some point is this such a wholesale change that it is not just the program that existed before the Magnuson Act was authorized, but is a whole really new program; and when that happens then I think it tips you over into having to meet all the requirements of the Reauthorized Act. I can't tell you where that is, but I'll know it when I see it.

MR. ROBSON: So in that case if we do modify the program, then this trigger would kick in?

MS. SMIT-BRUNELLO: Well, I think it probably depends on how much you modify the program. I mean is it completely different looking than it was before? We just have to go through a weighing and evaluation of those factors.

MR. GEIGER: Well, it looks like it is being modified pretty heavily. I mean if you take it from a hundred percent commercial to some allocation for the recreational sector, you're talking about now a pretty significant change, especially if you talk to the current shareholders.

MS. SMIT-BRUNELLO: If that's what you choose to do, but you may take it out to public hearing, and then there are some things you will want to change and some things you won't want to change.

MR. ROBSON: And, again, the preferred alternative, the way it reads, it says to keep the rest of the ITQ Program and update it to meet the new requirements of MSA. That's part of the modification.

MS. QUIGLEY: I was just going to suggest that you could have a motion – I realize there is a motion on the table, but after this motion you could have a motion that said “direct staff to develop alternatives that allow new entrants or those that are not commercial fishermen to participate in the fishery,” and we could come up with a number of different things, one of which being what Rita has suggested, but other things, too.

You could buy coupons without a quota share. That's another option; you could buy a 100-pound coupon without quota shares or something like that. We could develop all these different things that you're bringing up as a way for others to participate.

MR. ROBSON: That's different than the motion right now. Okay, we have a motion and a second to include a suite of alternatives for a sunset provision. There has been discussion about whether that would automatically kick in if the program is substantially updated. Ben.

MR. HARTIG: Just one short thing; I think this provides a disincentive for the conservation benefits you get in an ITQ Program.

MR. GEIGER: There again it's based on your definition of what conservation benefits are associated with an ITQ Program. Some people believe that having an ITQ Program and increasing the efficiency and the profitability of the commercial sector who were involved in it equals the conservation benefit.

This is the very argument I had on one of the Catch Share Task Force telephone calls, and not everybody agrees that really is the equivalent of a conservation benefit. I mean, it is to the commercial sector and the people who participate in it, but if you talk about a real conservation benefit it doesn't, in mind, satisfy that block.

To me taking part of the resource that would – well, that's the problem with this. This is all devil in the details type stuff when you're designing one of these programs. This program is old. It needs a redesign which is why we I think included that language that we need to update it based on new Magnuson. Again, we're just developing here a public hearing document.

MR. HARRIS: Mr. Chairman, I call the question.

MR. ROBSON: All right, we have a motion. **I don't know if we need to take a vote on this one or not, but is there any objection to the motion? Let's do a hand vote on this. This would be those objecting to the motion on the screen; all those in favor of the motion.**

MR. CURRIN: Kate, you had a good suggestion there, I think. I still want to make sure that we do have some alternatives in the document that will allow the transfer of coupons to non-wreckfish permitted snapper grouper permit holders. **I guess my motion would be to develop options to allow non-ITQ permittees to buy and possess coupons.**

MR. ROBSON: Do we have a second; Charlie seconds.

MR. CURRIN: My intent is to not allow just anybody to buy them but only snapper grouper permittees.

MS. MERRITT: I have a question for the motion maker. Mac, did you also intend, though, for it to be holders of federal snapper grouper permits –

MR. CURRIN: Yes.

MS. MERRITT: -- with history?

MR. CURRIN: No, no, my intent, Rita, is that any snapper grouper commercial permit holders be allowed to purchase ITQ coupons, quota share, whatever. Yes, that looks good to me.

DR. CRABTREE: I support this, but I would have read that this was implicit in that list of things we already voted to put in there. I'm not convinced right now there is a need to even have a wreckfish permit anymore. You have got snapper grouper permits and you have wreckfish allocation; and if you have wreckfish allocations and a snapper grouper permit, you can fish, but I would have read – and I'll support the motion, but I would have thought that was implicit in the list of things that we've already asked them to do, but maybe not because I don't have that list in front of me.

MS. QUIGLEY: No, it's included under the action items. Under the recommendations it talks about coupons, making them one-pound increments instead of 100-pound or 500-pound, but it's not under the action items, the one through five that we have been referring to in the motions.

MR. ROBSON: George, you said you had a point of order.

MR. GEIGER: I consider that great compliment, Mark, but, anyway, a point of order, yes. I just asked the executive director if our Mid-Atlantic representative was authorized to vote in our committee as a whole, and he informed he wasn't, and I believe he has voted against motion previous. I think we need to maybe recount.

MR. MAHOOD: The motion at six to six would still fail.

MR. GEIGER: But that gives the chairman an opportunity to cast his vote, sir.

MR. ROBSON: All right, let's go back to the motion and take a vote.

MR. MAHOOD: I apologize, Red, I should have said something since we're in full council session now.

MR. MUNDEN: I thought this was a meeting of the Snapper Grouper Committee.

MR. HARRIS: This is a Committee of the Whole. Anything we do here now is basically being acted on by full council.

MR. ROBSON: We have a motion on the floor now, too.

MR. GEIGER: Well, handle the motion that is on the floor and then go back and revote the other one.

MR. HARRIS: My parliamentarian is telling me that Red cannot legally vote on that motion because we were a Committee as a Whole acting as the council, so it's a tie vote, six to six, and it's up to the chair. Did Mark vote?

MR. ROBSON: No, I did not.

MR. HARRIS: Well, he can vote and do whatever he wants.

MR. BOYLES: I'm not going to make a motion, but I was a little turned around the last time we voted because you asked for people who opposed the vote, and I'm wondering just procedurally if maybe we just – is it proper to bring the vote back up for reconsideration. That would clarify things in my mind, and I apologize that I was not paying attention.

MR. HARRIS: Well, we really don't have a vote yet until either Mark decides not to vote or to vote because this is the final vote until he decides what he is going to do, and then you could move for reconsideration.

MR. ROBSON: Mac has a point of order.

MR. CURRIN: I have another point of order. I think there is currently a motion on the floor that has not been voted upon, so we need to dispense with this motion and then we'll go back and then deal with that previous motion. That would be my recommendation.

MR. ROBSON: Let's deal with this motion, so we'll call the question.

DR. CHEUVRONT: Yes, just go ahead and call the question.

MR. ROBSON: **All right, all in favor of this motion raise your hand. The motion passes.** All right, now we have to go back to the original motion. Well, there was also a suggestion that we may wish to reconsider.

MR. BOYLES: That's my fault.

MR. MAHOOD: Robert, were you on the prevailing side? I think the chairman of the committee could use his prerogative to redo the vote since there is a lot of confusion.

MR. SWATZEL: Well, I was on the prevailing side, I guess, or was there a prevailing side? If there is not, I guess I was going to move for reconsideration, but if it is tied I don't think I can.

MR. ROBSON: I think under the circumstances let's revote this. There was confusion; let's revote. All right, this is the motion on the floor. **All in favor of the motion raise your hand; all opposed. The motion passes and I apologize for the confusion, everyone.**

MR. GEIGER: And I apologize for putting us through all that again, but I guess it was worthwhile.

MR. ROBSON: All right, we've gone through the additional actions. We're done now with Amendment 20. Are there any other issues? Are we ready to vote on sending Amendment 20 on for – no, that's right, we're not, too many amendments. We've got some work to do on this one. All right, next on the agenda, if we're ready let's go back to the tabled motion and we'll all need some refresher on that.

There was a printed document handed out that summarized the proposal. Rick, help me out, this was an additional possible alternative that would be not a management measure – yes, this would be an additional management measure. Susan.

MS. SHIPMAN: And I think procedurally what we probably will want to do is move to untable the motion, dispense with this motion and then you'll remember Dr. Crabtree suggested that we may want to work on broadening this motion, which we had a workgroup that did that, that we have something that is a starting point for discussion.

MR. ROBSON: Yes, that's the first thing we need to do is untable the motion.

MR. HARRIS: Mr. Chairman, I would move to untable.

MR. ROBSON: Second?

(Whereupon, the motion was seconded from the floor.)

MR. ROBSON: Is there any objection to untabling? All right, the motion is back on the table. Now we need to vote on this motion. Is there any discussion on this motion? Is everybody clear on what we're doing? We have the motion up.

DR. CRABTREE: I'll vote in favor of including this, but I think we need to give staff broad license to make adjustments to this. I see problems with it just looking at, for example, we're backing out discards, it looks to me like, for areas south of 28 degrees and north of some point, but if we decide we're going to use the bathometric contour on the closed area, then you're going to have to back out all the discards that would occur shallower than that. Do you follow?

MS. SHIPMAN: But I don't think we're there yet. We've still got this one and maybe what I should do is just move a substitute motion that would be what you have in your hands for that motion.

DR. CRABTREE: Well, I'm looking at what we have here and –

MS. SHIPMAN: Well, I know, but we don't really have it offered for the –

MR. ROBSON: The motion we have to take is this one.

MS. SHIPMAN: It's either that one or if you want – I don't care how we do this. We either need to vote that one down and do a clean motion or we need to move this as a substitute motion.

MR. PHILIPS: Can I just move that we withdraw this and start over?

MR. ROBSON: There is a motion to withdraw Original Motion 29; there has been a second. Any further discussion on that? Any opposition to that motion to withdraw? Okay, Motion 29 is withdrawn.

MS. SHIPMAN: Well, what I would like to do is just walk everybody through what the expanded concept is with regard to allowing some fishing. **What the workgroup wanted to put on the table was that we would allocate the 79,000 ACL as non-directed removals so otherwise bycatch only between the closure area and an exempted area. We talked about having an exempted area in the south part of Florida and then some portion to the north.**

For discussion purposes only as a starting point, we just said south of 28 degrees, which we believe is in the area of Stuart south, and north of 33 degrees. You would take the poundage allotment for those areas off, and you'll see out to the side – we didn't have these numbers at the time but Gregg has provided them for us, working I believe with John Carmichael – and so north of 33 degrees; that's 24,047; south is 25,049.

That's the poundage of discards so the total of that is 49,095. That would be basically off the top of the ACL as, if you will, a set-aside for those two areas. Then you'd have the closure area which would be from 28 degrees north to 33 degrees north. Within that you would allocate that remainder, which is 29,905 pounds, as non-directed removals to three sectors.

That percentage allocation is based on Table 2, Alternative 3 in Attachment 30, which is 28 percent commercial, 29 percent for-hire, and 43 percent recreational private. Each of those shares would 8,373 for the commercial, 8,672 pounds for the for-hire fishery – that would be both charter and headboat – and then for the private recreational sector, 12,859 pounds.

You would establish a limited designated snapper grouper fishing zone or zones in the closure area between that 28 degrees north and 33 degrees north. You would want to insert that. You'd issue permits for a limited number of boats from each sector, private recreational, the for-hire – again inclusive of charter and headboat and commercial to bottom with hook and line with circle hooks in the established snapper grouper fishing zone or zones. The private recreational permittees would be selected to fish the designated fishing zones by a lottery system. Then we've just given a link as an example for how Georgia DNR administers its own lottery system.

Once the real-time monitoring, which we outline below, indicates the poundage allocated to each sector has been taken, all permits for that sector are rescinded. Then we have the following tracking and accountability measures for the respective sectors. The commercial, it would be mandatory VMS; real-time electronic catch, both directed and non-directed reporting via electronic logbooks or team alternatives, real-time reporting technology. The team may have one they want us to consider.

And, again, when this says directed and non-directed, it means the directed snapper grouper fishery but not for red snapper, so it would pick up the non-directed red snapper that would be caught as bycatch. The for-hire sector, charter and headboat, would have to undergo mandatory species ID training, mandatory VMS, real-time catch reporting via logbooks – again, we're open to other suggestions that the council may have – and then observers if selected.

The private recreational sector, again, would have to have mandatory species ID training, mandatory VMS, real-time text message reporting of catches, both the B-1s and the B-2s; and video monitoring. Actually, did we mean to put video monitoring in the for-hire? I think we did.

Then a subset from each sector would be selected by the Southeast Fishery Science Center to bring in red snapper for biological sampling; and if the real-time reporting requirements are violated, the permittee would be subjected to severe sanctions up to and including permit revocation. We weren't sure from an enforcement standpoint whether the council could dictate what the penalty would be such as permit revocation, but we certainly wanted to include our intent that it would be a very severe sanction. That's our starting point.

MR. ROBSON: Okay, I just have an initial question on the private permit issuance, and you had referred to the Georgia Lottery System, but are you talking about – were we still talking about each state issuing permits or is this going to be a council or federal system?

