

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

**Charleston Marriott Hotel
North Charleston, South Carolina**

SEPTEMBER 14-15, 2011

SUMMARY MINUTES

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Additional Attendees Attached

TABLE OF CONTENTS

Call to Order, Mr. Mac Currin.....	3
Approval of Agenda.....	3
Approval of August 2011 Committee Minutes.....	3
Status of Commercial Catches versus Quotas for Species Under Quota Management..	3
Status of Recreational Catches versus Quotas for Species Under Quotas.....	4
Status of Comprehensive ACL Amendment.....	4
Status of Regulatory Amendment 11.....	15
Amendment 24 (Red Grouper).....	15
Amend 18B (Golden Tilefish).....	32
Amendment 18A (Black Sea Bass).....	41
Amendment 20A (Wreckfish).....	45
Adjournment.....	124

The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in the Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, Wednesday afternoon, September 14, 2011, and was called to order at 2:10 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: If we can come to order, everyone has before them the agenda. If as usual you will allow me some latitude with rearranging things to accommodate staff and other concerns, I would appreciate that. Without objection from the committee, the agenda will stand approved. You also have had the minutes that were sent to you and available to you.

Are there any corrections or additions to the minutes? Without objection, then the minutes from our last meeting will stand approved, August 2011. Our next agenda item is the status of the commercial catches versus the quotas for species under quota management, a report from the SERO. Jack are you going to do that?

DR. MCGOVERN: Yes, sir. There were two e-mails sent out this morning that updates the quota-monitored species from information we just got from the Science Center. One of them is the report that comes from Dr. Crabtree to Bob Mahood. The other one just takes data from our quota-monitoring system from previous years and just shows them by month.

For gag currently we're at about 42 percent of the quota. Landings are tracking similar to previous years. For the black grouper and red grouper aggregate we're at 42 percent; greater amberjack, 25 percent, and the quota has never been met for that species. Snowy grouper is at 29 percent and landings are tracking lower than previous years, and that is likely due to the 240 closure that was put into place through Amendment 17B.

Black sea bass, we met the quota on July 15th and a very short time period. Last year it was met on October 7th; the previous year, December 20th; and the year before that May 15th, and that's for a June through May fishing year. Red porgy, we're currently at 44 percent of the quota. And then vermilion snapper I neglected to put in this monthly track; we're currently at 65 percent of the quota.

The Science Center is doing a projection to determine when that quota will be met, taking into consideration Hurricane Irene. I think it's likely that quota could be met at the end of this month or the beginning of October, something like that. Also, for recreational we have on our website the new ACL for black sea bass. We're doing projections for black sea bass, again taking into consideration Hurricane Irene, to determine when that recreational ACL will be met. We'll be closing golden tilefish. If you remember, that ACL was triggered last year and the AM for that is to reduce the following fishing year.

Based on last year, we would have shut it down in November and December but it looks like the ACL has already been exceeded. For snowy grouper, that's another recreational species that has an ACL where the AM was triggered last year, but we've put measures into place with the 240 closure and that should slow down the rate of that and so far indicates that only 21 fish have been met. The MRFSS website showed no fish but 21 fish from headboat. That's it.

MR. CURRIN: Any questions for Jack? Jack, any indication about recreational black sea bass and speculation as to when that might –

DR. McGOVERN: I think it could be early next month for recreational black sea bass.

MR. CURRIN: Any other questions or comments for Jack? Bonnie, I guess you're up next, the status of recreational catches versus the quotas, Attachment 1B.

DR. PONWITH: What you see here are the black sea bass landings, and again I urge you to take a look at the caveats at the bottom. These are the preliminary estimates through Wave 3, and you'll see there is 54,000 pounds in whole weight. The next slide shows the relationship of the landings this year compared to the rest of the time series and relative to the recreational fishing effort.

The next slide shows gag grouper landings at 58,000 pounds, again inclusive of Wave 3. The next slide shows the relationship of how that looks relative to other years and also relative to the effort. The next slide is greater amberjack, and we show for the 2011/2012 season 127,000 pounds whole weight, and the slide after again shows the landings relative to effort.

The next slide is mutton snapper recreational landings coming in at 114,000 pounds through Wave 3. The next slide is red porgy recreational landings at just under 13,000 pounds. The next slide is the red snapper recreational landings, and I see we see some shore-based landings of 5,000 pounds. It's just odd.

And then we have snowy grouper recreational landings through Wave 3 is coming in at zero. Next are the golden tilefish landings coming in at 78,000 pounds. Next is vermilion snapper coming in at 22,000 pounds whole weight. Yellowtail snapper, we're at 56,000 pounds through Wave 3. That's the last slide of this series.

MR. CURRIN: Any questions for Bonnie or comments on those recreational landings? All right, we have already received during the Ecosystem Committee discussions and update on the Oculina research and about some of the diving that has been going on in and around that area, so that takes care of that agenda item.

Our next agenda item is just when you thought it was safe to move on to another amendment, we've got the Comprehensive ACL Amendment back for a variety of reasons. It does necessitate us taking a look at the corrections and changes that were made, and we will have to, I presume upon advice of the counsel, vote again to approve the Comprehensive ACL Amendment for the secretary.

MS. SMIT-BRUNELLO: Yes.

MR. CURRIN: All right, most of you are probably familiar with what went on, but I'm going to turn it over to Myra, and Jack has got some input as well as far as the corrected values in there, so we'll turn it over to you guys and move through this as best we can.

MS. BROUWER: If you'll turn your attention to Attachment 2C, this is an issues paper that was put together to explain to you the issues that arose after the August council meeting where you had approved this amendment for submission to the Secretary of Commerce. This little document basically walks you through what the issues are and the solutions that the IPT has come up with.

The first one has to do with the calculation of the sector allocations using Boyles' Law. If you recall, at the August meeting you opted not to remove a number of species for snapper grouper out of the fishery management unit. When these species were brought back into the FMU and we got down to calculating allocations and annual catch limits for those species, we realized that the calculation for allocations for the sectors had been done using total landings as opposed to average landings.

We went back and tried to figure out how this happened. In June the committee had approved changing the language in the alternatives for the allocations' action to include average landings instead of catch history, because catch history was not descriptive enough to explain how that calculation was being done. That change was approved at the June meeting. However, we failed to update the actual percentages in the table.

The allocations were recalculated using average landings based on the preferred alternative, 50 percent of average landings between 1986-2008 and 50 percent of average landings from 2006-2008. In looking at how the allocations were affected by redoing these calculations, for some species it doesn't make very much of a difference at all. For other species such as blueline tilefish it does seem to make a good bit of difference.

What we have in Table 1 is a table that shows the allocations as they were in the August version of the Comprehensive ACL Amendment on the left. Then there are the columns showing the recalculated allocations inclusive of the species that were brought back into the FMU, and at the far right you have the percent difference between those two allocations.

You can see up at the top for blueline tilefish the recalculation changed the percent allocations by 16.6 percent in favor of the recreational sector. Another species that had a rather large percent change was lesser amberjack with 10.38 percent change. Gray snapper had a 7 percent change. The table continues on Page 2.

Greater amberjack also shows a large change, and I'll have a little bit more to tell you about greater amberjack, though. Mutton snapper, 7 percent change; and then yellowtail snapper and black grouper both show pretty substantial percent changes in the allocations between the two sectors. Are there any questions so far?

MR. PHILLIPS: Yes, I'm going to bring up an issue that Ben had brought up. Since we try to be as up to date as we possibly can, especially with Boyles' Law, and being consistent, is there any reason we can't go through 2010 and use 1986-2010 and then 2008-2010 in Boyles' Law, which would be the most up-to-date numbers?

MR. CURRIN: Charlie, I'm sure we could. I'm afraid that might result in a delay. We've been working on this amendment for quite a while over the last 12 months or so. If the data had been available earlier when we were developing this amendment and approving it, then that would have been, in my mind, a little more realistic consideration, but I'm not sure at this late date how realistic it is. It is certainly up to the committee and the council to make those recommendations.

MR. PHILLIPS: Well, would it be proper to make that motion now to see or maybe ask staff what could be done and then go from there?

MR. CURRIN: Yes, I guess we can pose that question to the staff and to Monica and Roy and see what the implications are of trying to incorporate those new data. From my perspective they're going to provide numbers that we're not going to be able to see at this meeting. I am not sure I would be comfortable with approving some numbers that I haven't seen is kind of why we're back here now with these corrected numbers. I am not sure that we can afford the time to delay this another meeting, but I'll let others speak. Roy.

DR. CRABTREE: Well, I don't think we can at this point. We've already loaded this whole thing up and made our decisions. We're now just looking at some corrections; and to come in and fundamentally change things like that would likely delay us until the next council meeting, and we'd be in violation of the statute at that point.

My advice to you, if you want to revisit this issue, is that we go ahead and finish with this amendment; and then if you want staff to bring in a series of options in December to relook at some of these things with different time series, we can do that at that point. I don't think we can do at this stage of the game in this amendment. I don't know if that would create issues for us in terms of the Draft Environmental Impact Statement because that would be information and years that were outside what we were looking at then, so I don't know about that.

MS. SMIT-BRUNELLO: And I would have to look at it from NEPA to see whether we would need to go back out for additional comment under NEPA or not. I agree with Roy and with Mac that if you want to try to meet the statutory deadline and get it approved this year, then I think that you have to take action at this meeting.

You wouldn't be able to take action at this meeting necessarily if you wanted new time year series analyzed. That would take staff time to get that together, and I don't think that it could be done at this meeting. If you do want to look at that, though, I agree you can start work on another amendment to take a look at those allocation issues or those time years' issues.

DR. CRABTREE: And just to that, we've talked about this at the last meeting, but I believe there will be MRIP numbers based on the new estimation methodology out early next year. It makes sense to me if we're going to revisit this to revisit it when we have those estimates and see what they are and deal with all that in one package.

MR. BOYLES: Mac, before we went down the road of the ACL Amendment, I see to recall a rather vigorous discussion about truncating the time series where we did. I understand Ben's

comments that he sent out earlier, but I think we've been over this ground before not in the context of the ACL Amendment. Allocations are tough things.

They're very difficult, they're policy derived and they I think tend to send a signal of where the council wants to go. I seem to recall that our record – and I may ask staff to help us with that, but we've talked about this at length, again not in the context of the ACL Amendment the whole discussion about where and when to truncate the time series, the long timeframe and the short timeframe.

MR. CURRIN: Yes, I think that's correct, Robert. Charlie.

MR. PHILLIPS: So we could theoretically go ahead and start another amendment to start looking at in December to start fixing some of the stuff that we may feel like we need to fix in here like using some newer timeframes, using the new MRIP, so basically what you're saying is do this and then go ahead and start another amendment to start fixing things that we've got time to do; is that what I'm hearing?

DR. CRABTREE: Yes, that's my suggestion. Bare in mind, too, as we move forward now, adding future years into allocation is going to get tricky because you've got annual catch limits in place now; and if you bring in more recent years, you would be rewarding sectors for overrunning their ACLs, which I don't think we want to do. It's going to get complicated dealing with this as we bring in more years.