MS. SHIPMAN: Well, we haven't gotten to that part of it, but we weren't talking about state-by-state allocation, so I think it would be the National Marine Fisheries Service would administer a lottery system. We'd be glad to give them our blueprint for how you do one.

MR. BOYLES: We heard testimony during the public comment period of a concept very similar to this, and I think some of my heartburn expressed yesterday was in essence the state-by-state quota, for lack of a better phrase, tagging system. At face value and not having a lot of time to digest this, a lot of my heartburn from yesterday appears to be ameliorated with this proposal.

MS. SHIPMAN: Just to clarify one thing, I want to make a correction. The numbers I believe Gregg was telling me Dr. Farmer has provided those to us and John Carmichael can tell us what the closure area would be, I think. I'm told he can tell us.

MR. ROBSON: John, are you going to do that now?

MR. CARMICHAEL: We've just looked at this and glanced at it, so I would think you'd first need to understand that these are all numbers for illustration purposes to begin with. They will need careful scrutiny and double checking to make sure so don't make too much of them at this point.

However, it looks like given the numbers there of 8,373 commercial, 8,672 for-hire, 12,859 recreational, if you focus on that area between 28 and 33 the commercial would have to close 28/80, 29/80, 30/80, 31/80, the four blocks, and 32/79 and 32/78, so just about close to the whole sort of seven areas except for one little block like 31/79 dropped out.

Maybe if you had that picture, Rick, to throw up there, it might help them visualize where these are, but it's closing most of the area except for the inshore areas and that's assuming the 90 percent commercial discard mortality, because that's the default baseline assumption.

The for-hire would be slightly less than the four core. Think of that block in the 80s as being the four core areas, but this would close 28/80, 29/80 and 30/80, so the southern most of those four core areas. The reason I dropped out the one the north is because looking at the ones with the highest landings, that's the one of those four with the lowest landings.

More of the fish are towards the south; those three blocks to the south have the highest. Now that doesn't mean that you wouldn't have the flexibility to go into that area and say, well, maybe I want to open half of 28/80 and half of 30/80. I think that should be kind of the focus of this approach is to give you within that area the flexibility to decide, well, what part do I want to open? Maybe I don't want to open a whole block.

Maybe I want to open half of a block in the south and half a block in the north or try to open something in the middle. But then within the recreational basically you have to close 28/80, 29/80, 30/80, 31/80 and 30/81; 30/81 in the private because that's the one with a whole bunch of red snapper landings reported in that.

MR. ROBSON: John, hold up just a second; Roy, to this point.

DR. CRABTREE: Yes, back up because I read through this, but I didn't see anywhere in this that we were talking about different areas by sector.

MR. CARMICHAEL: Well, that's what I was asked so that is what I was reporting back. I think that within this, though, maybe that's not even the approach we would want to take given this option, so I'm a little confused about it myself, but maybe it's after being here 12 hours and we're all getting a little loopy.

MR. ROBSON: Yes, the proposal just talks about a particular designated area that would be open.

MS. SHIPMAN: Our concept was you would be closed from, whatever it was, 28 to 33. Within that you would open a few zones for bottom fishing or a zone or whatever; and within that you would select vessels to participate from the recreational sector. We think because of the requirements of VMS, the video monitoring, this, that and the other that will be required for the for-hire and the commercial, that is going to eliminate of participants from those fisheries, so we think we're going to have a relatively few number of boats.

Now the commercial sector has made the assertions to us that they can stay off of the red snapper, and this will be a good opportunity to see if they can because we'll have real-time monitoring of that bycatch and of the red snapper to see if they can stay off of it or not, but it wasn't a block approach at all.

DR. CRABTREE: Well, it's questions about the program she just described. This says that the private sector vessels would be selected by a lottery system, but how would we select the for-hire vessels and the commercial vessels?

MS. SHIPMAN: And that's what I was just saying; at first we had they would be selected by lottery, too. The input of the workgroup was that the commercial boats are going to be whittled down so much you're not going to need to select. Now, that's obviously open for discussion. Because of the VMS requirements and the other requirements and the other closures from these other fisheries, you're going to have – that number of boats is going to be lowered greatly than what is out there now in terms of the permit holders. The for-hire, the discussion was the same; you're going to have attrition in the fishery.

DR. CRABTREE: It just seems like we would need to have some at least maximum number of vessels and including on the private sector, so that was going to be one of other questions. I mean we need to give staff some guidance, but I wouldn't want to just say where any commercial vessel who applied gets a permit. It seems to me it has got to be lesser number than that.

MR. SHIPMAN: And yours is a good point. One of the earlier points up here we have that you're going to issue the permits for a limited number of boats for each sector, and I think what you're going to want to do is take this poundage that is your discard or your non-directed take and figure out how many boats could fish. And, again, as you said, Roy, I think we're going to have to give broad license to the team to take a look at this.

DR. CRABTREE: Yes, and then it seems like you'd have to do some sort of a lottery. If you had more applicants of charter or commercial vessels, you'd have to do something like that to decide.

MR. ROBSON: And it refers to using a lottery-type system. George.

MR. GEIGER: If we go back up to the top, if you have 28 percent of the landings for the commercial, why couldn't you apply – we've already heard from Otha that they can handle a thousand additional VMS within the current system. If you used 28, 29 and 43 percent and just multiply that by – or make that the number of boats, so you'd have 280 boats in the commercial sector, 290 in the for-hire sector, 430 in the recreational sector based on the percentages; amazingly that works out to a thousand boats.

So the question there becomes, as you move down into this, who pays for the VMS, who pays for the real-time observer and who pays for the video monitoring? If I were somebody who was going to apply for one of these permits, I would then ask the logical question if I'm going to expend this money, how long is this season going to be open and what is it going to really be worth to me?

So, if you move back up and you look at these poundages, which have not yet been divided by state – they are just gross numbers, 8,373, 8,672, 12,859 – divide the 8,373 by 5, which is the five-pound average for the fish, you're talking about 1,675 fish; for the 12,859, you're looking at 2,572 fish before you now apportion those numbers of fish percentage-wise based on the landings in each state.

So, we're now still talking about a very, very amount of fish and I ask Rick if there were some way, because based on the small numbers that we talked about earlier in the day, that in the analysis that was done on one of the ten, maybe a couple of the ten alternatives that were provided, that the season was expected to be less than two weeks before those numbers would be landed, so in practical terms would you then really, as a vessel owner, invest this, if you had to, to go out for that short period of time or for those very, very small and minimal landings.

DR. CHEUVRONT: Susan and Charlie, I've got a question about your proposal here. Are you suggesting this in lieu of the research set-aside, because we still have to account for those fish as well if you're still going to have –

MS. SHIPMAN: I think you could bring in the research set-aside as the subset that you're going to select for sampling, potentially. You've still got the fishery-independent data that you're going to have going on, but I think your fishery-dependent – and this is a question I asked Roy many hours ago today would that dovetail into this. Again, we just have the concept here and that would need to be discussed with the Bonnie and Roy. But we have the subset from each sector and so that might be able to accommodate the research set-aside.

DR. CHEUVRONT: Well, I want to finish what I had. I was always under the impression is that 79,000 pounds had to account for all removals, including research, so I'm just not quite sure.

I'd be okay with fleshing this out, but I'm kind of on the same page here with George that I think you're talking so few fish and so much investment it's going to be difficult.

On the other hand, I'd like to see an alternative that would allow people to catch fish just for consideration. Also, a question I have about this proposal; are you also proposing to get rid of size limits as part of this?

MS. SHIPMAN: We really didn't have that discussion. In the original motion we were proposing that for the commercial. I think that's something that can be tacked on or not. We really didn't have the discussion.

MR. CURRIN: I've got some questions that have been answered but many that have not. The first thing, just to set the stage; the 33 degrees, is that Cape Romain; is that what we're talking about roughly? Okay, thank you. The biggest concern I have and the question I have hasn't been answered is the observer coverage that I feel is absolutely necessary, and it has got to be a significant portion in order to verify the self-reported bycatch from the commercial industry and/or the for-hire sector.

I can't wrap my arms around self-reported bycatch that these guys know is going to shut them down, and it's not many fish that we're talking about here, so that gives me real pause. I don't know that there is money available or that money could be made available to provide any reasonable amount of observer coverage.

Before I could support moving forward with this, I would need some sort of assurance or certainly at the very end some sort of assurance that there is money available for observers for both those sectors. The other thing is we talked about a little bit about it, but there is a need to select the commercial guys – that we'd have to come up with some system, and I think the same thing would be true for the for-hire sector, to select some subset.

I don't know how we would do that. The other question I had is regarding the real-time text message reporting. Who is that going to be reported to as well? Is that going to be reported to NMFS and is there a system in place or can a system be spun up to manage that information? I think that's all the questions that I have about this, but the observer coverage is a necessity to me.

MR. ROBSON: Roy, you had a response to one of his questions.

DR. CRABTREE: Well, I just wanted to point out observers really aren't going to validate this because the fisherman knows he has got an observer on board, so he may report accurately when the observer is on board, but that doesn't tell you what he is doing when the observer is not on board. Under any circumstance you're going to have – unless you limit this to an extremely low number vessels, you're only going to have a fraction of the trips covered by observers.

That is a real problem with this. If it was landings, yes, you know, you have call-in requirements and all that and you can meet them and make sure that it's accurate. You can even make sure that it's in their electronic logbook and it matches what is on the boat. But with discards, it's

pretty much the honor system and there is a powerful incentive to underreport, and that is the real problem with this.

MR. PHILIPS: Originally I was thinking landings, and maybe we need to look at it both ways. If you do landings and you've absolutely got something to count and if you do video monitoring on the boat, then you've got your verification. We might very well want to look at it both ways. Then if you do landings, at least you're not throwing away dead fish. With 90 percent mortality, they're dead fish; and as the stock grows, you're throwing away more and more dead fish.

Yes, personally I'd just soon bring those fish in and then you've got all your subsets for doing otoliths and weights and all that. It's better than them laying on the bottom. I would be inclined to bring in the fish. That way it's validated. Put the video monitoring. The commercial is going to be a lot cleaner than trying to do the recreational.

When we hit ours, we're through; no more bottom fishing for the commercials. And we've got VMS; you know where we're at, you know what we're doing. You may have to call in and say I'm going mackerel fishing or something, but you know they should not have any snapper grouper species on the boat if it's closed for commercial. It's not so much that few fish. It's pushing these boats into every other fishing sector and keeping people fishing. As we talked about before, it's not just the red snapper. It allows them to keep working on everything else that they're going to be closed for.

DR. CRABTREE: I hear what you're saying and you could require total retention, but even then it would hard to verify that they actually were retaining because if they know they're going to get closed for landing them there is still the incentive to not bring them in and discard them. I'm not saying we shouldn't take this out, but that's just the problem.

And the other problem you brought up, the video systems, and, yes, you could put that on there, but there is a time lag on the order of weeks between videos and actually figuring out what was caught because somebody has to sit – you've got to get the videos to them and somebody has to sit and go through that, and that's workload issues and not instantaneous. It's not like with videos and somebody is watching you while you're out there. There is a lag on it. I guess there are just a lot of details that we'd have to flesh out.

MR. PHILIPS: And you could split it up into six-month sections; and if you run over the first six months, you know what to do with the second. There are ways to work around it, but I think if we don't do it, it's going to be an uncontrolled shipwreck for a lot of boats and people.

MR. CURRIN: Just to the video monitoring aspect of it, it would be very easy if I were running a boat and inclined to be concerned about my bycatch to see a red snapper come up and never let it come up over the gunnels, shake it off, get rid of it, cut it off, the camera is never going to see that unless it's hanging over the stern or somewhere. There is a real easy way to disguise that or hide it and, as Roy said, a real incentive to lowball those discards as much as you can. It's just human nature.

MR. GEIGER: And if I were running a boat in the economic era, I wouldn't even consider entering this program because of the cost, but that doesn't mean I'm not speaking in support of it because I think there was a genuine effort to sit down here and come up with an option. Charlie makes a good point, and I would support it to take it out to public hearing.

Again, we're not making a final decision here, folks. This is just taking the document out to public hearing and letting the staff and the people who came up with this idea to flesh the remainder of the details out. Let's let the public talk to us and find out – they might come back and tell us it's a crazy idea or it's a great idea. But it's a public hearing document and I support it.

MR. HARTIG: Well, to Mac's point about the video monitoring and ways to get around it, I was pretty convinced looking at the British Columbia Model that you see every fish coming out of the water. You don't see fish coming over the gunnel; you see the fish as it comes out of the water and then it comes past the measuring board and then it comes on deck. I'm pretty convinced from looking at those that we can get pretty good compliance with that.

We could have in the first year observers to validate the video monitoring. The other thing is we've got a program now that is going to validate that going on pretty quickly with a video monitoring program going on – I don't know when we'll have the results from that. I don't know if Ilene is here. She could comment on it.

But there is a program that's going to be going on, so I don't have the problem that you all do with video monitoring having had the benefit of seeing it in use and looking at how the people review the monitoring and how they compare it to the vessel's logbooks, and that's where the violations occur; the logbooks from the captain versus the video. If his logbooks are off by a certain percentage, he gets a significant violation. There are ways to do it.

DR. CHEUVRONT: We do have a motion on the floor now, right? I would like to call the question then.

MR. ROBSON: Okay, call the question. We have got the motion that Susan had gone through. We won't go through it again. **All in favor of the motion raise your hand; all opposed. The motion carries.** Robert.

MR. BOYLES: Mr. Chairman, I don't know if you want to do this now, but we did hear some public comment about perhaps crafting a solution on the basis of sector-specific closed areas, and I'm wondering if there is any interest on the part of the council to ask staff to look at that to see if it's a viable option.

MR. HARRIS: Let me speak to that, if you don't mind. I think that's something that we include in this next amendment round after – and the reason I say that is because we don't have time to analyze it and to prepare a motion with the proper analysis in it for this amendment I don't believe even to take it to public hearing. I think that's one of the things I'd like to also see included in this next amendment, and there are a number of things in there, but this is one of them. That's my feeling on it.

MR. CURRIN: You reminded me of another potential issue, Duane, and that is can the document be ready for public hearing and the appropriate analysis in it for the public by November if we include an additional alternative at this stage?

MR. HARRIS: Well, Roy and I talked about that at the Gulf Council Meeting. We can go to public hearing anytime and we might have to tell the public that some of the analysis hasn't been done and hasn't been completed, but we can still get their input on the proposed alternatives, and we're still going to have to do the analysis sometime anyway, so we may or may not have it done.

MR. GEIGER: It goes to the analysis, I guess. Somehow we've got to figure out how much some of this stuff might cost. I mean somebody is liable to ask how much would a video monitoring system cost for my boat; what are we talking about in terms – how much is a VMS; what are the operational costs? We need to be prepared with some answers for the public.

DR. CRABTREE: But it's the intent of this that the people who apply for these permits are going to pay for this stuff themselves; is that correct? Now, let me add there is the reimbursement program so they might be able to get reimbursed for the VMS, but these other things they're going to have to foot the bill.

So the tricky part of that, though, is then you may only get selected to do this one out of five years or maybe never again, so it could be potentially a cash layout you would make and then you'd only get to fish one time. Then the other thing about this is timing. We would have to go through this process prior to the fishing year.

Are we going to require they have to – before we select them, do they have to demonstrate they have all this stuff or do we select them and then say, okay, now you go out and get all this stuff and then they have to prove they have it, and then we issue the permit to them, something like that. Then I guess if they got to the end of the year and they didn't get selected the next year, they could sell all of this stuff to – but it is your intent that the burden of paying is on the fishers who apply?

MS. SHIPMAN: Well, I think it is on them but they could apply for the reimbursement for the VMS. The video monitoring I think they'd have to pay for themselves.

DR. CRABTREE: Now the observer cost, if they're selected, would be absorbed by the Science Center. I'm not sure even how we would make – and I think that would just kill it if they had to pay for it.

MR. GEIGER: Requiring them to purchase the VMS would also be a limiter as to who would apply for this.

DR. CRABTREE: Let me ask you this, too. So if we lay out some number of vessels and allocate it according to this formula and then – you know, the cost of this is going to be over \$10,000 easy. You may not have any private vessels actually apply, so then would you – if there were no private vessel applicants, would you then allow additional commercial or charterboats in

or would you not allow anymore in and let those guys fish longer? It is quite likely – I suspect based on some analysis, depending on how many vessels you left in, this whole fishery could be over in a month, and then these guys have laid out all these bucks.

MR. CUPKA: Roy, it may turn out to be just the opposite. I mean the number of fish may be so low that nobody wants to fish them commercially, but the recreational guys maybe this is just another cost to get to fish, so it could work the other way, too, I think.

MS. MERRITT: You know, for commercial and for headboat and charterboat captains see that the cost of these things pretty much are part of the business. I agree along those lines, and it's nice that they can participate in the reimbursement program. But when you're talking the recreational sector, I think you're starting to make it an elitist group by requiring some of these things because the only ones that are ever going to be able to afford their sport and pay for those kinds of equipment, whether they can get reimbursement or not, the only ones that are going to be able to outlay it are probably the very cream of the economic group of recreational fishermen. I just have a problem with requiring it at all.

MR. MAHOOD: I think there are a number of these programs in operation. I know Ben and some of the fishermen saw some of them. I think a lot of that information that we're talking about now is out there and maybe the staff will be able to pull some of that in and look at costs and what the requirements are as far as individuals and what they have to use. We'll have some of that information in there before we go to public hearing.

MR. HARRIS: Mark, I think you're ready to move on, aren't you, to the next item for snapper grouper. How long do you think that is going to take, Rick?

MR. DeVICTOR: Not long.

MR. HARRIS: Okay, we do have to go at six for the public hearing, but I want to ask that question. The reason I'm asking it is because I promised some people we're going to get this Comprehensive Ecosystem Amendment tonight, and so I want make that we do that. We need to move to vote 17A for public hearing.

MR. ROBSON: Right, we do have to do that. I think we were going to try to keep working.

MR. BOYLES: Mr. Chairman, I would like to make a motion that we approve Snapper Grouper Amendment 17A for public hearing.

MR. ROBSON: Okay, motion by Robert; second by Brian. Any discussion? Any opposition to that motion? Seeing none, we are approving 17A to go out for public hearing.

MR. HARRIS: Mr. Chairman, I just want to remind people this Comprehensive ACL Amendment Rick said is going to take ten minutes, so I just want you all to keep that in mind as we're going through. Thank you.

MR. ROBSON: All right, why don't we go ahead and let Rick get started on that and see what we can get done. Is everybody okay with that?

MR. DeVICTOR: Okay, the Comprehensive Amendment as we discussed the last time we met is to deal with our setting ACLs for the rest of the species. I just have a couple of slides because the last time you requested staff to look at National Standards 1, 3 and 7. Before I start we do have the control rule and by the time you next meet in December we'll have that in the document. We'll work up alternatives if we can and that's when you'll review it. I haven't gone through the control rule yet and what that entails. We will have that for you to look at in December.

The second question becomes what do you do with the species in the fishery management unit? Do you retain them in there? Again, there are 73 species that we're talking about. Do you designate them as ecosystem component species – and I'll talk about that quickly in the next couple of slides – or do you take them out of the fishery management unit.

Just looking at National Standards 1, 3 and 7, which I've included as an attachment, one deals with the ecosystem component, and what it states is that to be considered for possible classification as an ecosystem component species the species should; a, be a non-target species or non-target stock not to be determined or be subject to undergoing overfishing, approaching overfished or overfished, not likely to become subject to overfishing or overfished according to the best available information in the absence of conservation and management measures and also not generally be retained for sale or personal use.

What National Standard 1 Guidelines are saying is that to be designated as an ecosystem component species, it should have one of these four things or be the four things. Again, if you designate as an ecosystem component species, what the guidelines state is that you do not have to set the management reference points and I think that means the annual catch limits, also. So they would still be in the FMU but you would not be setting the MSYs or the ACLs. That's how I read that. That's the National Standard 1 Guidelines.

Then there is National Standard 3 that has to do with management units. Choice of management units depends on FMP objectives, and you look at biological, geographical, economic, technical, social or the ecological perspectives when you create your management unit. A management unit may contain, in addition to the regulated species – and, again, this gets back to the ecosystem component species – stocks of fish for which there is not enough information available to specify MSY or OY, but you keep them in there so you can specify them as data collection species. So, again, that gets in line with the ecosystem component side of things.

And, finally, you have National Standard 7 Guidelines. The Magnuson-Stevens Act requires councils to prepare FMPs only for their overfished fisheries and for other fisheries' regulation that would serve some useful purpose and where the present or future benefits of regulation would justify the cost.

The need to collect data about a fishery is not by itself adequate justification for preparation of an FMP since there are less costly ways to gather the data. I apologize for just reading off the

slide, but I don't want to try to interpolate what actually is being said. Finally, I think that this has most to do with what we're talking about is the following general factors should be considered the extent to which a fishery could be or is already managed by the states or by state and federal programs.

So, again, we have looked at documents in the past or data in the past that has compared the landings in state waters versus federal waters, and possibly that can be reasoning for removing a species from the management unit. We haven't updated this data. This is from 2005 and what you've considered in the past, but I think that this is a starting point.

This is recreational where you can see the percentage of the species. This is not in your briefing book, but this is something we just have to show you, the percentage that was in states and also have the commercial landings. Then we have a table here showing the commercial and recreational landings of species of the 73 that were less than 5,000 pounds.

So, again, we have to work on this further and update it with recent data, but perhaps this can start your discussion on, again, do we keep all of the species in the fishery management unit, do we remove some or we designate it as ecosystem component species?

DR. CRABTREE: Well, I think if we have some species in here that have negligible landings they might be fair game for designating as ecosystem species. And by negligible landings, I would guess a thousand pounds or something lower. Then I certainly think we should make a good argument that if 95 percent of the landings occur in state waters, that federal management is not going to accomplish much, and it would probably fall under those cost benefit kinds of things under National Standard 7.

So it looks to me like there are a number of species in this management unit that we could justify removing because there is no real need for federal management and they are largely being managed by the states now. I would like to see us go down that path at least in terms of developing alternatives.

I suspect there are a relatively small number of species that might qualify as ecosystem species, but there may be a few of them. We've got a lot of species in this plan that we just aren't actively managing, and realistically the states are the ones that are managing those things. I think sheepshead is one and jack cravalle is one and some other things. I would like to pursue it.

MR. HARRIS: Well, I just want to say I agree with Roy; that is the path I think we should go down with this.

MR. CURRIN: And I'm fine with that, too. I just would like some guidance from staff or somebody on what is acceptable or either we can develop a range of alternatives for considering whether they're ecosystem species and then maybe generate some comments from somebody about whether that's acceptable or not.

If it's appropriate for a motion, Mr. Chairman, then I would offer that we consider species whose landings are less than or equal to 1,000 pounds as ecosystem species and also put in

an alternative for those whose landings are 5,000 pounds and 2,500 pounds, equal to or less than as three alternatives for ecosystem species consideration. If you want to include it in the same motion then perhaps we could consider species 95 percent of which are caught in state waters to be eliminated from the management unit and those species 90 percent or greater that are caught in state waters are considered for elimination from the management unit.

MR. ROBSON: Rick, are you getting all that.

MR. DeVICTOR: I didn't get the first part.

MR. CURRIN: Yes, the first part was a series of alternatives, Rick, where less than or equal to 1,000 pounds; less than or equal to 2,500 pounds in landings; and less than or equal to 5,000 pounds in landings be considered as ecosystem species – total landings.

MR. HARRIS: I'll second that motion.

MR. ROBSON: And, Rick, did you get the second part of that on the percentages of state waters' landings? That's all the same action.

MR. CURRIN: And I would certainly consider any sort of suggestions that the committee or the council would have on modifying those ranges. Those are just kind of off the top of my head and seemed fairly reasonable to me.

MR. ROBSON: Rick is trying to get all that down in the way of a motion. It has already been seconded. It includes basically two components; one to identify species as ecosystem species based on low landings and another criteria using those primarily caught in state waters as not being part of the fishery management unit.

DR. CRABTREE: Well, I would suggest that you go further than just 90 percent state waters. I would like to see us look at 80 percent state waters. I'm not sure where the bottom on that is.

MR. CURRIN: How about 75, Roy? Roy, do you think 80 percent is probably getting close to the bottom or can we go to 75?

DR. CRABTREE: You know, I don't know and maybe there is some way we could think this through in terms of if you only can control X percentage of the fishing mortality, could you really – I don't know what it is, Mac. I guess what I would want to see is how many species are we talking about and what are they.

MR. CURRIN: I don't recall exactly, Rob, but I think in looking at these before, still we're only talking about a handful of species. They're probably included in that list unless the landings have really changed a lot since '05.

MR. ROBSON: Any discussion on the motion itself? Have we got it all written up? Okay, any other discussion on the motion? All right, we have a motion and second that the range of

alternatives be included. **Is there any objection to the motion? Seeing none, the motion passes.**

DR. CRABTREE: I would also ask that staff identify any species that are strictly Florida species and managed under the Florida Marine Life Rule, and I believe puddingwife, my favorite, is one that we've talked about removing for years. It seems to me there were one or two other species in there. That is a much more conservative and restrictive plan than anything we have, and I would like to ask that they identify those and develop an alternative for that, and I move that happen.