MR. TEEHAN: Mr. Chairman, I just wanted to express a little bit of concern over these new numbers as they regard yellowtail snapper and black grouper. Most of the other changes on allocations are just a few percentage points, but for yellowtail you're switching 20 percent away from commercial and adding to recreational for substantial difference, and black grouper has almost flip-flopped on the commercial and recreational allocation. I'm very concerned about those changes. I don't know what to do about it, but I want to go on record as indicating that I'm concerned – Florida is concerned.

DR. CRABTREE: To that point, that's because in the previous document, Bill, all of Monroe County landings were treated at Gulf of Mexico and so weren't included. The numbers that were in there the last time didn't reflect any reality of what is actually being caught because most of the fishery wasn't included in it.

That has been corrected and those are brought back in, and so now it reflects what is actually being caught and what the actual mix of things are in the Keys. And it's consistent now I think with what the Gulf has done on this. The problem is Monroe County you've got to post stratify it and be careful with it; because if you just pull numbers up Monroe County will all be counted in the Gulf of Mexico.

DR. DUVAL: Mr. Chairman, I was going to express some similar concerns with regard to blueline tilefish although I don't think we have that same data stratification issues, but 16 percent is a fairly significant change between the commercial and recreational allocation. I think just looking at the graph that Myra provided in this document, there has been a commercial fishery

for blueline tilefish that has been going on, and there is certainly a significant spike in the recreational landings as of late. I don't know whenever it might be appropriate but I would be prepared to make a motion to perhaps consider one of the other alternatives like perhaps the entire historic time series of 1986-2006.

MR. CURRIN: Thank you, Michelle; I share your concerns with respect to blueline tilefish, and I think it's pretty obvious looking at that graph why that occurred. Where we're looking at a three-year time series to allocate 50 percent of the entire allocation and we see that – especially in a species like this it's a rare encounter in the MRFSS surveys, we expect and often see wild swings and huge increases and decreases in rarely encountered species like blueline tilefish and snowy grouper.

If it were in a species like black sea bass, it wouldn't give me quite as much concern. I feel that because of the numbers of encounters, that is lot more likely to reflect reality; whereas, this, it really gives me some concern. At some point we'll do that. I want to make sure that Bill is comfortable with the way the new calculations were made for yellowtail and black grouper, Bill.

I think what Roy said kind of reflected my opinion as well after talking to Jack, but I want to make sure that the Florida folks are comfortable with that. We certainly don't want anything that doesn't reflect what is actually going on, but I think we have to temper our consideration of that by asking regarding the first set of numbers, are they in fact reflecting reality, and my understanding is that those are the ones that should have given us more concern than the ones that are before us today. Charlie.

MR. PHILLIPS: Okay, I'm trying to get the timeline clear here. We're going to be dealing with new allocations when we get the MRIP numbers in, I presume, because they're probably not going to show the current allocations, so aren't we going to go back and do this allocation stuff, anyway, when those numbers come in?

DR. CRABTREE: Well, I don't know and that will be up to you. What I expect we will get early next year will be revised catch estimates that go back to 2004 and no further back at that point. How different they may be, I don't know. If they're not much different from the MRFSS numbers, then you may not want to.

If there are species that they are different, then, yes, I would think you might have a case for relooking at those, but I don't have any way of prejudging where they're going to go. There were statements that have been made and there was a view that the numbers were unilaterally and much lower across the board, and that's not case to the best of my knowledge.

There were some estimates that were circulated that did show catches were lower, but there was an error in the computer code. What is happening with MRIP now is they've convened a panel of experts to go through line by line and review all of the code to make sure everything is correct, and that is what is going on.

I don't think we can prejudge what it's going to show; but if there are species for which the estimates are quite a bit different, then it is going to make it a little difficult for us because you're

going to have some – you're going to either have to correct those old landings somehow or change the time series, and so we may have to look at that.

We also may have to go to the SSC and rethink the ABCs for some of those; because obviously if MRIP shows the catches are higher than we thought they were, we're going to hit the ACLs, and we'd have a basis I think potentially to raise some of the ACLs. The opposite may be true as well. I think we're just going to have to look at the numbers when we get them and work with the SSC and figure out where to go from there.

MR. PHILLIPS: Well, I guess my point is hopefully this spring we're going to have new numbers and by this spring we can easily redo the numbers again for Boyles' Law up through 2010, and it's probably a fair likelihood – I'll use that phrase as lack of a better one – that this is going to be redone again, so the argument do we want to do it now and be on time or do we want to wait four months and try to do everything right and make it right the first time.

DR. CRABTREE: Well, it's not a matter of waiting four months. The entire document would have to be rewritten and re-analyzed, so we would be waiting probably almost a year to get it done. We can't do that, guys. Whether we like it or not, congress has given us timelines and we've got to do the best we can to meet those. I think, Charlie, it's probably a pretty good bet that we're going to have to come in and make some changes and revisit some of these things next year, but I don't think waiting is an option. We need to move forward on this.

MR. TEEHAN: Well, I share the same concerns and we had this discussion at the Gulf Council about the fact that some of these numbers may change, they may change drastically, they may not change all that drastically. However, we discussed the rationale behind doing what Charlie is suggesting is holding off on finalizing this document.

The assurances that we got at the Gulf Council was that when the new numbers come in and that any corrections need to be made, they would go through the council and go through the SSC and it would all be a very public process. I understand your need to get things done on a timeline, but as we all know the timelines work and sometimes they don't. This seems to be on a fast track for some reason, and I would wonder why the powers that be can't say, well, new numbers are coming out shortly and let's just hold off and do it right and do it as one unit as opposed to coming back and correcting things as we get new numbers.

MS. SMIT-BRUNELLO: Well, just to that point, Bill, the powers that be is congress and they would have to come in and amend the Act and change the dates by which they said these had to be completed, so it's a little more than NMFS Headquarters saying, yes, go ahead and miss the deadline, don't do what congress said and we'll just wait for the numbers. I understand what you're saying, but unfortunately there is a deadline in here.

MR. TEEHAN: And I understand that, also. I'm speaking in the fantasy world of Walgreen's commercials, but the MRIP had a timeline, too, and we haven't seen that yet, so I'm just saying that timelines seem to be able to get stretched when they need to be.

DR. CRABTREE: But the MRIP timeline was met. The court has rendered a decision on that and determined that the agency did meet all of the MRIP timelines, so that was done. We've got

an ACL timeline and we need to meet that. We all know there is no such thing as getting it right and getting the right numbers. This whole process is about new information and revising them in, and that's what we're going to do here.

Once we get MRIP numbers back to 2004, that's not the end of the game because the plan is to come back in and re-estimate the numbers back to 1995, I believe, and that may make differences, too. This isn't something that is just going to end. There may be further improvements and adjustments to these estimates down the road. It's like stock assessments; we get them periodically and we amend things as we need, and this instance is really no different.

MR. PHILLIPS: I understand all that and I sympathize with trying to do stuff on time. I think we stand to cause a lot of damage, for lack of a better term, with the public of doing something; and as soon as we get through doing it, within four months or six months we're redoing it, and we know we're going to go in there more than likely and have to redo it.

I don't think we're really doing the public a service. I respect congress giving us the deadline; but if we're doing our best to do the best job we can with the best science we can get that we're still waiting on them to give us, I don't understand how they can come down on us for trying to do our job that they told us to do if we're looking at four months, six months or worse case scenario a year. We've got a lot of work to do. I'm like you; I'd like to put this behind us. I have issues with just using landings and some stuff, but I don't understand how we can really be backing up by not taking a little extra time and covering a lot of these bases we know we've got to cover.

DR. CRABTREE: Look, if we miss this deadline significantly we are in significant risk of litigation and we will lose and these fisheries potentially get shut down, period. This is a big-time – I have not seen a deadline in federal fisheries management that was being taken as seriously as these deadlines are. We don't want to take the risk of missing this.

The notion that we are going to wait a year, that won't happen. Now, I can't tell you when we're going to get the MRIP numbers. I thought we were going to get the MRIP numbers in May, and we're now in September and they're not there. I strongly urge you we need to finish with this and take action on this today and then we'll correct it as best we can when we do get the new numbers.

DR. DUVAL: Roy, I just wanted to clarify I know that Louis had spoken of some preliminary estimates that he had seen at the last meeting, and he just wanted me pass along that he did indeed have conversation with Gordon about the glitch in the code that was found.

MR. CURRIN: Since it has come up, I just want to make everybody is clear. I made some what might have been interpreted as disparaging remarks about MRIP yesterday, and they were, but I want to make sure that everyone is clear as to exactly what I was disparaging, and that was the arrival time of MRIP.

I want it clear on the record that I'm excited about the new estimation, the new framework and the new sampling frame of MRIP. It's going to help us out a lot, and I'm a big fan. I just want

that clear. I'm not a big fan of their meeting or not meeting the deadlines and the like and for us to try to plan around when we expect to receive those numbers. Monica.

MS. SMIT-BRUNELLO: Well, I think Roy made some good points about the litigation risks and I absolutely agree with those. I would rather we keep the council in charge of the ACLs instead of a judge who we've seen in a number of situations – you know, the courts could interpret things the way the courts want to interpret, so I would rather keep this in your hands; and if you want to then change these allocations, then you develop an amendment to change them and we try to keep the litigation risk at a minimum at least.

MR. CURRIN: And, Charlie, I'm sure a number of people around the table – and I'm one of them – that share some of Ben's concerns. I'm not so worried about trying to get the most recent year's data in especially at this point. We're always under that gun. It takes us over a year to get things done and we've got a new data set.

By the time we finish, we'd be in that do-loop every year. The issue with those very short three-year timeframe of setting those allocations, I'm all about taking another look at that and considering taking a longer timeframe to represent the more recent catches, but that's not something we're going to do right now either, but we will do that in future.

Whether it's in one fell swoop as you suggest it might be, if I had to guess it's likely to be as we move forward with amendments addressing things coming out of SEDAR. Otherwise, we're just stymied and being the eight ball again. What I would suggest, then, is Michelle brought up one issue with blueline tilefish and I agree, I think we need to have some discussion and consider perhaps some changes there.

The other ones that Myra noted with big changes – I don't know about mutton snapper, I'm kind of thinking that's a South Florida thing that's probably taken care of, but greater amberjack and lesser amberjack are two other species that I think it would behoove the committee to take a look at and see if you wanted to adjust those.

Those changed the most, nearly 10 percent or more as far as an allocation shift. If you want to, let's go ahead and start with blueline tilefish and then we'll move on to other two species. If there are others that folks on the committee think we need to look at, then we can do so, but those are some that occurred to me that we really should give some serious thought to the changes that were a result of these new calculations. Blueline, Michelle, do you want to kick that off?

DR. DUVAL: I'm looking at Attachment 2A, the Comprehensive ACL Amendment, dated September 5, 2011, and I guess I'm at PDF Page 106 where I'm looking at the different alternatives for specifying allocations.

What I was going to propose was to make a motion for blueline tilefish that we adopt Alternative 4, which is to specify allocations for species that do not currently have allocations between two sectors, commercial and recreational, using average landings from 1986-2008.