MR. ROBSON: Yes, good catch, Roy, and I know we can get that information. We have a motion and a second to exclude – there are I think three species. I'm not sure how many but it's a small number – four – that are currently managed under the Florida Marine Life Program, which is a limited endorsement and heavily managed. Any objection to that additional motion? I can't recall if we got a second on that.

MR. HARRIS: Yes, you had about three of them.

MR. ROBSON: **All right, any objection to that motion that was seconded? Seeing no objection, that motion passes.** All right, Rick.

MR. DeVICTOR: Well, I think that is a start and I think that we can go back and come back in December with alternatives for the document.

MR. ROBSON: Okay, was there anything else that you were looking for some guidance on?

DR. CRABTREE: I think one other thing; Rick, have you all talked whether we're going to do any species groups or not? Have you talked about that?

MR. DeVICTOR: No, we haven't.

DR. CRABTREE: Well, I would move that they consider species groupings and possible ways we could do that. I know there have been issues with the SSC over that, but I still think with 70 some odd species, to have individual AMs and ACLs for every single one of them is just not a practical, workable thing, and I think it is going to confuse the public. I would like to look at some alternatives for constructing some multispecies ACLs in groups. I think some of these species members of the public can't even tell them apart. Do you need a motion to that one, Mark?

MR. ROBSON: Yes.

DR. CRABTREE: I move that staff develop some alternatives for multispecies ACLs.

MR. GEIGER: Second.

MR. ROBSON: Does that capture your motion?

DR. CRABTREE: That captures my motion.

MR. ROBSON: Second from George. Bonnie, you had your hand up.

DR. PONWITH: Mr. Chairman, I am empathetic to the assistance at having multiple species groups can provide in terms of managing such a long list and dealing with AMs and ACLs. I wouldn't discourage having staff give that a try, but I do know that the SSC is on record as not being keen on the species groupings because of some of the obvious challenges in terms of creating kind of an indicator species within them and managing according to that indicator. I just want to go on the record as refreshing the memory of the council on that.

MR. ROBSON: All right, noted. Roy.

DR. CRABTREE: But I would point out we have put in place in the Gulf of Mexico multispecies ACLs, and they have been approved. They've gone through that SSC and the Center and certified them as best available, so the agency has some history of going down this path. Now, I believe we need to work on those things with the SSC.

MR. ROBSON: We have this motion and it was seconded. Any other discussion or questions? **Any objection to this motion? Seeing none, it passes, and, staff, you have enough to go on here to work with this.** Rick, are we on to the next item on the agenda?

MR. DeVICTOR: There were calls received – and I believe, Duane, you may have spoken to this person, but there was someone that wanted the council to consider changing the trip limit for greater amberjack.

MR. HARRIS: Paul Nelson.

MR. DeVICTOR: Paul Nelson; and it is currently at 1,000 pounds commercially. That is the commercial trip limit and you can see that historically the quota has not been met in the commercial quota for greater amberjack. This individual wanted the council wanted to consider it, and we felt that this would be best be done through the Comprehensive ACL Amendment since that is where greater amberjack will be in, to possibly consider changing the trip limit.

Just a word of caution that due to the actions in previous amendments, whether they be 13C and 16, there could be movement into this fishery so possibly expect this quota to be met or met sooner during the year. It's just something to think about.

MR. HARRIS: Mr. Chairman, I would move that the staff develop alternatives related to this request. One would be the no action; we would leave it at a thousand pound trip limit. Another one would be we remove the trip limit altogether. Another one might be that we have a 1,500 pound trip limit and maybe a 2,000 pound trip limit. Those would be alternatives to take to public hearing to consider in the ACL Amendment.

MR. ROBSON: We have a motion and a second by Charlie. I think Rick is trying to feverishly capture all that. Duane, did that get it all?

MR. HARRIS: Yes.

MR. ROBSON: Everybody, that's the motion and it has been seconded. This would be to develop an alternative to go into the amendment. **Is there any further discussion on the motion? Any objection to the motion? The motion passes.** That's pretty much it. We think those were the only specific items we had. Are there any other suggestions as far as the Comprehensive Amendment? Seeing none, that takes care of directions for further developing that amendment. What is the timeline, Rick? This is going to come back in December? Okay. If you want to move with the Snapper Grouper Agenda, we have the Fishery-Independent Monitoring Program Development Workshop that was going to be a report.

MR. DeVICTOR: As you heard earlier in the week, the Council and Science Center are going to hold a Fishery-Independent Monitoring Program Development Workshop. That is to be held November 16-20 in Beaufort, North Carolina. We want, of course, fishermen to be involved in this, so we sent notice out to the Snapper Grouper AP members.

We just wanted to bring the list before as to who has volunteered to help out with this workshop. I think we're looking at – and John could correct me if I'm wrong, but to appoint people to participate in the workshop. We have this list from the Snapper Grouper AP Steve Amick, Georgia headboat operator; Bobby Cardin agreed to participate; Bill Cole, who is an AP member from North Carolina; Kenny Fex, North Carolina, commercial bandit; and Terrell Gould, North Carolina headboat. These people have all agreed to participate in the workshop.

MR. ROBSON: John, there is a question about how many members do we want to appoint to be part of this workshop?

MR. CARMICHAEL: Well, we'd like coverage for areas in fisheries. Obviously, the determining factor is how much we have to pay travel for, which is not something I know the answer to, but maybe Bob could give us some guidance as to how to many we think – we'd like to get a technical person from each state, and we've got a couple of other experts we have invited like Jerry Ault who has done so much of that of video monitoring down in the Keys, and we're thinking about – we're going to need to bring in several people from the MARMAP Program.

I would say we'd probably have about seven or eight scientists that we have identified that we think are really pretty important to this either because of working in monitoring already or having developed a lot of programs on their own, so this would put us up to about 14 people being paid for; so if we have the pockets to handle that, then I think all these would be good.

MR. ROBSON: And the scientific representation, do we have somebody from each of the four states, I presume?

MR. CARMICHAEL: That's our intention, yes. We haven't quite got everybody agreed and we're just settling on the dates. Some people thought maybe they could, depending on the timing, and we need to work all of that out hopefully next week.

MR. ROBSON: I think I heard six AP members that are interested? Five, is that a reasonable number?

MR. CARMICHAEL: It works by me if it works by Bob.

DR. CHEUVRONT: Terrell Gould is local; he's in Morehead City. That is probably one that you might just have to buy a couple of meals and a few miles for, so I think you're okay. Also, I didn't know if we wanted to have council representation, but I just checked my calendar and that's in town for me. I can go do that if you to have someone from the council be there.

MR. ROBSON: That might be good. Bob.

When we get back, we've got a number of meetings that we've talked about and we're going to sit down and lay it all out and look at the associated costs. We'll let you know. I think we'll be okay.

DR. CHEUVRONT: Yes, and you don't have to pay for me to go. You already have basically.

MR. HARRIS: Mr. Chairman, I would just move that we appoint the five people on the list to attend the workshop and then perhaps try to get somebody from the fishing community from South Carolina as well because there is nobody on that list. South Carolina would not have covered all the fisheries, but I don't think we can afford to cover all of them in this. If we can get six fishery folks to attend, that would probably be a good number, so I would so move.

MR. ROBSON: Okay, we have a motion to add – I guess essentially add one more AP member. Second? Any discussion on that?

MR. MAHOOD: I know what we have there are AP members, but they don't necessarily have to be an AP member.

MR. ROBSON: That's true. The agenda is or other constituent appointments.

MR. HARRIS: Plus add one from South Carolina and I don't care whether that's an AP member or not. I'll leave that up to the South Carolina folks.

MR. HARTIG: I think, certainly, someone from the heart of the fishery in Northeast Florida, even above Cape Canaveral and somebody needs to be there from that area to participate in this workshop. I don't have any names right offhand. That one person in particular, Robert, you know, he may have something, and I'm not sure of his last name – not Bobby Cardin, one of the men from Northeast Florida.

MR. ROBSON: Robert Johnson?

MR. HARTIG: Robert Johnson is someone we may contact and ask if he wants to participate.

MR. ROBSON: I think that's a good idea.

MR. CUPKA: We need for Rick to catch the rest of that motion about the representative from South Carolina and if we want to add one from Florida.

MR. ROBSON: All right, everybody comfortable with that motion; it has been seconded. I don't that is too many. **All right, any objection to the motion? The motion carries.** That gets us to other business. Robert.

MR. BOYLES: This summer we were approached by some folks who expressed some concern over commercial exploitation of the state's artificial reefs. I sent a letter to Chairman Harris seeking some action from the council. A little bit of background, virtually all of our state's artificial reefs are managed as special management zones under the Snapper Grouper FMP.

What we are doing is seeking the appropriate avenue to enact possession limits for snapper grouper species within those SMZs to the recreational bag limit. The intention there, for those of you who don't know, unlike other jurisdictions we are the market for respect to artificial reefs in South Carolina. The Corps of Engineers permits South Carolina DNR exclusively to build, construct, maintain and manage the state's artificial reefs.

We have long managed these since 1968 primarily for recreational use, and we're concerned about potential commercial-level exploitation from these reefs. What we are seeking is your guidance and action to enact a recreational bag limit for all users taking resources from those special management zones. I am thinking of the right way to do that.

MR. CUPKA: And if I may, Mr. Chairman, just to add a little bit to what Robert said, when we first set up these SMZs, when we requested that they be established, we tried to just set them up so that it would be for recreational use only, and we were informed by the National Marine Fisheries Service that was discriminatory and so we could not keep a certain group from using it.

We went the other route and we limited the gear types that would be allowed to be used on there, so we don't allow pots, which is primarily a commercial gear, but there are a lot of people using these reefs to spearfish, a recreational people. We didn't want to cut them out of it so we allowed spearfishing. Since that time now we've had commercial spearfishing come in and utilize these reefs. We've tried some of this in the past as far as trying to restrict their use, but when we tried to do it by sector we weren't able to do that so we went with gear.

MR. BOYLES: Mr. Chairman, one other bit of information; those of you who may be wondering, well, with 17A coming, what difference is this going to make. It would be helpful for the council to know that virtually all of our permitted areas are within the 100-foot depth contour. I think our deepest reef permitted area is probably the Comanche Reef, and that is in water that is approximately 105-107 feet deep.

MR. HARTIG: Robert, do you have any idea how many hook-and-line commercial fishermen use these artificial reefs?

MR. BOYLES: I don't, Ben, not with me.

MR. ROBSON: So are we looking to get a motion?

MR. BOYLES: Yes, sir, and I'm not sure exactly how this is accomplished, a framework action, I don't know. I'm looking for guidance, but, yes, I am looking for action from the council.

MR. HARRIS: Mr. Chairman, I would move that the council, by whatever vehicle is appropriate, establish a regulation whereby fishing on artificial reefs in South Carolina by spearfishing be limited to the recreational bag limit. If that is not appropriate, David is going to correct me.

MR. CUPKA: Well, I think it would better to say SMZs or special management zones in South Carolina and not --

MR. HARRIS: Right.

MR. BOYLES: And if I could, spearfishing is what has brought this to our attention, but our desire in this management is for all users to be held according to the recreational bag limit regardless of gear type.

MR. HARRIS: I'll accept that as a friendly amendment.

MR. GEIGER: If we're going to do it off of South Carolina, why couldn't we do it to all SMZs under our jurisdiction?

MS. SHIPMAN: I'm pretty sure ours are limited to the bag limit with that gear. I think we did that a long time back. I sent the documentation I believe to Gregg or maybe to Robert. I think we already have this; don't we?

MR. BOYLES: That's my understanding as well.

MS. SHIPMAN: Thank you; I think we do.

MR. GEIGER: Was there a consistency issue with doing it off of one state and not off of others within our jurisdiction?

MR. HARTIG: No, because South Carolina bans powerheading on those already and is the only state to do so.

MR. ROBSON: Any other questions or discussion?

MR. HARRIS: The only thing is if somebody can tell us what the appropriate vehicle is, it would be good include that in there. I don't know whether it's through the Comprehensive ACL Amendment or 17A or what it might be.

MS. SMIT-BRUNELLO: Well, Rick is probably the most appropriate person to do this. I mean I think you could do this via regulatory amendment, but why would you do that and make special one for that action when you've got all these other vehicles traveling down the river. I'm not sure, Rick, which one do you think it would be or which one you could get it analyzed – or how quickly could you get it analyzed and then put into a document, I guess.

MR. DeVICTOR: Perhaps the 17s are too soon because we would have to look at alternatives probably, the action and alternatives. Probably 18 would be the earliest – well, 18 was approved for public hearing, too, right; so the Comprehensive ACL Amendment. I mean, you'd want to look at the alternatives in December before it goes out to public hearing; is that the intent? So the 17s and 18 wouldn't work, so the earliest would probably be the Comprehensive ACL Amendment. I don't know the Ecosystem Amendment, where that is on CEBA 2.

MR. ROBSON: It sounds like the Comprehensive ACL Amendment.

MR. BOYLES: The state just requests action as quickly as possible.

MR. HARRIS: Given what I've heard, I'd just leave the language as the appropriate vehicle, because I'm not sure what it is and we'll leave that up to staff to provide us information in December.

MR. WAUGH: Well, as Robert has indicated, this is something that is time-specific. If you want it in Amendment 18 to go out to public hearing – this is relatively straightforward. There won't be a lot of information to analyze. There hasn't been for these. If time is of the essence, then we should get guidance from you to put it in Amendment 18.

MR. HARRIS: Mr. Chairman, I don't have any problem with that. I think the appropriate vehicle is where we are right now, but if staff says we can put it in 18 then that's certainly fine with me. That's probably the fastest course of action from what I've heard.

MS. SMIT-BRUNELLO: Do you need some reasonable alternatives?

MR. ROBSON: I don't know how many alternatives you'd have.

MR. HARRIS: Mr. Chairman, I'd just let staff develop those alternatives because I'm sure they know what they're going to be. We don't have to recite them here, I don't believe.

MR. WAUGH: You know, no action and this; do we need more than that? I mean, there is a problem identified. This addresses the problem and you've got the no action alternative. I can't readily think of anything else that would be reasonable to address the problem that has been identified.

MR. BOYLES: If I could address that; actually the prescribed solution that was suggested to the state was a complete prohibition of commercial use. Again, I'm not an attorney and I probably should not play one, but I think based on our history and after consultation with David, our

recommendation to our board was that this may be the better course of action. There were some other suggested alternatives that we had kind of screened before we got here.

MS. SMIT-BRUNELLO: Robert, isn't that what the alternative is, it is eliminating any commercial fishing from those SMZs?

MR. BOYLES: It's just to the bag limit; it would restrict everyone to the recreational bag limit.

MR. CUPKA: We tried eliminating the commercial fishing, and that's not what we're doing here. We're saying they would have to abide by the bag limit, but they could still fish commercially as long as they don't go over the bag limit.

DR. CRABTREE: But I assume that means that in these SMZs no commercial fisherman can have any amount of fish on board the vessel that exceeds – so let's not kid ourselves; I mean, you're effectively saying there ain't going to be any commercial fishing there.

MR. HARTIG: Well, I'm sympathetic to this in a way. I could stop there and catch my cobia limit and that is enough money to make it worthwhile for me to do it. If I happen to catch a gag there or something else, I could keep that also. I would hit that spot first. I could get my bag limit of whatever species I was pursuing and then move on. It would give you an economic incentive to still go to these places for a limited time.

DR. CRABTREE: Robert, do you have any documentation that there actually is a problem other than – and you'll provide that to us?

MR. BOYLES: Yes, I can. We have a lot of allegations.

DR. CRABTREE: Well, I don't mean some people complaining because they saw a commercial fisherman there; hopefully something a little bit more that this is actually creating a problem; or is it just a user conflict kind of thing.

MS. SHIPMAN: And I also think it's a situation where like with South Carolina and Georgia, when we requested it we have very little habitat. You know, we basically have a sand bottom out there. You build these reefs and, you know, the question of the aggregation versus production, but nonetheless you get these fish there.

You have a number of users that use it; and in a sense by putting in the bag limit you're allocating those fish among more people, if you will, by limiting the harvest to a bag limit at those sites. That was one of the reasons we did it a number of years back was they experienced heavy fishing pressure and so you've got low bag limits and it helps to spread the pressure out and to spread the fishing opportunity out.

MR. CUPKA: I was just going to say in fact I established the state reef system when I first came there, and one of the primary reasons that we did it was to provide recreational fishing opportunities. Most of the material that has been added to those reefs over the years came from

fishing clubs or saltwater license fees and whatnot. That was the original intent, was to provide recreational fishing places.

MR. BOYLES: Mr. Chairman, I do have data with me, and I can share this if you like in terms of our expenditures going back to 1968. I'm certainly capable of articulating the fact that the state's in making that \$7.3 million over the last 40 years has been to enhance the recreational fishery. From a policy perspective, what we're left with as a state is I'm being asked, "Robert, why are you subsidizing a commercial fishery using recreational resources?" That's kind of the crack that we find ourselves in here, and I think it's a good policy question, which is why we bring it up to the council.

MR. CARMICHAEL: Is there any data collected by the state that might give you some idea or some way to even look at the number of trips that are landed that people fished in those areas commercially or is this all just going to sort of be anecdotal, I suppose.

MR. BOYLES: I think mostly it will be anecdotal. We do have some surveys of our recreational users. We were surveying and targeting people who were known reef users, so we've got some recreational data.

MR. HARTIG: The only problem I see with this at all – and you guys have been in court cases, but if any money used to generate an artificial reef is used with funds that commercial fishermen can be in any way construed to use in that development, then you might have a problem. But if you don't, then you don't, you won't.

MS. MERRITT: Robert, I may have missed it when you were talking about – but are you sure that they're commercially fishing or are there just sightings of commercial boats fishing there?

MR. BOYLES: We've interviewed with some commercial captains who have indicated they are using that.

MR. CUPKA: Ben, I'd agree with you if we were to outlaw commercial fishing, which is what we wanted to do originally and we were told that we couldn't do that. We're allowing commercial fishing; it's just under the same rules the recreational fishermen have to abide by. I think legally – I'm not a lawyer, but I would hope we'd be on good grounds legally.

MR. HARRIS: Mr. Chairman, I call the question.

MR. ROBSON: Okay, call the question. We have the motion. **Any opposition to the motion? Seeing none, the motion passes.** Mac.

MR. CURRIN: I have a question regarding this issue, and perhaps it is for Monica. It is not specifically related to the South Carolina proposal, but it did raise an issue in North Carolina where we do have reefs outside of state waters that are currently not designated as SMZs. We've had a few problems with a handful of reefs here and there; a handful of which are outside state waters and yet we currently have no ability to control or affect any kind of management measures there. They would have to come through the council. My question is, Monica, is it

reasonable to consider the council ceding management authority to the state for a designated SMZ that might be outside of state waters, which all of them are, I guess.

MS. SMIT-BRUNELLO: Yes, Mac, you did ask me about that several weeks ago, and I'm sorry that I haven't had any time to look at it. I'll look at it. In effect are you kind of talking about a delegation of that part of the plan to establish reefs, delegate it to the state?

MR. CURRIN: Not so much establish them but delegate the management and the management authority to the state.

MS. SMIT-BRUNELLO: Well, I'll sure look at it and get back to you.

MR. ROBSON: All right, we're still under other business. George, you had your hand up earlier.

MR. GEIGER: You mentioned it earlier, Mark, but I want to make sure everybody on the council knows that the state of Florida passed concurrent rulemaking for vermilion snapper under the provisions of Amendment 16, and that was due entirely to the excellent preparation and presentation that Mark gave at that commission meeting. That was well done.

They also directed Mark and his staff to develop concurrent rulemaking for shallow water groupers and reef release gear. I think you did a great job, Mark, and I know that was a real issue back when we were discussing Amendment 16, and I really appreciate your efforts.

MR. SWATZEL: It has been a long day and a long night so I'll be really brief. I have got just two real quick issues. One, I had intended on talking a little bit about vermilion snapper and the possibility of re-evaluating that bag limit. Instead of doing that, I'll circulate an e-mail and perhaps we can get that on the agenda for December.

Lastly, we heard two presentations at the new Catch Shares Committee, and both of those presentations came from Murrells Inlet; one about pursuing catch shares, the other one about pursuing trip limits. The committee agreed to pursue or at least explore catch shares. I think the committee was saying effectively that this committee needed to deal with the issue of potentially evaluating trip limits.

I guess I'm just looking to see if it's the intent of this committee as catch shares are being explored to I guess simultaneously look at the issue of commercial trip limits in the snapper grouper fishery as Wayne Mershawn had done in his proposal because I know I'm going to get asked that when I go back home.

MR. HARRIS: David is shaking his head; I think that was the sense of the committee action, yes.

MR. CUPKA: That was my understanding.

MR. HARRIS: Tell him yes.

MR. SWATZEL: That's fine; thank you.

MR. CURRIN: Yes, and, Tom, as I think I indicated to you in the e-mail in response when you brought this up, it has been my experience that this council and Snapper Grouper Committee in particular have always considered trip limits as an option on every amendment that has ever come through. We haven't always had a trip limit alternative because of various reasons, but I can't recall one where we didn't at least discuss utilization of trip limits as a management measure for the commercial industry.

MR. HARTIG: I'm going to call myself out of order, but before we leave tonight I do have an issue that I have to address before we leave, if I could.

MR. ROBSON: Is it related to the Snapper Grouper Committee? Robert.

MR. BOYLES: Mr. Chairman, if we could go back, we were talking about developing alternatives for Amendment 18 for South Carolina's artificial reefs. Roy and I had a sidebar conversation. I would like to make a motion that one of the alternatives that staff analyze for public hearing is for the Fishery Service to delegate management authority of special management zones to the respective states.

MR. HARRIS: Second.

MR. ROBSON: Okay, we have a motion and a second. Does that accurately describe your motion?

MR. BOYLES: Yes.

MR. ROBSON: Any discussion? Roy.

DR. CRABTREE: I think the analysis will be basically with Monica of can we do it? If we could and if states were interested, it might be a way that we don't have to deal with this anymore.

MS. SHIPMAN: When you do evaluate that, Monica, would you also look at the issue of enforcement? We do have the Joint Enforcement Agreements and I want to make sure we didn't jeopardize those because if they were federal regulations, there may be an issue there.

MS. SMIT-BRUNELLO: Are there any artificial reefs in the South Atlantic EEZ that are not special management zones or are they all special management zones?

MR. BOYLES: We have several that we will ask for designation, but we didn't want to lump it in with this group.

MS. SMIT-BRUNELLO: So is there anything in the regulations right now that we recall – I know I'm supposed to know this – that we manage artificial reefs some ways? My point is do

we also need to look at delegating management authority not just of the special management zones but of artificial reefs, period?

DR. CRABTREE: No.

MS. SMIT-BRUNELLO: Limit it to special management zones; okay.

MR. HARTIG: Monica, the only question I had was can you come in after you've delegated these things and after you have certain rules on them, can you come in and after the fact do this? That is the only question and it's something for you to determine.

MS. SMIT-BRUNELLO: I don't understand, Ben.

MR. HARTIG: Well, you have certain regulations that you put in initially on management zones, so can you come in after the fact and do this? Well, we already did in South Carolina; it's a step-by-step progression towards less harvest on these things.

MS. SMIT-BRUNELLO: So you mean would those requirements or regulations that we have in place right now on special management zones apply if we delegated management authority to –

MR. HARTIG: Yes.

MS. SMIT-BRUNELLO: Okay, so we'll look at that.

MR. CURRIN: Let me just lay out my whole intent with this. As I said, North Carolina currently does not have any SMZs, but if this authority were to be granted to the states for established SMZs I could envision perhaps that North Carolina may request designation of certain reefs or all their reefs outside state waters as SMZs and then would have the authority to manage those.

As a part of that, if we get that far, I would ask that the council have some mechanism for disapproval or at least some way to observe views of regulations that were proposed by the state at a meeting before they would be in effect, if we could do something like that, so that the council would have some way to offer an objection or present an objection to some state's measure if it was totally off the wall.

MR. BOYLES: I say this with a little tongue in cheek, but our management process in South Carolina requires about as much heavy lifting as the council process does, so I'm not sure that this is something that – I would have to think about this long and hard, but I think for the terms of the analysis for the alternatives, it's something that I would like to see.

DR. CRABTREE: Mac, I think the council could lay out relatively narrow bounds within which the state would have to operate, and, of course, you would always have the prerogative to come in and withdraw the delegation. The rules that the states would put in place in the SMZs under the delegation would have to be consistent with the FMP and the Magnuson Act and things. So if you laid out that things have to be within this bound, then that would be it.

DR. CHEUVRONT: To that point, I think the easy way to handle it is it would have to be consistent with the FMP or more restrictive. I could see that it would be a problem if somebody wanted to do something on a reef that wouldn't be allowed otherwise that was not in compliance with the amendment. Isn't it true now that states can be more restrictive in state waters than what is already in the FMP and don't have to come to the council for that? What we're doing essentially is setting up artificial reefs as mini-state waters by doing it this way.

MR. ROBSON: Okay, we'll figure it out later.

MR. HARRIS: Mr. Chairman, I call the question.

MR. ROBSON: All right, we have a motion. **Any opposition to the motion? Seeing none, the motion carries.** All right, is there any other business? There was a timing and task motion. I know we haven't done much in this committee.

MR. GEIGER: Thankfully, Bob listens to these audio tapes religiously so he's be able to decipher and tell us.