The commercial and recreational ACL specified for 2011 would remain in effect beyond 2011 until modified. If you go to the next page, which is PDF Page 7, that would result in a commercial and recreational allocation split of 73.25 percent commercial and 26.75 percent recreational.

And just a little rationale for proposing that particular alternative, I think because it does take in the entire historic time series for both the commercial and the recreational sectors, so if that spike that we're seeing in recent years for the recreational landings is reality, I guess – you know, we are including that in this particular alternative.

MR. CURRIN: And that's a motion by Michelle; second by Tom Burgess. Discussion? Roy.

DR. CRABTREE: So where that would have us, then, would be Alternative 2 is our current preferred, and that would be for all species except blueline tile, and then Alternative 4 would be the preferred for blueline tilefish; right?

MR. CURRIN: I believe that's the motion. Duane.

MR. HARRIS: Mr. Chairman, I'm looking at the graph for blueline tilefish in the document that we were talking about earlier, and there was a spike in both the commercial and the recreational landings, so it wasn't just a recreational spike. I guess I'm somewhat confused as to why we still are not considering the Boyles' Law for this one, so just a little bit of discussion about that would help me.

MR. BOYLES: Mr. Chairman, I would not support the motion, and it hinges purely on the standpoint that we have plowed a lot of ground with respect to allocation. I understand the data problem that we've got. I understand the fact that we're going to have better information shortly. I understand what this change on average versus total does, but at the end of the day we have made in essence a policy decision on our allocations, and so are we going to hold this one out as the notable exception? For that reason I would not support the motion.

MR. CURRIN: Other comments by the committee? All right, are you ready to vote? Everybody understand the motion? Okay, the motion is to adopt Alternative 4 for sector allocations for blueline tilefish. **All in favor of the motion raise your hand – I see three; the chair would vote in the affirmative as well – all opposed, six opposed. The motion is defeated,** I believe, six/four; is that correct?

All right, in view of that motion and vote, is it worthwhile for the committee to consider similar sort of approaches to adjust the changes that were reflected in lesser and greater amberjack? Have you got something else to add to that, Myra?

MS. BROUWER: Yes, I would like to clarify with greater amberjack there were a couple of other issues. For greater amberjack, initially the Science Center had proposed using landings from SEDAR 15 as opposed to the entire landings contained in the ACL data base. There are at least three different sets of allocations that result from applying the various data sets.

Currently the Southeast Fisheries Science Center is recommending an allocation of 41 commercial and 59 recreational, and this is based on using the commercial data from the assessment and the recreational data from the ACL data set, I believe. If you want to follow along, this is Issue 3 in your Attachment 2C, and it also explains how the allocations were calculated for jacks.

Initially for the jacks there were some species identification issues early on in the time series. If you go to Page 6, I'm just going to go ahead and read this into the record so I don't get myself all confused, mainly, so for greater amberjack the recommendation is – well, when you use commercial data from the assessment and recreational data from the ACL data set, that results in an allocation of 43 percent commercial and 57 percent recreational.

If you use the ACL data set for both sectors for years after 1992, then the allocations for greater amberjack are 40 percent commercial and 60 percent recreational. If you use the data only from the assessment, which go from 1986-2006, so you have to fill in the last two years to achieve the same time series and you do that using the ACL data base, then the allocations change to 41 percent commercial and 59 percent recreational, and that is the latest recommendation that we have received from the Southeast Fisheries Science Center.

MR. CURRIN: Everybody understand that? If you don't, I want to make sure you're clear on it. It makes a few percentage difference but that's the recommendation that we have received from the Science Center as the best way to handle this. Jack.

DR. McGOVERN: I think you just said the Science Center said to recommend the SEDAR data set, the commercial and recreational.

DR. PONWITH: And just for clarification, it's a recommendation based on what data set is the most sound in terms of dealing with the Monroe County Line and dealing with the allocation of the unidentified or mixed species, so it has nothing to do with the recommendation on allocation policy.

MR. CURRIN: Correct, understood, so that's the most sound data set as recommended by the Science Center. All right, everybody comfortable with where we are or as comfortable as you're going to get? Any desire by the committee to address any of the other individual allocations or changes that occurred as a result of the corrections in the Comprehensive ACL Amendment? Are there other issues, Myra, that we need to be concerned with regarding the Comprehensive ACL Amendment?

MS. BROUWER: Not that I'm aware of; these are the three issues that were brought to our attention and have been addressed.

MR. CURRIN: Then I think it would be appropriate to get a motion to recommend that the council approve the Comprehensive ACL Amendment for the secretary. Robert.

MR. BOYLES: So move, Mr. Chairman.

DR. CRABTREE: Second.

MR. CURRIN: Motion by Robert; second by Roy. Discussion on that motion? Michelle.

DR. DUVAL: I realize that I haven't been here for all of this. I know there has been a lot of committee time and staff time and effort, and I'm sure it has been equivalent to giving birth to a very large baby without any kind of anesthesia whatsoever. I did want to say a couple of things. With regard to dolphin and wahoo and the allocation there, that's actually a piece of ancient history that I was around for.

By my interpretation and my attendance at those meetings, I think it was very clear that the intent of the FMP was only to revisit that allocation if the commercial landings were going to go over that 1.5 million cap. To my knowledge that has not happened so I have to just register a protest in that regard.

Then in terms of wreckfish, I know that the committee has sent this back multiple times to the SSC and that their hands are pretty much tied by their own ABC Control Rule. This is a species for which we don't have an assessment, it may be that the ACL does need to be reduced but an order of magnitude with no assessment to back it up for no apparent biological reason, it seems that there are other data-poor techniques that could be brought to bear that we could look to other places that have done this.

I would hope that the council would consider this in the future. Unfortunately, it's drastic changes like this that impair our integrity with the fishing community that I probably have negative impacts on some of the things that the Science Center is trying to do to improve some of the data streams and issues like that. I just wanted to register that on the record. I know you guys have all hashed this before, and I apologize for getting on a soap box. Thanks.

MR. CURRIN: You don't have to apologize. Any further discussion? Charlie.

MR. PHILLIPS: I guess it's pretty well known my problem with just using landings, so I won't go into that. The wreckfish, I agree with Michelle, and I talked to John Carmichael, I've talked to whoever, and we've got two or three fishermen fishing an area probably the size of Texas. I don't any way, shape or form that what they're catching can match somebody in common sense thinking they're overfishing that. We need to fix that kind of stuff somehow.

I know we have been struggling trying very hard to fix it, but it's just wrong. We haven't got it yet and somehow we need to give some direction to the SSC to consider the size of the area. We've got golden crab that are close to four times what the landings are. True, it's a short-lived species; true, it's a developing fishery.

We're not using landings there and there are a lot of similarities. They're both deepwater; they both cover a ton of territory and there are very, very few participants in either fishery. We need to see if we can figure out some way to fix wreckfish; and even with the steps we've taken, we're not going to get there. I don't see us getting there. Wreckfish is going wreck us.

MR. CURRIN: Any other comments or discussion? **All favor of the motion please raise your hand; all opposed. I see four opposed. The motion carries.** David made the note that perhaps the motion should the word “amendment” after “ACL”. Okay, thank you very much. Our next agenda item is the status of Regulatory Amendment 11 that removes the deepwater closure. Jack, are you going to handle that?

DR. McGOVERN: Regulatory Amendment 11 was approved in August. This is the amendment that eliminates the 240 closure for the 64 species that was approved in Amendment 17B. We’re waiting for the council to submit that and hopefully that will be soon. We’re working on a proposed rule package, and we’ll process that when we get Regulatory Amendment 11.

MR. CURRIN: Any response from the council? Gregg.

MR. WAUGH: Yes, in going through and doing our review, David has looked at it. David found some corrections that needed to be made. When I went through it, I found some more and we’re going through and making those corrections. We anticipate having it submitted fairly quickly.

DR. CRABTREE: Michelle, with the EFP that was issued to North Carolina; do you have any notion as to how many trips have been made?

DR. DUVAL: Yes, I there has been a total of 41 trips. We’ve observed eight, so we’re required to do 20 percent; I think that’s 19 percent. To my knowledge there has been no – I know the concern was about speckled hind and Warsaw grouper – there has been neither of those species that have been observed on any of the trips; mostly some conger eels that have come in, a few sharks here and there, but it really has been a very clean fishery.

DR. CRABTREE: Good; thank you.

MR. CURRIN: Yes, thank you for asking that, Roy. That’s what I had heard but it’s nice for everybody to be aware. Okay, anything else on Regulatory Amendment 11? All right, we want on to Amendment 24, red grouper, Attachment 3A through D. I’ll turn it over to Myra to summarize the public hearing comments or Gregg.

MR. WAUGH: We held some public hearings; two, one in North Carolina and one in Charleston, and then the hurricane showed up so we postponed the others. I’ll show you the schedule that we’re looking at in a few minutes. We had one comment in North Carolina. These public hearing comments; the minutes are included along with the letters in Attachment 3A.

Given the timing here, I won’t go through those individually, but we did receive three letters; one from Directed Sustainable Fisheries, a letter; and then two e-mails from Mr. Olmstead and Mr. Ser, and those are included in Attachment 3A. What we have distributed you should have via e-mail just a little while ago is the decision document.

I apologize for you getting this so late. We've had to make some modifications to the numbers and this is part of the interest in getting a table of landings data and the SEDAR assessment. We frankly took three attempts to get the numbers pulled out in the same units, such that we had a table that we could work off of. The amendment document has ACL data.

The public hearing summary that we used, we pulled information from the SEDAR stock assessment. We inadvertently used commercial gutted weight and the MRFSS information is in whole weight, so the allocations that are shown in the public hearing summary document are incorrect. We do have the correct numbers now in this decision document, and we will run through those.

As we're going through this, if you have questions as we're explaining this and as we're going through, please stop me and we'll handle those. Then we will come to the areas where we need you to provide additional guidance. Just as a little review of the SEDAR stock assessment, red grouper was completed in 2010 with data through 2008.

It showed we're overfished and undergoing overfishing. If you look at the overfishing ratio, the fishing mortality rate in 2008 versus Fmsy, we're at about 1.35 so showing quite a bit of overfishing. The overfished ratio is 0.92 so we're slightly below our minimum stock size threshold. We're required to put in a rebuilding program. In terms of other management, on July 29, 2009, Amendment 16 came on line that included a four-month spawning season closure. It also reduced the aggregate bag limit; and you'll see later when we look at catches, that has a significant effect on red grouper catches.

As you'll see when we talk about regulations, we don't anticipate a need and there are none in here of changing regulations, but we do expect to have a commercial closure of the quota. The goals and proposed actions in the amendment deal with modifying the maximum sustainable yield, the minimum stock size threshold, and we are converting those to a preferred alternative that would have those values be determined by the latest SEDAR/SSC process, so these won't be action items in the future.