MR. ROBSON: It will take all night to sort it out. We don't have a timing-and-task motion ready.

MR. DeVICTOR: We can have one tomorrow.

MR. ROBSON: All right, that's good. With that, we're through the agenda for the Snapper Grouper Committee, Mr. Chairman, and we can adjourn.

MR. HARRIS: We can't adjourn; we are a committee of the whole, so don't adjourn us yet.

(Whereupon, the agenda for the Snapper Grouper Committee was completed on September 17, 2009.)

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SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPE COMMITTEE

**Charleston Marriott Hotel
Charleston, SC**

September 15-18, 2009

TABLE OF MOTIONS

PAGE 63: Motion to change the current preferred alternative from 40 percent SPR to F 30 percent SPR. Motion failed on Page 68.

PAGE 77: Motion to adopt Alternative 2, which is the ACL in 2010 would be 82,000 pounds whole weight. Motion carried on Page 80. Motion withdrawn on Page 86.

PAGE 84: Motion to reconsider the original motion to adopt Alternative 2 as the preferred. Motion carried on Page 84.

PAGE 90: Motion to accept Alternative 4, 75 percent Fmsy, at the very high recruitment level, which is 79,000 pounds. Amendment on Page 93 voted on as the main motion.

PAGE 93; AMENDMENT TO THE ABOVE MOTION: Amend the motion to adopt the very high recruitment level in the calculations for all alternatives in the document. Motion carried on Page 93. Motion carried as the main motion on Page 93.

PAGE 101: Motion to separate out the black sea bass and golden tilefish from all the alternatives and create new separate alternatives for each of those two species. Motion carried on Page 102.

PAGE 102: Motion to add an alternative that would also prohibit spearfishing so that the complete suite of alternatives with respect to that gear is in the document. Motion carried on Page 104.

PAGE 118: Motion to move New Alternative 1 to the considered but rejected portion of the document. Motion carried on Page 121.

PAGE 122: Motion to include Proposed Alternative 2 to include an alternative to allow openings in corridors that would allow for some level of some fishing and not to go beyond the 150-foot depth. PAGE 125: Motion tabled to full council to get a brief presentation on the implications. Motion carried on Page 125. Motion to remove from the table on Page 174.

Motion to remove from the table carried on Page 175. Original motion was defeated on Page 176.

PAGE 125: Motion that Proposed Alternative 3 be discussed and considered but moved to the rejected alternative section of the document. Motion carried on Page 128.

PAGE 129: Motion that Proposed Alternative 4 be moved to the considered but rejected alternative portion of the document. Motion carried on Page 129.

PAGE 129: Motion to move Proposed Alternative 5 to the considered but rejected alternatives. Motion carried on Page 129.

PAGE 130: Motion to include Proposed Alternative 6 in the document. PAGE 132: Motion to table. Motion to table carried on Page 132. Motion to remove from the table on Page 174. Motion to remove from the table carried on Page 174. PAGE 175: The original motion was defeated.

PAGE 134: Motion to include Proposed Alternative 7 in the list of alternatives for the public hearing document and remove no new closed areas and leave out North Carolina and South Florida. Motion defeated on Page 136.

PAGE 137: Motion to move Proposed Alternative 8 to the considered but rejected alternatives. Motion carried on Page 137.

PAGE 137: Motion to move Proposed Alternative 9 to the considered but rejected alternatives. Motion carried on Page 137.

PAGE 138: Motion to move Proposed Alternative 10 to the considered but rejection portion of the document. Motion carried on Page 138.

PAGE 152: Motion is to add the accountability language in Alternative 7 to Alternatives 2 through 6; and to also craft an accountability measure language for the charter/headboat monitoring program in terms of tracking the CPUE via that program, to track the change of biomass; and then also to revisit the size of closures when the discards are estimated to have exceeded the ACL. Motion carried on Page 152.

PAGE 153: Motion to require circle hooks in the areas where fishing is still allowed for snapper grouper species or in the area where red snappers are commonly encountered. Motion tabled on Page 155. PAGE 180: Motion to remove from the table carried. Original motion carried as amended on Page 183.

PAGE 182: Amendment to the original motion that would add the northern boundary at the northern end of the closed blocks. Motion carried on Page 182.

PAGE 176: Motion to move Proposed Alternative 2 to the considered but rejected alternatives. Motion carried on Page 176.

PAGE 178: Motion to move Proposed Alternative 6 to the considered but rejected alternatives. Motion carried on Page 178.

PAGE 183: Motion to look at the use of circle hooks for snapper grouper in the entire South Atlantic Region, including South Florida. Motion carried on Page 184.

PAGE 199: Motion to add an alternative that moves the deep water closure to 300 feet or 50 fathoms to the eastern side of the EEZ, not coming in but going out. Motion carried on Page 200.

PAGE 200: Motion to make Alternative 2 the preferred. FRIENDLY AMENDMENT ON
PAGE 201: Adopt Alternative 4 as the preferred and move Alternative 2 to the considered but rejected file. Motion was carried on Page 203.

PAGE 204: Motion to add an alternative to establish a tag program in the golden tilefish recreational fishery. Vote taken on the motion on Page 206, but results of the vote not given on the record.

PAGE 209: Motion to include Alternative 5C in the document. Motion carried on Page 209.

PAGE 213: Motion to move Amendment 17B for public hearing approval. Motion carried on Page 215.

PAGE 218: Motion to establish a management regime similar to the way king mackerel is managed in the South Atlantic area. Motion carried on Page 219.

PAGE 220: Move to add Subalternatives 3C, 3D, 3E 3G, 3H, 3I, 3J into the document alternatives to take out for public hearing. Motion carried on Page 220.

PAGE 223: Motion to change Alternative 7A to Alternative 8. Motion carried on Page 224.

PAGE 226: Motion to include Alternative 6 as an alternative. Motion carried on Page 228.

PAGE 228: Motion to approve taking Amendment 18 out to public hearing. Motion carried on Page 228.

PAGE 232: Motion that if the confidentiality problems are addressed and we are allowed to include 2001 and 2003 in the landings, that Option 3 MSY value reflect the inclusion of those two years of data. Motion carried on Page 236.

PAGE 236: Motion to include an alternative that applies the ABC Control Rule Methodology developed by the SSC to the time series that are in the document now. Motion carried on Page 236.

PAGE 239: Motion to include a suite of allocation alternatives in the amendment of 90 percent commercial and 10 percent recreational; 95 percent commercial and 5 percent recreational; and 100 percent commercial. Motion carried on Page 242.

PAGE 244: Motion to direct staff to include alternatives as per Actions 1-5 and also include alternatives for resource rent. Motion carried on Page 245.

PAGE 247: Motion to direct staff to include a suite of alternatives for a sunset provision in addition to the items in the previous motion. Motion carried on Page 250.

PAGE 250: Motion to develop options to allow non-ITQ permittees to buy and possess coupons. Motion carried on Page 252.

PAGE 253: Motion to add the following to the amendment: Allocate the 79,000 pound red snapper ACL as non-directed removals [for example, bycatch mortality] between the closure area and the exempted area [outside the closure area]. In the exempted area [outside the closure area] subtract the poundage allotment [25,048 pounds] for area south of 28 degrees north [approximately Stuart, Florida] and the poundage allotment [24,047 pounds] north of 33 degrees north [Cape Romain, South Carolina] from the 79,000 pound ACL. In the closure area allocate the remaining poundage [29,905 pounds] as directed removals to the three sectors based on Table 2, Alternative 3, Attachment 30 [in the September Briefing Book] as follows: 28 percent commercial equals 8,373 pounds; 29 percent for-hire equals 8,672 pounds; and 43 percent recreational equals 12,859 pounds. Motion carried on Page 260.

PAGE 262: Motion to approve Snapper Grouper Amendment 17A for public hearing. Motion carried on Page 262.

PAGE 264: Motion to consider species whose landings are less than or equal to 1,000 pounds as ecosystem species and also put in an alternative for those whose landings are 5,000 pounds and 2,500 pounds, equal to or less than as three alternatives for ecosystem species consideration. Also, consider species 95 percent of which are caught in state waters to be eliminated from the management unit and those species 90 percent and 80 percent or greater that are caught in state waters are considered for elimination from the management unit. Motion carried on Page 266.

PAGE 266: Motion to add alternatives that would remove species from the Fishery Management Unit that are managed under the Marine Life Rule in Florida. Motion carried on Page 266.

PAGE 266: Motion to direct staff to consider species groupings and possible ways to do that. Motion carried on Page 267.

PAGE 267: Motion that the staff develop alternatives related to this request. One would be the no action; leave it at a thousand pound trip limit. Another one would be to remove the trip limit altogether. Another one might to have a 1,500 pound trip limit and maybe a 2,000 pound trip limit. Those would be alternatives to take to public hearing to consider in the ACL Amendment. Motion carried on Page 268.

PAGE 269: Appoint the five advisory panel members that have agreed to participate in the Fishery-Independent Monitoring Workshop and add one representative from South Carolina and one from Northeast Florida. Motion carried on Page 270.

PAGE 271: Motion that the council, by whatever vehicle is appropriate, establish a regulation whereby all fishermen fishing on artificial reefs in South Carolina be limited to the recreational bag limit. Motion carried on Page 274.

PAGE 276: Motion that one of the alternatives that staff analyze for public hearing is for the Fishery Service to delegate management authority of special management zones to the respective states. Motion carried on Page 278.

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2009 - 2010 Council Membership

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NECK FARMER

NIK MEHTA

PHIL STEELE

BONNIE PENWORTH

OTHA EASLEY

HAL ROBBINS

KAREN RAINE

JACK MCGOVERN

LT. CHARLIE GRIS

BOB GILL

CAROLYN BELCHER

DR. ERIK WILLIAMS

RUSTY HUDSON

AMBER VON HARTEN

MONICA SMIT BRUNELLO

MARCEL REICHAERT

DR. JIM WATERS

ANTONIO LAMBERTE

HARRY LOWE

SHRIMP

Susan Shipman, Chair
Brian Chevront, Vice-Chair
Roy Crabtree
David Cupka
Wilson Laney
Charlie Phillips
Staff contact: Myra Brouwer



Mac Currin, Chairman
✓ Mark Robson, Vice-Chair
✓ Robert Boyles
✓ Roy Crabtree
✓ Brian Chevront
✓ David Cupka
✓ George Geiger
✓ Duane Harris
✓ Ben Hartig
✓ Rita Merritt
✓ Charlie Phillips
✓ Susan Shipman
✓ Tom Swatzel
✓ Red Munden, Mid-Atlantic Council
Staff contact: Rick DeVactor

SOPPs

Duane Harris, Chair
David Cupka, Vice-Chair
Brian Chevront
George Geiger
Susan Shipman
Staff contact: Bob Mahood

SPINY LOBSTER

Mark Robson, Chair
Roy Crabtree
George Geiger
Ben Hartig
Rita Merritt
Brian Sullivan
Staff contact: Gregg Waugh

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✓ **Purchasing/Adm. Assistant**

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PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

Snapper Grouper Committee Meeting

Tuesday Charleston, SC 15th
~~Wednesday~~, September 15th, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Ronald R Lukers Omega Protein	(386) 454-7192	27716 NW 182 nd Ave High Springs, FL 32642
Broch Andersen Bottom Dollar Charter Fishing	321 452 1800	4320 Horseshoe Rd. Murrells Inlet, SC 29553
Susan Anderson Bottom Dollar Charter Fishing	321 452 1800	4320 Horseshoe Blvd Murrells Inlet SC 29553
Mike E Brown	843 881 9735	Mt. Pleasant, SC
Ann Thomas Brown		
Robert Johnson	904-794-2628	804 Shore Drive St Augustine FL 32086
Godie Lynn Johnson		
Margot Stiles Ocean	202 833 3900	Washington DC 20036
SEAN MCLEOD	KCFR	

South Atlantic Fishery Management Council
 4055 Faber Place Drive, Suite 201
 North Charleston, SC 29405
 843-571-4366 or Toll Free 866/SAFMC-10

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Snapper Grouper Committee Meeting

~~Tuesday~~ Charleston, SC

~~Wednesday~~, September 16th, 2009

15th

**NAME &
ORGANIZATION**

**AREA CODE &
PHONE NUMBER**

**P.O. BOX/STREET
CITY, STATE & ZIP**

Kathy Krawtch

GA DNR

Steve Amick

912-897-6759

P.O. Box 30978 Sav. GA 31410

Zack Bowen

912 398 3733

32 Bull River Bluff Dr. SAV. GA. 31410

Debbie Salamone

321-972-5020

Tony Lombarte

727-824-5384

Sf. Petersburg, FL

Libby Fisher

AL-FL

Kerry Marhefka

Bob Martore

SC DNR

843-953-9303

Ryan Yaden

SC DNR

843-953-6368

South Atlantic Fishery Management Council
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Snapper Grouper Committee Meeting Charleston, SC Tuesday, September 15th, 2009