We're dealing with a rebuilding schedule, the rebuilding strategy and ABC levels, allocations, ACLs and optimum yield and then accountability measures for both sectors. In terms of timing, again as I said, we held two public hearings. They have been rescheduled. The September hearings were postponed in Florida and we have rescheduled for November. The last one we're going to do during the December council meeting in North Carolina.

The anticipated timeline would be then to review comments, final review and approve for formal review at the December meeting and we send to the Secretary of Commerce right after the December meeting so that we give NMFS adequate time to meet the June statutory deadline to get this rebuilding program in place and end overfishing. We do have an issue of this is currently expected to be a DEIS, and so that is going to raise some concerns as to whether we can get that comment period completed prior to the December meeting.

DR. CRABTREE: We've had a number of discussions, and I'm fairly confident that this can be an EA rather than an EIS because it doesn't contain any management measures. Most of the

things that are going to have significant biological impact were actually implemented in Amendment 16. I think we'll be able to deal with that, Gregg.

MR. WAUGH: Okay, that was the only stumbling block that we could identify. We do have quite a bit of analyses to be done on this and particularly the folks at the Center who run some of the modeling have a lot of demands due to the ACL recalculations. There are going to be some issues in meeting this timeline, but we feel we can do that.

We move to Action 1, redefining the maximum sustainable yield, currently no action, Alternative 1, the maximum sustainable yield equal to yield produced by the fishing mortality rate that would yield MSY. F 30 percent was used as that proxy and the F 30 percent SPR value is 0.178 but no numerical estimate of the maximum sustainable yield.

Your current preferred is Alternative 2, the maximum sustainable yield equals the yield produced by Fmsy or the Fmsy proxy. The maximum sustainable yield equals the yield produced by Fmsy or the proxy MSY and Fmsy recommended by the most recent SEDAR/SSC process. This won't be an action item in the future. F 30 percent SPR, that value is 0.221 from the latest assessment, and the estimate of the maximum sustainable yield is 1,110,000 pounds whole weight.

There are no recommendations for changes here. Okay, hearing no questions, we will move on. Then Action 2 is to redefine the minimum stock size threshold. Again, as we go along you can see the public hearing summary gives you some of the page numbers. That would be useful to look at a summary of the impacts, but again some of those numbers are incorrect. Alternative 1, no action; we use our formula the minimum stock size threshold equals the spawning stock biomass at MSY times one minus M or the natural mortality rate or 0.5, whichever is greater.

The natural mortality rate is 0.14. The minimum stock size threshold is 4.9 million pounds whole weight. Alternative 2 would set the minimum stock size threshold equal to 50 percent of the spawning stock biomass at MSY. That value would be approximately 2.9 million pounds. Your current Preferred Alternative 3, minimum stock size threshold equals 75 percent of the spawning stock biomass at MSY. That value is 4,285,742 pounds.

Alternative 4 is 85 percent of the spawning stock biomass at MSY. That value is 4.9 million pounds. Alternative 5 would specify the minimum stock size threshold at which rebuilding to the maximum sustainable yield level would be expected to occur within in ten years at that fishing mortality level. There are no recommendations here for any changes.

MR. CURRIN: Any questions or comments on this action? I see none.

MR. WAUGH: Action 3 deals with establishing a rebuilding schedule. The no action alternative is there currently is not a rebuilding plan in place. One had been specified through Amendment 4 with the regulations effective January 1992. That implemented a 15-year rebuilding plan beginning in 1991. That expired in 2006.

Alternative 2 would define a rebuilding schedule as the shortest possible period to rebuild in the absence of fishing mortality. That would be three years with the rebuilding time period ending

in 2013. 2011 is Year One in all of these alternatives. Alternatives 3 and 4, we're going to present some suggested changes.

Alternative 3 is worded now to define a rebuilding schedule as the midpoint between the shortest possible and maximum recommended period, and that would equal seven years. When you all were discussing this, the actual midpoint is 6.5 and you had rounded it off to seven, and then it was calculated on seven years.

Alternative 4 is the same but would be based on eight years. Your current preferred is Alternative 5, which defines a rebuilding schedule as the maximum period allowed to rebuild, which is called T_{max}. This would equal ten years with the rebuilding time period ending in 2020. Again 2011 is Year One.

Our suggestion is to reword Alternatives 3 and 4 and clarify that Alternative 3 is to define a rebuilding schedule intermediate between the shortest possible and maximum. It just makes it more correct. If someone looks to see what the midpoint is, they'll calculate to see that it isn't seven, so this just clarifies that. Alternative 4 removes the wording talking about a midpoint because even more so eight is not the midpoint, so it just says a rebuilding schedule of eight years.

MR. CURRIN: Everyone is comfortable with that? Is direction to staff okay, Gregg, or would you like to have a motion?

MR. WAUGH: That's okay for some of these items. Where I think we deal with allocations and so forth, we'll need a motion.

MR. CURRIN: Okay, is everyone comfortable with the suggested wording changes there, just for clarity? All right, I see no indication that anybody has got a problem.

MR. WAUGH: Okay, Action 4 is to establish a rebuilding strategy and ABC levels. Alternative 1, no action, do not specify a rebuilding strategy. Right now we have OY specified as the fishing mortality rate at 45 percent SPR, and that rate is 0.1055. Alternative 2 would define a rebuilding strategy for red grouper that sets ABC equal to the yield at F rebuild.

We've got several alternatives in here with F rebuild and we're defining those and clarifying how those are worded later on to make sure that there is no confusion here. F rebuild is the fishing mortality rate that would have a 70 percent probability of rebuilding success to SSB_{msy} and T_{max} which is ten years for red grouper. Under this strategy the fishery would have at least a 50 percent of rebuilding to SSB_{msy} by 2017 and a 70 percent chance of rebuilding to the SSB_{msy} by 2020. The F_{0.181} would equal 0.181.

Alternative 3 is your preferred and that is to define a rebuilding strategy for red grouper that sets ABC equal to the yield at 75 percent of F_{msy}. Under this strategy the fishery would have at least a 50 percent chance of rebuilding to SSB_{msy} by 2016 and an 81 percent chance of rebuilding to SSB_{msy} by 2020. That F_{0.166} is equal to 0.166.

Alternative 4 is the same except using 65 percent of Fmsy and that has a 50 percent chance of rebuilding to SSBmsy by 2016 and a 92 percent chance by 2020. That OY value would be 0.144. Alternative 5 is setting the rebuild specifying that is a fishing mortality rate that would have 70 percent probability of rebuilding success to SSB in seven years. That would have a 48 percent chance of rebuilding to SSBmsy by 2015 and 70 percent chance by 2017. That OY is 0.157.

Alternative 6, which is the final alternative, is F rebuild is a fishing mortality rate that would have a 70 percent probability of rebuilding success to SSBmsy in eight years. Under this strategy the fishery would have at least a 54 percent chance of rebuilding to SSBmsy by 2016 and 70 percent chance by 2018. That Foy value would be 0.168.

In terms of recommendations here – and this table shows you what your values are. Again, Year One in the rebuilding program is 2011. We're setting our values 2012 on because that when the amendment would take place, but we just want to make sure and clarify that the rebuilding period based on the assessment began with the 2011 year with an ABC of 573,000 pounds whole weight. When we get to applying the AMs, as you'll see we'll be comparing the 2011 landings to this ACL for 2011. We will get estimates of the 2011 landings and have those added to the document.

MR. CURRIN: Everyone understand and is everyone comfortable with the way this is going to play out? 2011 is the first year; we've got an ACL set for that; accountability measures will apply, so we're going to track the quota. As soon as this amendment is in effect, those will be applied.

MR. WAUGH: Okay, next Action 5 specifying the sector allocations; Alternative 1, no action, is don't set the sector allocations. There are none in place now. Your preferred is Alternative 2 is to specify allocations for the commercial and recreational sectors based on criteria outlined in one of the following options.

I've got a table in a minute that compares these values, but these values are incorrect. They were calculated – I'll show you in a moment which ones were used. Subalternative 2E is your preferred to establish using what is referred to as Boyles' Law, 50 percent of catch history from 1991-2008 plus 50 percent of the catch history from 2006-2008.

Alternative 3 splits the allocations based into three sectors and the alternatives are basically the same. In terms of recommendations, first we're requesting the council clarify that their intent was to use average landings in applying Boyles' Law. In the amendment itself now those are based on using totals and using the ACL data base. Those are the allocations.

The public hearing summary that is included in the briefing book, that's where we used the recreational whole weight but inadvertently used commercial gutted weight, so those are incorrect. And then finally, allocations using – and this was using the assessment data base, and we've got a table in there. We felt it was important for the public and for you all to look at the landings as you deal with these allocations.

The third column is using the assessment data base and using the recreational and commercial – sorry, that should be in whole weight. They’re both in whole weight and that is corrected in the decision document here, so these are the new percentages. Your preferred is 2E, and so the commercial would be 44 percent and the recreational 56 percent, which is just 1 percentage point difference from what is in the Amendment 24 document, but it’s 4 percentage points different from what was in the public hearing summary.

MR. CURRIN: All right, comments. Michelle.

DR. DUVAL: I’m just curious, so the preferred subalternative is based on 50 percent of catch history from 1991-2008 and 50 percent of catch history from 2006-2008? Why 1991 and why not 1986-2008 as per Boyles’ Law?

MR. CURRIN: I think I know the answer to that and I’ll try, but somebody correct me if I’m wrong. It was carried over inadvertently, Michelle, from black grouper allocations which were established during that timeframe because of concerns about identification prior to 1991. That’s a reason and it’s not a rationale. In reality I think it probably should reflect the entire time series from 1986-2008. I’m not sure that there is an alternative currently in the document; is there? 2A applied Boyles’ Law to the entire timeframe?

DR. DUVAL: It looks like just 1986-2008. It doesn’t use the 50 percent 1986-2008 and 50 percent 2006-2008. I’m just looking at the public hearing summary of Subalternative 2A.

MR. CURRIN: Yes, if you want to get a feel for what that would look like, I think you can look at that long time series and the short time series, which should also be an alternative, and it will be just about halfway in between it. Jack.

DR. McGOVERN: Gregg may have looked at this but Rick tells me if you go back to 1986 and you use Boyles’ Law that the commercial and recreational percentages are the same as if you start in 1991.

MR. CURRIN: Okay, I appreciate you guys doing that; you’re ahead of us. Everyone comfortable then with where we are? We currently have a preferred that based on the corrections and the new calculations our commercial allocation is 44 percent with a recreational allocation of 56. Gregg.

MR. WAUGH: But if it’s your intent that what you want is your preferred to be using Boyles’ Law at 50 percent of catch history from 1986-2008, then you would need to change your alternative. Certainly, you could leave it here just because the math works out, but if your intent is to use the whole time series then it seems to me you want to –

MR. CURRIN: Add an alternative is what that would require. I’m kind of all about efficiency personally and since the numbers are a wash at this point I would be content to leave it. However, I would want to make sure that in the future that with respect to red grouper, when allocations are considered, that it not be restricted to some shortened timeframe for rationale that is based in another species. If you want to change, it, though, that’s fine with me as well.

DR. DUVAL: And so just to be clear as per what Jack said, if we were to change in the current Subalternative 2E, which is preferred, if we were to change that 1991 to 1986 to be consistent with Boyles' Law, that would not change the numbers that Gregg just showed us in the table that is correct?

MR. CURRIN: That's what I understood, that based on the calculations Rick made, they're exactly the same, Rick, 44 percent and 56 percent?

MR. DeVICTOR: Yes, and I took Gregg's spreadsheet that he sent around so that you all could check that out.

MR. CURRIN: No, we trust, thank you. I trust you, anyway. All right, what is the committee's pleasure? It may make it more clear to the public as we go through that there is no hanky-panky going on here. I think if you want to do that, then perhaps the best way to proceed is a motion to modify the current Preferred Alternative 2E to reflect that longer time series. Michelle.

DR. DUVAL: And I will make that motion, Mr. Chairman, to modify our current Preferred Subalternative 2E to include the full 1986-2006 time series to be consistent with Boyles' Law.

MR. CURRIN: Just clarification on that, Michelle, I think it's through 2008 instead of 2006. Motion by Michelle and second by Robert Boyles. Discussion on the motion?

All right, the motion is, before we vote, to modify our preferred Subalternative 2E to use Boyles' Law for the 1986-2008 time series. Is there any objection to that motion? I see none and that motion is approved. David.

MR. CUPKA: Mr. Chairman, I'd like to make a motion that we move Alternative 3 to the considered but eliminated from detailed consideration appendix.

MR. CURRIN: That's a new one. Motion by David; second by Charlie. The motion is to move Alternative 3 to the considered but eliminated from detailed consideration appendix. Discussion on that motion? **Any objection to that motion? I see none; that motion is approved.**

MR. WAUGH: And we assume it is your intent here that the table that we're using and the spreadsheet that you all have is all based on the SEDAR data, so I think your intent there is clear. We have addressed the issue of the time period. Again, just so everybody is clear we've got the explanation here of the formula that we use for Boyles' Law. You have a spreadsheet and we'll be glad to work with you one on one so you see how that works so that you can look at these different alternatives.

MS. SMIT-BRUNELLO: If I missed it, I apologize but could you discuss on the record a little bit why you're moving Alternative 3 to the considered but rejected appendix.

MR. CUPKA: We had decided earlier that we weren't going to break the recreational allocation down further into private and charterboat so there is no sense in doing the analysis for that. That's the reason.

DR. CRABTREE: Yes, and that has become a hugely controversial issue of what has become known as sector separation in the Gulf of Mexico. It is a huge can of worms for whatever reason.

MR. CURRIN: We knew that, maybe. All right, Gregg, on to Action 6.

MR. WAUGH: Yes, I think that's it for Action 5 so we move on to Action 6. This gets into specifying the annual catch limits and optimum yield. The no action alternative is individual ACL is currently not in place for red grouper. We've got the aggregate black grouper, red grouper and gag ACLs in place.

Alternative 2 is your preferred, just set the annual catch limit equal to the optimum yield equal to ABC; specify commercial and recreational ACLs for red grouper for 2012, 2013 and 2014 and beyond as indicated in the tables. The ACL for 2014 remains in effect until modified. We will come back to this. The ACLs will not increase in a subsequent year if present year projected catches exceeded the ACL.

Alternative 3 is the same except we're using 90 percent of the ABC, stepping down a little bit. Alternative 4 is 80 percent. Then Alternatives 5 and 6 deal with we're specifying an individual red grouper ACL. We have one for gag and we're putting one for black grouper, so we need to eliminate these aggregate ACLs.

Alternative 5 eliminates the commercial sector aggregate ACL and Alternative 6 eliminates the recreational sector aggregate ACL and eliminates the AMs in both cases associated with those aggregate ACLs. In terms of recommendations we're requesting the council verify the new Tables 1-S-2 and S-3 use the correct allocations.

Had you changed your allocation, we would have to go in and change these values. They're based on your allocation. Those are the new numbers and you can see how those change each year. Second, we suggest the references to a table be removed from the wording of the alternatives by deleting "and beyond as indicated in the tables below". The issue here is whichever section in the document the wording of these alternatives occurs, then you'd have to change the table number.

We've tried to get away from putting table reference numbers in the wording of the alternatives. What we are suggesting is by doing that, then we will show what these values are. In 2011 those values are going to be there. We will show you in a few minutes how we will use those, but then in 2012 the ACLs, we've got a total ACL, commercial sector ACL and a recreational sector ACL, and those are the values that would increase each year.

And then finally verifying that is the council's intent that the ACLs will increase in 2013 and 2014 as long as the quota-monitoring programs work well enough to prevent commercial or

recreational overages. The way you've got this worded now, if there are overages the ACL will not increase.

This means that should either the recreational or commercial sector exceed their ACL, then the proposed increase will not take place – so a couple of issues for you to discuss and give us your guidance. The preferred accountability measures or AMs concerning overage for both sectors are to reduce the following year sector's ACL by the sector overage; so if one sector goes over, they're reduced the following year.

Since these are the preferred alternatives, is it also necessary for the rebuilding program to not allow the increases in the ACL if there are overages? If we go over because we're not tracking the quotas closely enough, then the fishing sectors pay twice. They pay because they get a lower ACL the following year because the overage is deducted and then the total ACL is reduced – or the total ACL doesn't increase the way it's projected to.

And then, finally, just clarifying your intent by specifying total and sector overages in ACL in the alternative language. We will be discussing this in black sea bass. We did this in mackerel to where if one sector goes over but the total ACL is not exceeded we don't make an adjustment, if that's something you want to consider here.

DR. CRABTREE: Yes, I think it should be if the total ACL is exceeded, then it doesn't increase next year and also this just means it doesn't automatically increase. You could presumably, if you went over the total ACL by a very small amount, go back to the SSC and ask them to look at it and give you an okay on raising the ABC the next year and then you could do a framework action potentially and increase it that way, but I think it should be the total ACL.

MR. CURRIN: Other thoughts on that issue or the previous one. Actually Roy touched on both of them. To me the issue of whether you increase the ACL or not should be dependent not on whether you go over that year's ACL but whether you went over as much as the increase in the following year.

It would make sense to me that let's just say, for example, the ACL the first year was 200,000 pounds and was projected to be 250,000 pounds the next year. If you went over 30,000 pounds, I don't think that should preclude you from raising the ACL to 250 the next year. However, if you went over 55,000 pounds, then that's a different animal. I don't know; that has problems as well. Then you don't raise it and then you subtracted 55 from 200 rather 250 or I guess you could subtract it from 250, anyway, and reduce it down to 245. What is your pleasure? Does that make sense, the rationale I just laid out, as a reasonable approach? Tom.

MR. BURGESS: Just a question; if the total ACL is gone over there will be no increases the following year. Now, is that exclusive to who goes over or is that just for everybody? I might be reading this wrong. Say, the commercial doesn't go over but the recreational does?

DR. CRABTREE: Well, if the total ACL is exceeded, then it won't automatically increase the TAC the next year. The council would have to go back to the SSC, ask them to look at what

happened, give a recommendation; and then depending on what that recommendation was, the council may or may not be able to raise it the next year.

It's just that if the total ACL is exceeded, regardless of which sector does it, there is no automatic hardwired-in TAC increase. There would have to be a review first. So if we went over by one pound, it wouldn't automatically go up, but I would guess that the SSC would say don't worry about and give us the okay. If we go over by millions of pounds, I'm guessing they would say you need to revamp the whole shebang; I don't know. Does that explain it?

MR. BURGESS: Yes, it does, it explains it. I guess I have concerns about the timeliness of the review; and if the commercial sector does not go over and the recreational does, by holding the commercial sector accountable for another sector's overages, I have some issues with that.

DR. CRABTREE: Well, the other way we can go is we can do yearend specifications and not hardwire any TAC increases into anything, and then we can review what happened, do frameworks and build them in, but I just don't see how we can automatically wire in TAC increases that are predicated on not exceeding the total amount. I just don't see how we can hardwire them in. I just don't know how else we can do it and justify it.

MR. CURRIN: John Carmichael to that point.

MR. CARMICHAEL: I guess one thing that raises a concern regarding the SSC is it sounds like the responsibility would fall to the SSC to judge whether or not an overage is significant; and it would seem like if you have an overage, you either have an accountability for being over the overage or you don't. I think the SSC would say if the estimates are over, then you're over, so you do whatever accountability measure is required. I think it might be hard for them to look at one year and try to judge it.

DR. CRABTREE: We're not talking about accountability measures here. The accountability measures would be triggered in what happened. What we're talking about are the ABCs. The SSC has given us ABCs for multiple years, but those are based on the assumption that we stay within those ABCs for the preceding years.

If we violate that assumption, then in my view those increased ABCs aren't valid anymore and we have to go back to the SSC, ask them to look at what happened and either reconfirm the ABCs they gave us or do something different. The easier thing to do would be so you go back to the SSC, rerun the projections with the actual landings in it and get new ABCs from them. Now, that is fraught with a whole other set of difficulties. But that is where I'm coming at is the basis behind the ABCs that we have.

MR. CARMICHAEL: Yes, and I think what you said there would probably be the key to it. The Science Center can rerun the projections with the corrected landings and then they'd have something to deal with.

MR. WAUGH: To address Tom's point, this won't deal with it from a philosophical standpoint, but if you look at the practical aspects of red grouper – and this is shown in your decision

document on Page 23. This is jumping ahead but I think it will help here. The proposed 2012 recreational ACL is 362,320 pounds; so if you compare the 2010 recreational red grouper catch to that, it's about 108,000 pounds, so you're significantly below that.

We were concerned at how low these numbers were and we went back and worked with the region and they are correct. You put in substantial regulations through Amendment 16. You've got a four-month spawning season closure and the aggregate grouper bag limit was reduced to three, so it doesn't look like the recreational is going to be near their allocation.

Now, certainly, once this is implemented, then we will compare 2011 landings with that ACL value that's in for 2011, so we'll see, but, again, it's anticipated that the recreational is going to be significantly under both their ACL and their ACT. Now, if you look at the same thing on the commercial side – and this is why the council isn't considering any changes to the recreational regulations because based on current management that sector is not anticipated to exceed their ACL.

If you do the same thing on the commercial side, the proposed ACL is 284,680 pounds. The 2010 red grouper catch is above that, 327,258 pounds. In 2012 we'll compare the 2011 landings with that value for 2011, so it's anticipated that you're going to have a commercial closure. Again, we're not proposing to change any regulations, trip limits or anything, but the accountability measures will trigger a closure on the commercial side.

MS. BROUWER: I wonder if you could potentially consider the alternative that is currently under Amendment 18A for black sea bass, and I'd just like to read that into the record so that if you're not familiar with it you can think about it. The alternative reads – and this something the IPT is suggesting so you have not yet approved this – “If black sea bass is overfished and the combined commercial and recreational ACL is exceeded, the RA shall publish a notice to reduce each sector's ACL in the following season by the amount of the overage as follows:”

Subalternative 2A has “If both sectors exceed their ACL, then both sector's ACLs would be reduced by the sector overage. If only one sector's ACL is exceeded and the combined ACL is also exceeded, then that sector's ACL would be reduced by the amount of the total overage”. So that means the amount of the combined commercial and recreational ACL. That seems like that would be something that is applicable to a species like red grouper where you would require a payback since it is overfished.