<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
Bob Jones	850 224-0612 118-B Thomasville Rd	Tallahassee, FL 32303
Scott Whitaker	803-865-4164	3037-B McNAUGHTON Dr Columbia, SC 29223
Matt Winter (Tideline)	843-834-3762	134 Columbus St. Charleston, SC 29403
Michelle Over	919-923-0774	1990 Main St Suite 750 Sarasota FL 34236
Karen Rainie	GSAFF	
Frank C. Helies	GSAFF	fchelies@verizon.net
Rusty Offord	386-239-0948	PO Box 9351, Daytona Beach, FL 32120
Sera Breuhak (PEED)	910-185-5705	Bolivia, NC
Amber Von Harten - SC Sea Grant	843-470-3655 x112	Beaufort, SC
Holly Binns, Pew Environment Group	86-322-7815	Tallahassee, FL

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NAME &
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PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Dave Allison Oceana	202-833-3900	1650 Connecticut Ave NW 5 th Floor 20036 WADE
Eugene Raffield	(850) 229-8229	PO Box 309 Port St Joe FL 32457

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AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Eugene Raffield	(850) 229-8229	Port St Joe FL 32457
Sera Drevenak (PEG)	910 685 5705	Bolivia, NC
Steve Amick	912-897-6759	P.O. Box 30978 SAV. GA 31410
Mark Millikin	301-713-2341	NMFS, NOAA, Silver Spring, MD
Dave Heil (FRA)	407-492-1991	Winter Park, FL
Frank Hebes	813 286 8396	GSAFF Tampa, FL
Karen Raine	GCEFF/E	
Michelle Owan	941 309	Sarasota FL
Terry Gibson	772-285-7683	Stuart, FL

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<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
Brock Anderson Bottom Dollar Charter Fishing	321-452-1800	4320 Horseshoe Rd. N/E, Fla. 32953
Ken Lee Southport NC		910-6205847
Wahy Fisher OC-FL		
Russell Adams ASF	386-239-0948	PO Box 9351 Daytona Beach, FL 32120-9351
MEL BELL SCAWR	803 953-9007	PO BOX 12559 CHAS, SC 29422
Debbie Salamone	321-472-5020	
Kerry Marhefka		
BILL SAMPLES	305-852-3072	PO BOX 913, ISLAND RADIA FL 33036
DICK BRAME	410-338-0012	WILMINGTON, NC

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<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
Capt Mark E Brown	843 881 9735	Wt Plover SC
Anne Hammes-Brown	11	11
CHARLIE GRIS	SRFTC	
Eileen Donaherty	IEDF	Charleston, SC
Leda Dunmore	PEG	
Zack Bowen	912 398 3733	32 Bull River Bluff Dr. SAV, GA. 31410
Kathy Knowlton	GAADMC	
Scott WHITAKER	803-865-4164	
Margot Stiles	202 933 3900	Washington DC 20036
Oceana		

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Snapper Grouper Committee Meeting Charleston, SC Wednesday, September 16th, 2009

<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
Trent Coleman	(904) 838-2463	2419 Sylva Ave. Chas. R. Gange Park FL 32073
Chris Carroll	904/289-7684	6205 Bobby Padgett Rd Jville FL 32034
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Mark Worley	904-291-7240	537 Arthur Moore Dr. Green Cove Sp. 32043
Erin O'Neil-Morie	(843) 344-1866	406 Birch St. Georgetown, SC 29440
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Huff Winter		131 Columbia St Charleston SC 29403
Ron Lukas Omega Protein	(386) 4547192	2716 NW 182nd Ave High Springs, FL 32643
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Snapper Grouper Committee Meeting
Charleston, SC
Wednesday, September 16th, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Sean McKeon

NCFA

Bob Flocken

Southern Kingfish Assoc

15 GARWICK AVE ST AUG FL 32094

Jack Holmes

"

"

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Snapper Grouper Committee Meeting

Thursday Charleston, SC 17th
Wednesday, September 16th, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

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CITY, STATE & ZIP

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CHARLIE GRIS

GRFTE, USCG

Margot Stiles Oceana

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Sera Drevenak (PEG)

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Bolivia, NC 28427

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Snapper Grouper Committee Meeting

Thursday Charleston, SC 17th
~~Wednesday~~, September 16th, 2009

**NAME &
ORGANIZATION**

**AREA CODE &
PHONE NUMBER**

**P.O. BOX/STREET
CITY, STATE & ZIP**

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Debbi Salamone	321-972-5020	
Dave Allison Oceana	202-833-3900	1650 Connecticut Ave NW 5th Floor WA, DC 20036
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Steve Bollard	843-527-2495	2903 Highmarket St. Georgetown, SC
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Snapper Grouper Committee Meeting

Charleston, SC ^{17th}
~~Thursday~~ ~~Wednesday~~, September 16th, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

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Eileen Donaherty

EDF

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Dave Heil ^{CROA}
_{FSFH}

FRA

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Winter Park, FL

Kerry Marhefka

Rusty Hudson

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POBx 9351 Daytona Beach, FL 32120

Gene Thomas Brown

Capt Mark Brown

Margot Stiles Oceana

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Joe Klostermann

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Snapper Grouper Committee Meeting

Charleston, SC

~~Thursday~~

~~Wednesday~~, September 16th, 2009

NAME &
ORGANIZATION

AREA CODE &
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Silver Spring, MD office

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Karen Raimi

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Av. 50r panel

Brookshire Anderson

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Council Session
Charleston, SC
Friday, September 18th, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

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CITY, STATE & ZIP

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Michelle Owen EDF

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Frank Helles GS AFF

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BILL SAMPLES 305 9640480

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Clifford Gibbens 305-852-3072

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Libby Palmerston TOC FL

Russell & Sandra Olson ASF 386-239-0948

PO Box 9351 Daytona Beach, FL 32120

Eileen Dougherty EDF

Charleston, SC

Margot Stiles Oceana 202 833 3900

Washington DC 20036

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PLEASE SIGN IN

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**Council Session
Charleston, SC
Friday, September 18th, 2009**

**NAME &
ORGANIZATION**

**AREA CODE &
PHONE NUMBER**

**P.O. BOX/STREET
CITY, STATE & ZIP**

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850-322-7845

2107 Mulberry Blvd, Tallahassee, FL 32303

Johnny C.

843-~~CALL ME WITH A~~

DOUG RADGR

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Roley NC

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September 17, 2009

The problem with the Southeast Data, Assessment and Review (SEDAR 15) assessment for Red Snapper is twofold; the early part that establishes the enormous catch between 1945 and 1972 when there were no data except the commercial landings reports and the suspect Fish and Wildlife Service (FWS) data and the more recent period when the age data started to become available. The problem is that the early period was used to establish the bench marks such as Spawning Stock Biomass (SSB) and Maximum Sustainable Yield (MSY), and these set the rebuilding targets, which are very high. Since the FWS data were selectively used - only the weight caught whereas the other half of the data the numbers caught were not used. The results are flawed.

Even when the selectivity issue was raised at the South Atlantic Fishery Management Council (SAFMC) meeting during June 2009 at Stuart, Florida and was addressed in part by the Southeast Fisheries Science Center (SEFSC) at Miami, the numbers caught estimated by the model still did not match the numbers reported caught in the FWS survey reports for 1970. They fell far short suggesting that if the FWS survey data is to be used (believed) the model is unable to model what had to have been at least one very large year class in the mid-60's. NMFS remains silent on this question, and instead maintains that it does not affect the determination that the stock is overfished and overfishing is occurring, thereby avoiding the issue of "best available scientific information". To support the conclusion that it does not matter the SEFSC says there have been nearly 40 sensitivity analyses that all reach the same conclusion on overfished and overfishing.

This is true, except they do not mention that there also was another model run, the production model, which indicated that overfishing was not occurring (or the fact that S37 sensitivity run using a dome shaped selectivity curve that drastically reduced current fishing mortality). But this is all a matter of modeling. It is like a person buying a new car that turns out to be lemon. The person has it painted over many times, but it is still a lemon.

The second half of the assessment is viable, although it would be nice to see some other models employed by people with no personal interest in the outcome. The problem then is that there are data that are imperfect since 1972. Most of the imperfections are in the numbers of samples and the inadequacy of the recreational catch estimates through Marine Recreational Fisheries Statistical Survey (MRFSS). NMFS has been irresponsible for many years in their data collection, witness the mess in New England over catch histories, the summer flounder over runs, the bluefin tuna recreational catch problem, the Large Coastal Shark landings by species, to name a few. However, the data we do have indicate the SSB has increased since the 1992 minimum size regulations were put in place.

The expanded sampling this year initiated thanks to the likes of Captain David Nelson from Florida suggests that this increase has continued. On the other hand, the projections being presented to the SAFMC this week indicates that the 2009 SSB has declined. So there seems to be a contradiction. Since the SEFSC will have three more years of data that are not in the present model, it makes sense that the SAFMC holds off action until after an updated assessment can be completed. It may be that the newer numbers will indicate that a less draconian reduction in effort combined with a better monitoring system of the recreational catch that was supposed to be in place already, may allow the fishery to operate at a high enough level to satisfy most of the user needs - fishermen and anglers - and still provide adequate monitoring for management purposes. The stricter reduction in catch will cause not only massive socio-economic impacts but inhibit the future collection of important data.

Frank J. Hester PhD

On Behalf of the Southeastern Fisheries Association East Coast Fisheries Section



THE
PEW
ENVIRONMENT GROUP

**END OVERFISHING
IN THE SOUTHEAST**
www.sustainableseasouthfisheries.org



RED SNAPPER

An iconic South Atlantic species is at critically low levels after decades of chronic overfishing.

Signs of decline

- Red snapper are at 3 percent of 1945 levels
- The species has been fished up to 14 times the sustainable level since 1960
- Red snapper off the coast:

1954: **5,000,000** Today: **500,000**

The issues

ACCIDENTAL CATCH

Vast numbers of red snapper die after they are thrown back into the water by fishermen who caught them accidentally or at below legal size. Many die because their internal organs explode from the strain of being pulled to the surface too quickly from deep water. The problem is so widespread that it is a major cause of red snapper population declines. Between 2004 and 2006, for example, recreational anglers landed **41,772** red snapper, but many more—**73,147**—died after being thrown back.

Red snapper that die after returning to the water:

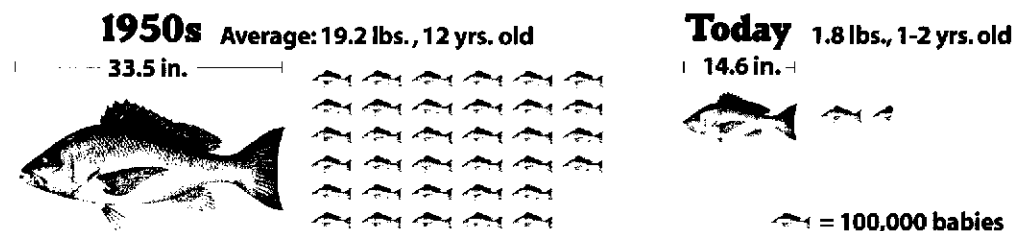
40% recreational boat

90% commercial boat

Recreational fishermen typically fish in more shallow water, giving red snapper a better chance of reaching its near-bottom habitat alive.

TIME TO SPAWN

Although red snapper can live up to 54 years, today few fish are older than 10. Most of the older fish were caught in the 1950s and 1960s. The older fish—the best spawners—are taken *before* they can replenish the population.



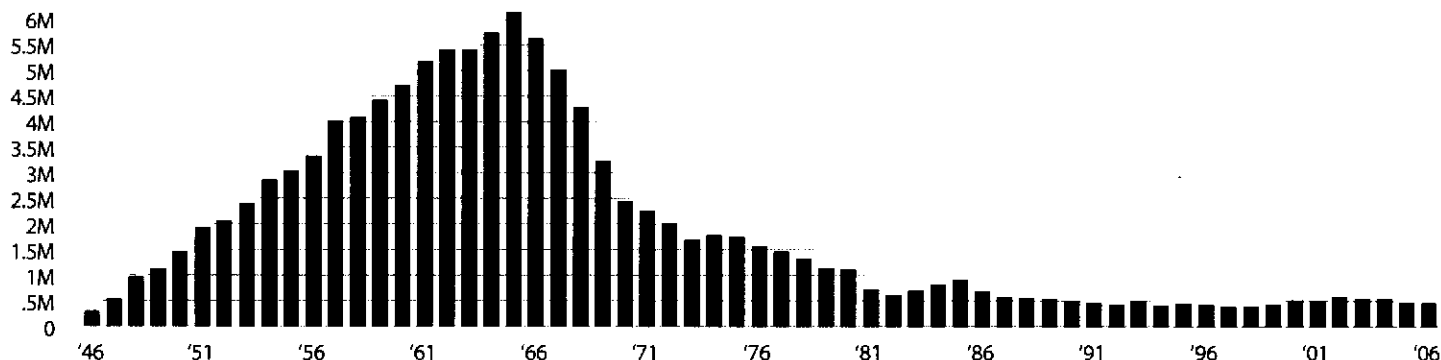
ILLUSIONS OF PLENTY

Fishermen and scientific research confirm there are more red snapper today than in the recent past. But the rise is due to a short-lived burst in reproduction, and it doesn't mean the population is healthy. From 1998 to 2000, the fish multiplied rapidly due to unknown environmental factors. Now they have grown. But if killed at current fishing rates, the fish will not breed enough to boost future generations.