MR. PHILLIPS: And to Tom's point and I'm inclined to what Myra just read seems to make sense, so whatever sector – I'd like the sectors to be a little more accountable. I think this makes them more accountable and still gives us the leeway.

MR. CURRIN: Other comments? This approach bothers me a little bit because of potential problems that may or may not occur. There is enough animosity among the sectors on a general level right now. There is more than I would like to see, certainly. I think combining these allocations to determine whether we're over the ACL every year has the potential to cause more and more. If it bounced around and one year the commercial guys were over and the

recreationals weren't and everything came out a wash, the next year the opposite occurred, that would be fine.

I fear the way this is set up, and especially looking at the case of red grouper, that if this occurs it's going to be one-sided and I think it's going to increase animosity or has that potential. That's my basic concern with letting both sectors fish on a single ACL and then only implementing the accountability measures if the total ACL is exceeded. It causes me a little heartburn, that whole approach. Other comments? Is that not clear; I'm seeing blank faces around? Tom.

MR. SWATZEL: Well, I guess based on these last pages in the decision document, it's pretty clear that there is a good probability that the commercial sector will go over their ACL; correct?

MR. WAUGH: Whether or not they go over is dependent on how well we can track their quota.

MR. SWATZEL: Well, assuming that you can, the way the numbers look that is a high probability, but on the recreational side it's pretty clear it probably won't occur, so I don't know why from a recreational standpoint you'd want to be lumped in there to have that high probability to get closed down. I agree with you, Mac.

MR. CURRIN: And there is some history here with me at least, and I'll explain to you partly where it comes from, and that's from dealing with the Mid-Atlantic Council on bluefish. The recreational community has never come close to their quota on bluefish. There is a request every year by the commercial industry for recreational bluefish quota, and it's oftentimes granted.

The commercial fishermen in North Carolina are the ones that benefit from that because the fishery occurs in the wintertime down there every year, and a lot of that catch are these great big fish that recreational fishermen don't tend to see anymore. It gives me a little heartburn based on that experience. I just feel like we're setting ourselves up for creating more animosity. Roy.

DR. CRABTREE: But the way that things are set up now, though, with our preferreds, there are separate ACLs, recreational and commercial. There are in-season closures if they're hit or projected to be hit, and there are paybacks for both sectors. Let's not confuse the TAC increase portion of it due to looking at the total ACL. That's not an accountability measure.

That's just looking at our ability to increase TACs, and that's completely different than the accountability measures. If you stay with your current preferreds in here, we'll monitor the catches as best we can and close the fisheries down when they're hit; and if they go over, then there will be a payback for that sector for the following year.

MR. PHILLIPS: And to that point, I think they're going to track the commercial stuff a lot tighter. As we get this electronic reporting in I think we're going to be a lot closer than we have been in the past. To Roy's comments, I think I could live there.

MR. CURRIN: All right, what is your pleasure here, folks, on the recommendation from staff and we'll see it again in 18A, I presume, a similar sort of thing and dealing with the combined ACL? Roy.

DR. CRABTREE: I'm not sure what the question is.

MR. CURRIN: The question is whether you want to change your approach and lump these two sector ACLs and determine – I guess is it the increases for the next year, on whether the total ACL is gone over or whether you want to deal with them on an individual basis and determine whether the individual –

DR. CRABTREE: No, the increases in subsequent years need to be based on was the total ACL exceeded, but don't confuse that with the accountability measures because that has nothing to do with your accountability measure.

MR. CURRIN: Okay, but we have individual –

DR. CRABTREE: I mean if one sector is over and the other is way under so that you didn't exceed the total combined ACLs, there is no reason in the world you wouldn't increase the TAC the next year. You've stayed within the overall bounds of the rebuilding plan. There will still be a payback for the sector that went over the next year. I think that's the proper way to handle the TAC increases, but I think we're getting confused with this and accountability measures, and they're completely separate.

MR. CURRIN: I think you're right and thank you for straightening me out on that. Tom.

MR. BURGESS: Yes, the explanation was good and I understand it better now.

MR. WAUGH: And if that's your intent; then I think here given the level of discussion we need a motion to clarify this because the way it is right now if either the recreational or commercial sector exceeds their ACL the proposed increase will not take place. Nobody made a motion or anything. I was just typing this wording up there.

DR. CRABTREE: Yes, it's not if the ACL for the following year is exceeded. It is if the total ACL for the preceding year is exceeded.

MR. CURRIN: All right, there is a suggested motion if that's the way the committee wants to handle this. **Charlie moves that the increases in 2013 and 2014 will not automatically occur if the total ACL for the preceding year is exceeded. Second by Duane. Further discussion?**

DR. DUVAL: I have to confess that I was also one of the confused people, and I think that it's this last sentence under number four that – I think where it says, "This means that should either the recreational or commercial sector exceed their ACL, the proposed increase will not take place;" if that sentence could go away, then I could understand what Roy just said about the total ACL – it's only if the total ACL is exceeded that we would need to make that consideration. I

kept reading what Gregg had there on the decision document under number four, and that is what is confusing me. Maybe I'm still confused.

MR. WAUGH: Yes, what we're doing is in Alternative 2, 3 and 4, it would modify the language because what you're saying in those – here is this last sentence – that's where it comes from – “The ACLs will not increase in a subsequent year if present year projected catch has exceeded the ACL.” What we need to do here is insert “total” in essence and that would resolve the issue.

MR. CURRIN: Further discussion on the motion? **Is there any objection to that motion? I see none; that motion is approved.**

MR. WAUGH: So the net effect of this is in Alternatives 2, 3 and 4 we will insert “total” before “ACL”.

MR. CURRIN: Everybody clear? I think I am now, even.

MR. WAUGH: That gets us up to Action 7, which to establish accountability measures for the commercial sector. The way this is worded now, no action is not specify new commercial AMs – and we will go through and make sure we accurately state what is currently in place on all our no action alternatives. We've got some done and some we still need to do a little bit of work on.

Alternative 2 is to specify individual annual catch targets for red grouper. Subalternative 2A is your preferred; do not establish commercial sector ACT. 2B is the ACT is 90 percent of the ACL. Alternative 2C is 80 percent. Your preferred accountability measures; again, this is commercial. If the ACL is met or projected to be met, all subsequent purchase and sale of red grouper is prohibited. Harvest and/or possession is limited to the bag limit.

Preferred Alternative 4 is if the ACL is exceeded, the RA shall publish a notice to reduce the ACL the following year by the amount of the overage. That's for commercial and it mixes the ACT in with the AMs.

Action 8 is similar; for the recreational sector do not specify new recreational AMs. Specifying an ACT; 2A is no ACT. 2B is 85 percent of the ACL; 2C is 75 percent of the ACL. 2D, which is your preferred, is to use this PSE formula that we've used for other species. Alternative 3 is the AM trigger.

3A is do not specify a trigger; 3B is if the annual landings exceed the ACL in a given year; 3C is if mean landings for the past three years exceed the ACL; 3D, if the modified mean landings exceed the ACL; 3E, the lower bound of the 90 percent confidence interval of the MRFSS landings population means plus the headboat landings is greater than the ACT. And in-season AMs; 4A is do not specify an in-season AM. 4B; the RA shall publish a notice to close the recreational sector when the ACL is projected to be met. And 5 goes into post-season AMs.

The recommendations here are that the council separate ACT from the AMs and organize them such that Action 7 addresses the commercial ACTs; Action 8 addresses the recreational ACTs; Action 9 addresses the commercial AMs and Action 10 addresses the recreational AMs. The

action alternatives would read as follows – and what we’ve done here is take the working that you all saw the last time where we’re striking out – that’s pretty clear – the red text is new.

What we’re doing is extracting the ACT action, so Action 7 would specify a commercial annual catch target for red grouper. No action, which is your preferred – and we’ve done this consistently for the commercial sector – currently there is no commercial ACT for red grouper. What we’re doing under these is in parentheses indicating what the values are. Again, this isn’t part of the actual alternative but it just indicates what the value is. The ACL would be 284,680 pounds whole weight in 2012.

Alternative 2, the commercial ACT would equal 90 percent of the commercial ACL, and we show you what that value would be. Alternative 3, the commercial ACT equals 80 percent of the commercial ACL and that value. It might be best here, Mr. Chairman, if we go through action by action and make sure you all are okay with it, so that’s Action 7.

MR. CURRIN: That makes sense to me, Gregg, off the top of my head when I looked at it. Action 7, everybody take a look at that; and make sure you’re okay with the recommendation from staffs how to restructure this and particularly pay attention to the alternatives to make sure they reflect the intent from the previous actions. Gregg, off the top of your head, do you recall what the PSE is for red grouper, about 25 percent?

MR. WAUGH: That’s 25 percent and that’s going to be another issue that we want clarification on, and I might as well explain this here. The document, while it said your preferred alternative was that PSE formula, it didn’t present what the PSEs were, and so we pulled them out of the SEDAR assessment, looked at the three-year and five-year average.

In many instances you’ve picked the five-year average, so we used that PSE and rounded it to a whole percentage point. Again, we did this because we were going out to public hearing, so we’re to, in a few minutes, ask you to verify that indeed that’s the PSE that you want to use, but there are the values from 2004-2008.

MR. CURRIN: All right, if you’re okay with the new structure and the alternatives in Action 7, then a motion perhaps from the committee to accept the suggested language and changes would be good. Michelle.

DR. DUVAL: So move.

MR. CURRIN: Motion by Michelle and a second by David to accept the suggested wording for Action 7. Discussion? Any objection to that motion? I see none and that motion is approved. All right, take a look at Action 8 as well. When you’re ready to move on that, a similar motion would be in order. Roy.

DR. CRABTREE: I think one thing – so we’re setting a recreational ACT, but the AMs and the paybacks are all triggered by the ACL, and so I guess the question becomes what does the recreational ACT do exactly? There are a couple of ways to look at this. One, there is language

in the guidelines that say we're supposed to have performance standards and that if you exceed the ACL more than once every so many years or something like that.

We could say we're going to use the ACT for the performance standard; and if we exceed it more than a couple of years in a row, we're going to come back in and make adjustments to the bag limit or something like that; or I guess we could say if we exceed the ACL and it triggers an in-season closure, then we're going to come in and readjust our management measures in order to achieve the ACT. It's not entirely clear to me what the ACT is for and what we're going to do with it the way we're setting it up.

MR. CURRIN: It's a very good point; and under the best circumstances where we add real-time monitoring, weekly monitoring, let's say, of the recreational catch landings, then we have a lot more meaning, but we don't. We're several months, at best, down the road of making projections, several months in the future, based on what happened last year. It's a very good point.

DR. CRABTREE: But you could, for example, say when NMFS does projections determines if the fishery should close or not, that we're going to use the ACT to do that, but the payback is only triggered if you exceed the ACL. Do you follow what I'm saying?

MR. CURRIN: Yes.

DR. CRABTREE: So I think there are different ways to handle it. We just haven't given any clarity as to what we're doing exactly.

MR. CURRIN: Yes, we haven't given a whole lot of thought to it. Gregg.

MR. WAUGH: Well, if we're consistent with how we've used the ACT in the Comprehensive ACL, for instance, what you do is you compare your estimate of what the catches are going to be to your ACT. Again, what we're doing is we're recognizing there is more variability in the recreational catch, and what we want to do is base our management to achieve the ACT to ensure that when that catch varies, that when it goes up, that we're not exceeding our ACL and triggering our accountability measures.

It just so happens – and it is strange, this is the first it has happened is that our estimate of catches are below our ACT. I don't know that means we want to throw out the concept of an ACT. What it means is you don't have to change your recreational management measures because your existing management measures are sufficient to keep your future catches below your ACT.

Now, we don't control participation in the recreational sector so who knows what is going to happen in the future. Again, those catches may increase and we anticipate that the existing management in place is sufficient to achieve our ACT, which doesn't trigger our AM.

DR. CRABTREE: I think in that sense, Gregg, it's kind of a performance thing, so we could put in here that what we're going with the ACT is review the landings with respect to the ACT on an

annual basis; and if we exceed the ACT, then we're going to consider a bag limit adjustment or something like that to achieve the ACT. I think that makes perfect sense if that's how everybody feels about it and we can put something like that into the document.

MR. CURRIN: That makes more sense to me, Roy, than closing the fishery based on projecting the ACT because then you get into a situation where we're closing a fishery and lo and behold the numbers end up indicating, as they might, that we're under or slightly over, and after the fact we could have let the fishery continue for another month. All right, is that clear? Is everybody with that approach? Okay, back at Action 8 and when you're okay with that, a motion to accept the suggested wording for that action would be in order. Charlie.

MR. PHILLIPS: So move.

MR. CURRIN: A motion by Charlie to accept the suggested wording for Action 8; second by David. Discussion? Any objection to that motion? I see none and that motion is approved. Action 9.

MR. WAUGH: Well, actually comes up next, we talked about this, was the PSE, and I think here just indicating that, yes, it's your intent to use PSE. That's how your ACT has been calculated; so unless we hear otherwise, we will assume that.

MR. CURRIN: I'm certainly comfortable with that as long as we're not setting up a system where we're going to change it when some new estimate comes in before we have a chance to actually modify a document, so this is going to stay in place until it's modified by the council; correct?

MR. WAUGH: That's the way it is set up now, yes.

MR. CURRIN: Okay, I want to make sure of that, and I'm perfectly comfortable with it, then. Everybody okay? That's the approach you want? All right.

MR. WAUGH: Then Action 9 would specify the commercial accountability measures for red grouper. Alternative 1 is no action; and, again, we just split this apart. Two, your preferred, if the commercial ACL is met or projected to be met, all subsequent purchase and sale is prohibited. Harvest and/or possession is limited to the bag limit. The payback, Alternative 3, is if the commercial ACL is exceeded, the Regional Administrator shall public a notice to reduce the commercial ACL in the following season by the amount of the overage. We're just clarifying that those are the commercial ACLs.

MR. CURRIN: And if you're okay with that suggested wording change, a motion would be in order. Duane.

MR. HARRIS: Mr. Chairman, I would move that we accept the wording for Action 9.

MR. CURRIN: Second by Charlie. Discussion? Any objection to that motion? I see none and that motion is approved. Action 10.

MR. WAUGH: And this deals with the recreational accountability measures. Alternative 1, no action; Alternative 2, to specify the recreational AM trigger, do not specify a recreational AM trigger. Alternative 2B clarifies if the current year recreational landings exceed the recreational ACL in a given year.

2C is the mean recreational landings for the past three years exceed the recreational ACL. 2D is the modified mean recreational landings exceed the recreational ACL. 2E is the lower bound; 90 percent of the confidence interval, so again referring it back to the recreational ACL. Then Alternative 3, the in-season AM; 3A, do not specify a recreational in-season AM. 3B is your preferred; the Regional Administrator shall publish a notice to close the recreational sector when the recreational ACL is projected to be met.

Then Alternative 4, the recreational post-season AMs; Alternative 4A, do not specify a recreational post-season AM. Subalternative 4B is recreational post-season accountability measures, compare the recreational ACL with the recreational landings over a range of years. 4C is monitoring it the following year; 4d, the following year and shorten the season.

4E is monitor the following year and reduce the bag limit. 4F is shorten the following season. Your preferred, 4G, for the payback, if the recreational ACL is exceeded, the Regional Administrator shall publish a notice to reduce the recreational ACL in the following season by the amount of the overage. That's the final alternative.

MR. HARRIS: Mr. Chairman, I move that we accept the wording in Action 10.

MR. CURRIN: Motion by Duane; second by Charlie to accept the suggested wording for Action 10. Discussion? Is there any objection to that motion? I see none; that motion is approved.

MR. WAUGH: Mr. Chairman, that's the final action in here. I'll just double-check with Myra and Rick; I think that's everything we need. We've gotten the guidance now that this is an EA, so we will make those necessary changes. The intent is to take it out to public hearing in November and to bring it back to you. The final public hearing would during our December council meeting. That is when we will do the hearing for North Carolina at the council meeting and then final approval in December.

MR. CURRIN: All right, everybody good? Let's take about a ten-minute break.

(Whereupon, a recess was taken.)

MR. CURRIN: All right, if we can get everybody back to the table, we're going to continue on for a while. Rather than get into 18A this afternoon, I think what we're going to do is jump ahead to our Agenda Item 10, which is Amendment 18B, Attachments 5A and 5B. Carolyn Sramek is here from the NMFS Permits Office.

I'm not sure what your title is, Carolyn, but we're delighted to have you. If there are questions that come up regarding endorsements or permits, Carolyn will be able to help us out with that and some intricacies and things that we need to be aware of as we talk about creating endorsements. Anything you would like to say in the beginning, that's fine, we'll let you have some time or you can just jump in when need be; it's up to you. All right, Myra.

MS. BROUWER: What I'm going to do is start walking you through the decision document that we've put together for Amendment 18B. This should be familiar to you. The format is the same for all the other decision documents that you've see thus far. It is Attachment 5B in your briefing book.

To reiterate, back at the June council meeting your guidance to staff was to split Amendment 18A, which used to include actions for black sea bass and golden tilefish in one document. Your guidance to us was to split it out into two; hence, 18B came to be, so 18B currently contains all the actions pertaining only to golden tilefish. The specific goals of 18B are to limit the participation in the golden tilefish fishery through an endorsement program, similar to what is being considered for the black sea bass fishery; modify the golden tilefish fishing year; perhaps change the commercial trip limit.

Another thing that needs to happen in this amendment is to update the MSA parameters that are based on the ongoing stock assessment for this species, so we would need to, similar to what we just did for red grouper, revise MSY and all the other parameters. There are many action proposed in this amendment.

The timing currently is to approve it for public hearings at this meeting, to hold public hearings in November in conjunction with 18A and Amendment 24. As Gregg explained earlier, those meetings would be conducted in November and then the final one would be at the December council meeting in Raleigh; then review all the comments and approve all actions at that meeting in December and sent to the secretary some time after that meeting.

Action 1 is to limit the participation in the golden tilefish fishery. You currently do not have a preferred alternative. One of the things that we did that is different from how this used to be structured in 18A was to split Action 1 into actually three actions. It used to be that it had all the eligibility requirements for both the longline and the hook-and-line sectors in addition to establishing the endorsement program all in one action.

The IPT is recommending that we split it out and that the first action be establishment of the endorsement program only, and then Actions 2 and 3 would then deal with eligibility requirements for each of the gear sectors. If it's okay with you, we would like guidance to go ahead and approve that split in that fashion. We're also suggesting some changes to the wording of Alternative 2, and that is highlighted in yellow, so we're suggesting that language be stricken through; also, to consider removing Subalternatives 2C and 2D; and if you so choose, to select a preferred alternative.

MS. SRAMEK: One thing I would like to point out, when this whole thing came to my attention and we started looking into it, one of the first questions in my mind I began to wonder is how

will these endorsements be given out? Will we be asking for the eligible people to apply and expecting them to apply, requiring them to apply, or will we be deciding who gets them and automatically issuing them their endorsements.

If you go with 2B in which individuals will need to choose which one of two gear types they want, that will seem to imply that we're going to require them to apply, so you might want to bear that in mind if considering that alternative.

DR. CRABTREE: Well, I recall having this discussion with some fishermen who thought – at least one I recall that he would qualify for both. It seems to me that if you qualify both, you ought to get both. I don't know why we would make someone choose. Carolyn, if have them apply, then we'll have to have some set period of time that they have to apply, and I can almost assure you that someone will not apply within the window of time, and then they're going to come in here asking you to reopen it, et cetera, et cetera. My preference here would be that we just determine who qualifies and give them the endorsements; and if they qualify for both of the endorsements, that they get both of the endorsements.

MR. CURRIN: Is that a motion to select 2B as the preferred, Roy?

DR. CRABTREE: No, that would be 2A.

MR. CURRIN: 2A?

DR. CRABTREE: Well, what I'm getting at is do we need to even keep – is there anybody that wants to keep these other ones, B, C or D, even in here? Is there any reason anyone would want to force someone to have to choose or say you can't have both? Monica is saying it's a reasonable alternative.

MS. SMIT-BRUNELLO: Monica is asking you whether you all think it's a reasonable alternative as well.

MR. CURRIN: I think it's reasonable to have to choose. That doesn't mean I prefer that. Roy.

DR. CRABTREE: All right, I'll be happy to make a motion that Subalternative 2A be the preferred.

MR. CURRIN: Motion by Roy to select Subalternative 2A as the preferred; second by Duane. Discussion of that motion? Is there objection to that motion? I see none and that motion is approved. Roy.

DR. CRABTREE: Monica, the staff has asked us to approve deleting Subalternatives C and D. Are you advising us that we should keep them in? It would seem unreasonable to me if someone who qualifies for all of it we just tell him you only get one type or the other. I guess I could see having them choose might be reasonable, but I don't see why we would do C or D.

MS. SMIT-BRUNELLO: So 2B is left in the document, correct?

MR. CURRIN: Yes.

MS. SMIT-BRUNELLO: Yes, I think you can eliminate 2C and 2D. I agree.

DR. CRABTREE: I move that we eliminate Subalternative 2C and 2D.

MR. CURRIN: Motion by Roy; second by David to move Subalternatives 2C and 2D to the considered but rejected appendix. Yes, Carolyn.

MS. SRAMEK: Also, comments or concerns I had in relation to this action; one thing that I would be wondering is does it matter if they have a sea bass pot endorsement. I don't know if there would be any play on that. If not, that's fine. I was just wondering that in terms of validation of the process. Also, I noticed that recommendation number five would call for the delay of this decision in November. From an administrative burden perspective of implementing and rolling out this and the sea bass pot endorsement, if we can do them together at the same time it would make it a whole lot easier. I just want to say that; that if we can do these together, it will make my life a whole lot easier.