THE ANNUAL CATCH

The red snapper catch rose after World War II and peaked in the early 1960s before beginning a steep decline. The population—especially of older fish—is still severely depleted.

■ Total reported catch (in pounds)

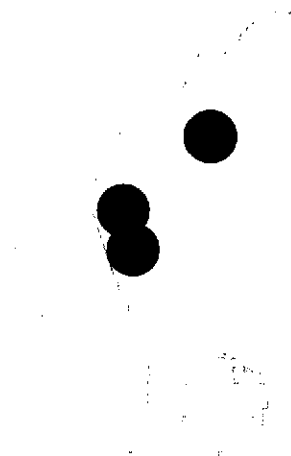


What's being done

Fishery managers approved a temporary ban on red snapper fishing in federal waters from North Carolina to Florida in March 2009.

The South Atlantic Fishery Management Council, which governs fisheries from 3 to 200 miles off North Carolina, South Carolina, Georgia and the east coast of Florida, is studying ways to restore the fish. Options include a longer red snapper fishing ban and limits on fishing for other deep-dwelling species if snapper might be caught accidentally.

The federal Magnuson-Stevens Fishery Conservation and Management Act requires the council to set science-based limits on numbers of fish caught annually. Deadlines are 2010 and 2011 for setting biological limits and enacting rules to end overfishing of all species.



HOTSPOTS

Red snapper are most common off north Florida, southern Georgia and parts of South Carolina. They like waters between 30 and 600 feet deep and stay close to the bottom around rocky areas, ledges and artificial reefs including shipwrecks.

2007 SNAPSHOT

Catch by state (in pounds)

East Florida	709,786
Georgia	65,299
South Carolina	21,758
North Carolina	14,104

FISH FACTS

- **Maximum size:** 39.7 inches, 50 lbs.
- **Average age at maturity:** 1-2 years. Average size at maturity: females, 15 inches
- **Spawning season:** May to October, peaking July through September
- **What red snapper eat:** Small fish, worms, shrimp, crabs
- **What eats red snapper:** sharks, turtles, large grouper, billfishes
- **How red snapper are caught:** Commercially, multi-hook gear with electric reels. Recreationally, hook and line
- **Why are they red?** They get a high level of carotenoid pigments, largely astaxanthin, from shrimp they eat

WHAT YOU CAN DO TO HELP

- **Visit our Web site to learn more** and join our e-alert network at www.sustainablesefisheries.org. We'll let you know when important fishing policy changes are coming up and how you can help by signing petitions and contacting decision-makers to show your support for healthy, sustainable fisheries.
- **Sign up for our monthly update** to learn about new research and proposed actions that will affect your local fisheries. Send your email address with the words "monthly update" in the subject line to fishinfo@pewtrusts.org.
- **For more information**, please contact Holly Binns at the Campaign to End Overfishing in the Southeast at fishinfo@pewtrusts.org or call 850-322-7845.

PEW ENVIRONMENT GROUP'S CAMPAIGN TO END OVERFISHING IN THE SOUTHEAST

Pew is leading efforts to work with the South Atlantic Fishery Management Council and the National Marine Fisheries Service to establish science-based annual catch limits by 2010 for species undergoing overfishing and by 2011 for all other species.

The campaign works to bring scientific expertise to bear on fishery management plans and seeks common ground with fishermen to find solutions that balance human and environmental needs and raise awareness about overfishing and potential remedies.

The Pew Environment Group is the conservation arm of the Pew Charitable Trusts.



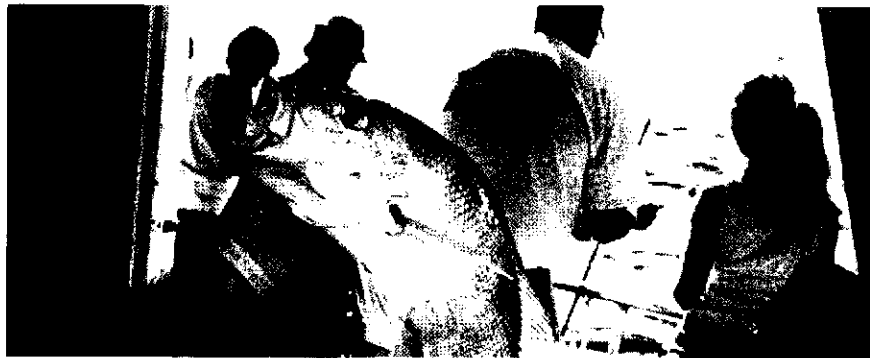
THE
PEW
ENVIRONMENT GROUP

**END OVERFISHING
IN THE SOUTHEAST**
www.sustainablesefisheries.org

A plan to save red snapper — Amendment 17-A

THE PROBLEM

The iconic red snapper population in the U.S. South Atlantic is in critical condition. The fish is at just 3 percent of 1945 levels and has been fished at up to 14 times the sustainable rate since 1960. Although red snapper can live up to 54 years, today few are older than 10. They are caught before their best spawning years. The popular catch is at the brink of commercial extinction, meaning there won't be enough red snapper worth fishing for if current trends continue.



Used with permission of the Orlando Sentinel, copyright 2009
Recreational anglers fish for red snapper off the coast of Florida.

THE PROPOSAL

Fishery managers voted in March 2009 to temporarily halt red snapper fishing in federal waters from North Carolina to Florida—a move designed to buy time for the fish while a long-term recovery plan is considered. The long-term plan would extend the moratorium on red snapper fishing until the population reaches healthy levels. Fishery managers also propose closing certain areas of the ocean to bottom fishing so red snapper are not caught accidentally by fishermen targeting other species, such as gag grouper and vermilion snapper. Vast numbers of red snapper die when thrown back into the water because their internal organs explode when dragged up quickly from their deep-ocean habitat.



Source: South Atlantic Fishery Management Council

PROPOSED CLOSED AREAS

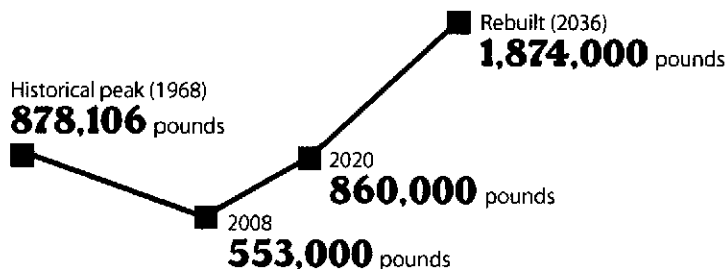
Fishery managers are considering closing areas in **RED** to all bottom-fishing except for black sea bass and golden tilefish. Areas in **BLUE** indicate additional tracts that could be off limits to help snapper recover more quickly. Some proposals would close fishing at depths of 98 to 240 feet. Each colored square represents 7,461 square miles. U.S. South Atlantic federal waters span 149,600 square miles.

THE PAYOFF

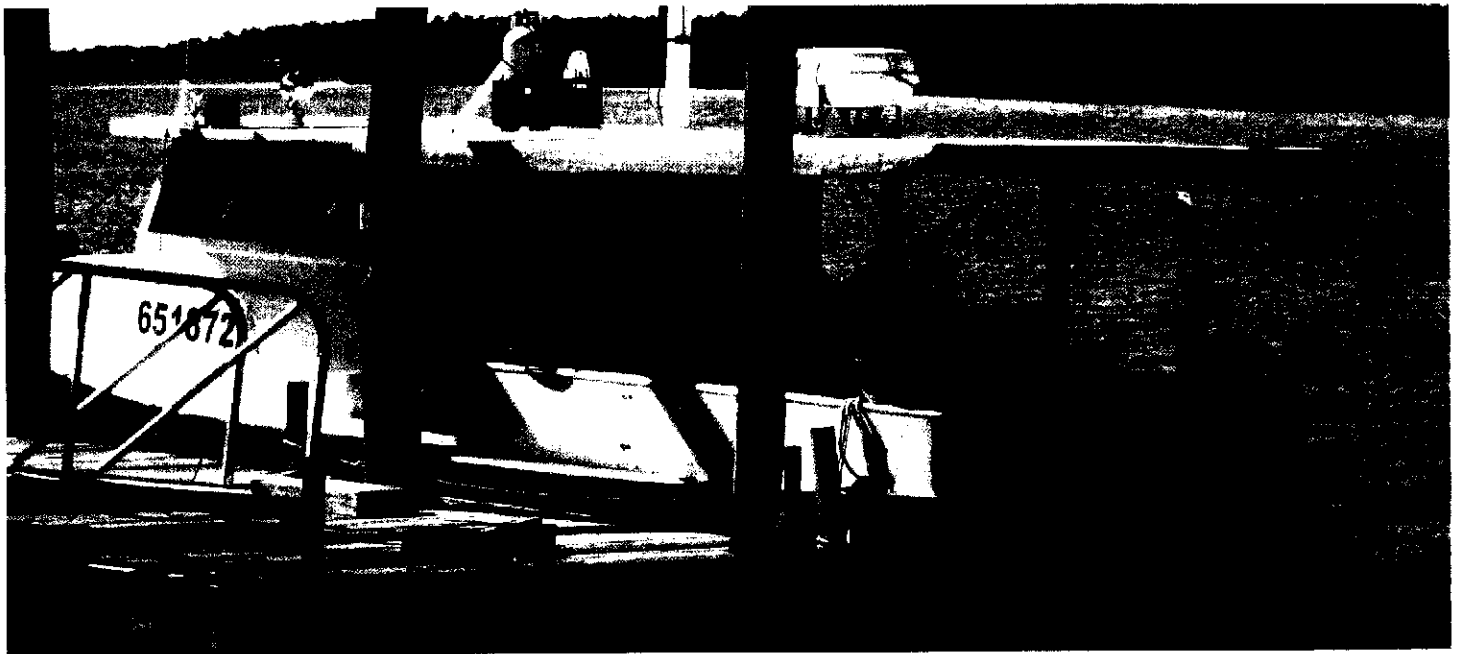
In less than 10 years under the recovery plan, the red snapper population should boom, providing more robust fishing than we have today. Although fishery managers say total recovery could take 35 years, controlled red snapper fishing could resume much earlier and closed ocean areas might re-open as the red snapper get a good head start towards recovery. Scientists will assess the progress at least every five years, beginning in 2011. The goal of the long-term plan is to protect a public resource that is needed for a healthy ocean ecosystem. If successful, the plan would boost the current 3 percent red snapper population level to 40 percent—the minimum level recommended by scientists.

BENEFITS OF REBUILDING

Catch (in gutted weight):



Source: South Atlantic Fishery Management Council



This commercial snapper and grouper fishing boat from Jacksonville, Florida, can spend up to a week at sea and haul in several thousand pounds of fish.

Federal law requires an end to overfishing

The South Atlantic Fishery Management Council is charged with developing plans to end overfishing—fishing at unsustainably high rates—by deadlines in 2010 and 2011. The federal Magnuson-Stevens Fishery Conservation and Management Act requires science-based limits on numbers of fish caught annually and rules to end overfishing.

The 13-member, appointed council manages 98 species of finfish, corals and crustaceans in coastal federal waters between three and 200 miles off North Carolina, South Carolina, Georgia and Florida's east coast. It meets publicly four times a year throughout the Southeast. The council is composed of recreational and commercial fishermen, state fishery managers and other experts. The council's science advisers conduct in-depth analyses, and collect information from other state and federal agencies, researchers and the public.



Avid angler Terry Gibson hoists a keeper red snapper.

MAKING THE CASE

The data and science used to support the long-term red snapper recovery plan are based on research that was carefully conducted during the last several years by some of the country's leading fishery scientists. Through a collaborative scientific process, they assembled data from fishermen and other sources, collected samples of the fish and ran complex computer models to assess the overall condition of red snapper. In writing their stock assessment, a panel of experts considered testimony from independent researchers, fishermen and university scientists. The public was invited to comment on several occasions. The final report, known as SEDAR 15, passed rigorous peer review.

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