DR. CRABTREE: Well, I don't think there has ever been any discussion of linking whether you have these endorsements with whether you have a sea bass endorsement, so I don't see any connection to that. Now, whether we could do them all, we're probably going to take final action on 18B after 18A; is that what you'd guess, Myra?

MS. BROUWER: That's what it's looking like based on the stock assessment.

MR. CURRIN: Yes, it's projected to track with 18A right now, Roy, but I don't think that's going to happen because of the delay in the stock assessment and the desire of the AP and other folks that –

DR. CRABTREE: I suspect you're right, so, Carolyn, I don't know if we'll be able to make your life easier or not. We'll do our best.

MR. CURRIN: We'll do everything we can to make your life easy, but I'm not sure we can get all the way there. Okay, further discussion on the motion? **Any objection to that motion? I see none and that motion is approved.** Roy.

DR. CRABTREE: And, Carolyn, for you to issue these endorsements and figured out you have to, what, do a freeze on transfers – maybe you could go through a little bit of the complicated steps that the council may not be aware of.

MS. SRAMEK: I definitely recommend that we do come up with a timeframe in which we're going to freeze transfers so we can have a stable universe. One of the big issues I have actually coming up on Action 2 is to whom is this eligibility being issued? I am assuming that we're really going to be issuing eligibility to a particular permit and not to a person or a vessel.

Going on that assumption, we'll want to make the universe of permits static so they're not moving around. We'll need to have a particular date and time in which we say, okay, anybody who has a valid and – my recommendation – renewable permit on such and such a day, we will then automatically issue them an endorsement, telling them what additional gear they can use.

In conjunction with that, we'll also need to be sending out flyers and letters to particular people who aren't eligible or to people that may be eligible that don't have a valid permit – there are a lot of steps to this. I actually have a whole timeline laid out. I anticipate we're going to need three months of development time from our IT staff in order to get all this build into place. It's a least a four- or five-month process just to get this all rolling.

MR. CURRIN: What I heard her say is they're going to need a three- to five-month notification before these things are enacted.

MS. SRAMEK: Assuming that we want to have these in place by the June 1st timeframe, my kind of strawman has us completing our requirements analysis by the end of this month, so that then I can write up formal documentation for our developers to build into the system the ability not only to initially issue these endorsements but also be able to maintain them because presumably we'll have people that want to immediately renew them or transfer them almost as soon as they're out the door.

It will take me a month or two to get the documentation written up, and then we have to go into develop it and testing stages for our software. Then I estimate if we're going to have these in place by June, I need to start mailing out the first applications to renew them by our mailout at the end of April.

I'm presuming the rule would then be effective some time the latter part of May. Some time in there we have to figure out what the date is for determining eligibility, track down who owns those permits on that time and then get those endorsements mailed out the door between when the rule becomes effective and when they're required in early June. It's a tight little choreography, but you have to dance there.

MR. CURRIN: Well, clearly, we're not going to meet that deadline for June, but I'm trying to get a good feel for how long this is going to take. It looks like – I thought you said a minute ago three to five months; but if we needed to have it done today, more or less, to meet June, that's more like nine months from start to finish.

MS. SRAMEK: Well, yes, sir, it probably takes the developers three months and then I've got to tell them what to build and then we've got to do after they build it; so, all said, yes, closer to nine months, perhaps.

MR. CURRIN: Okay, but I don't know when we can notify the office at what stage in the development of the amendment, but I guess after we get preferreds or feel pretty comfortable with the way this thing is going, then we can notify the permits office that they should begin work on this or perhaps notification now that we're moving in that direction and this is kind of what it's going to look like may help you out; I don't know. Roy.

DR. CRABTREE: Jack and his folks can keep Carolyn apprised of what is going on with it. I would guess at best we would vote this up at our March meeting?

MR. CURRIN: Yes, that kind of seems reasonable to me at this point, Roy.

MS. SRAMEK: One last thing, through all of this initially I was thinking that 18A and 18B were going to go hand in hand. The good news is that they are probably going to be similar and so some of the development that's done for one would be useful for the other. Of course, some of it would mean I'd have to do it twice, but I understand that may just be what happens and so at least the second time through it should be easier.

MR. CURRIN: We'll try to help you as much as we can. Okay, Myra, we'll turn it back over to you.

MS. BROUWER: Okay, if we're ready to move on to Action 2, then that would be to establish the eligibility requirements for the hook-and-line endorsement. You do have a preferred alternative here, and that is to receive a hook-and-line endorsement the individual must have a harvest level of 1,000 pounds gutted weight with hook-and-line gear when the individual's best three of five years from 2001-2005 are aggregated. This was an alternative that was proposed by the Golden Tilefish LAPP Workgroup.

DR. CRABTREE: I guess where we use the word "individual" there, we need to replace that with "permit" in all of these alternatives, because it would be the permit that qualifies.

MS. BROUWER: You do have a lot of subalternatives here, and there are two that are new that were added at the June meeting that includes more recent years. The poundage level changes to 500 for Alternative 2L; 1,000 for Alternative 2M; and then the years are 2005-2009. Under the recommendations or clarifications that we're requesting from the committee are to clarify where the landings must have already been reported into existing data systems.

Also, clarify whether a valid snapper grouper permit is required over those specific years; consider reducing the number of alternatives since we have so many. The AP, when they saw this in November of 2010, suggested selecting Subalternative 2F as the preferred, and they do not recommend an endorsement for the hook-and-line sector. And also to clarify why 2005-2009 are the years that you selected for those last two subalternatives.

DR. CRABTREE: I can try on some of these. Landings would be I believe based on logbooks, and I would say, yes, they have to have had a valid snapper grouper permit. Otherwise, it would seem to me they would have been fishing illegally.

MR. CURRIN: I'm not sure I can address the issue of the new alternatives and why that 2005-2009 – I think that was something Ben suggested at our last meeting, if I remember correctly. I think the attempt was to get a little bit more recent timeframe.

A lot of these alternatives were derived by the Golden Tile Workgroup, which met some time in the past, and it concerns me greatly that a lot of these alternatives are based on landings that are during a fairly short timeframe, the latest of which is like 2007 or 2008 or even earlier. That gives me a great concern. Bill.

MR. TEEHAN: Mr. Chairman, I'm just looking at some of these alternatives. I've never seen alternatives go out to M before; this is interesting. The Alternatives 2F through it looks like 2K seemed a little confusing to me, and I wonder whether we need them. You have to qualify with a thousand pounds with the best three of five years between one time period and then at least one pound in 2007 or 2008. There is, like I say, five or six of these alternatives that have that one pound alternative. I wasn't here in June so why is that in there?

MR. CURRIN: Well, those particular one you mentioned have been in here for a long, long time. They were derived or suggested by our Golden Tilefish Working Group as best I remember. They went to great extremes to make sure that – how do I delicately say this – that people were included that had been fishing recently and maybe some that even just started last week but they liked them okay kind of, and they wanted to include those, too. That's not very delicate and it may not be entirely accurate or fair either, Bill, but I know there were a lot of considerations that went into specifying these minute details, which included individuals into the qualification criteria. That's my best recollection. Duane.

MR. HARRIS: Mr. Chairman, you said what I was going to say with respect to the recent years timeframes and some of the folks that I think Ben specifically may have suggested that we add those recent years in so that some other folks could qualify.

MR. CURRIN: Yes, that was one of the requests from the team I guess is why that explained those new alternatives in the timeframe for those. I think I stated, and you did, too, Duane, it was to include some more recent participants in the fishery. Michelle.

DR. DUVAL: Mr. Chairman, I'm slightly confused by recommendation number four that the AP recommended Subalternative 2F but then they don't recommend an endorsement for the hook-and-line sector and yet all of these things deal with an endorsement for the hook-and-line sector. Were they just making a general statement that they didn't want it but we'll give you a preferred alternative?

MR. CURRIN: I don't know and maybe Myra can help us with that one. Did you hear Michelle's question?

MS. BROUWER: I did but I don't think I have an answer for you. That was a long time ago.

MR. CURRIN: Kate, maybe you shed some light on this because you were there when this happened, and please correct any of the statements I made earlier.

MS. QUIGLEY: My understanding is that the Golden Tilefish Working Group, they said, yes, we do want an endorsement. The Snapper Grouper AP reviewed Amendment 18A and said no longline endorsement, so two different groups of people.

MS. BROUWER: Hook and line.

MS. QUIGLEY: Sorry, it was hook and line.

MS. CURRIN: Okay, so that's clear; two different groups. Kenny was here whispering in my ear while I was trying to listen to somebody else, Kenny Fex from our Snapper Grouper AP, so, Kenny, you might explain the rationale from the AP.

MR. FEX: Yes, the rationale was the longline has pretty much dominated the golden tile fishery; and the hook and line, not many people do it. I'd hate to see you give an endorsement to somebody that really don't do it that much. It was just kind of discriminating the hook and line because the majority of the fishery is hook and line bandit fishery, so you're going to endorse a longline, which is understandable, but to isolate just a small amount of hook and line just because they caught a few, it just didn't seem rational.

MR. PHILLIPS: Maybe I can help out; I think there are at least a couple of these, Subalternative 2D, Subalternative 2E, that go all the way back to 1999. I don't think we need those in there. I think that's going way too far back, so I would move that we put those in the considered but rejected appendix.

MR. CURRIN: **A motion by Charlie to move Subalternatives 2D and 2E to the considered but rejected; second by Duane. Discussion? Is there any objection to that motion? I see none and that motion is approved.** Bill, you also made some comments about a series from F to K that – yes, Roy.

DR. CRABTREE: Myra, when did the LAPP Working Group actually meet and recommend things?

MS. BROUWER: I believe that was in 2008.

DR. CRABTREE: Because I'm really worried; I think our current preferred 2A – I mean, maybe we can justify that, but the statute is clear that we have to take into account past and present, historical and present participation. If we stay with 2A you could have somebody who hadn't caught a golden tile since 2005 and they get a permit.

Then you could have somebody who has been fishing them fulltime for the last six years or so and they don't get a permit. I think that's very difficult to go back. I know we've probably had control dates and things and maybe we can come up with a good explanation for it, but it's awful hard to toss people who are currently active in the fishery out but potentially let people in who haven't even fished in years.

MR. CURRIN: Is that a motion to deselect Alternative 2A as the preferred, Roy?

DR. CRABTREE: Okay, I move we deselect Alternative 2A as the preferred.

MR. CURRIN: Second by Charlie. Discussion? Any objection to that motion? I see none; that motion is approved. Kate, did you have something?

MS. QUIGLEY: Yes, I just wanted to provide the rationale for that. With the hook and liners, the rationale was that they had participated in the fishery. There is a group of them that participate down in Florida. Primarily back to 2001 was where they are heavily participating in September of each year and then as time went on they were no longer able to participate in the fishery because the fishery closed before September when they traditionally participated. That was the reason for using older years.

MR. PHILLIPS: I'd like to hear a little discussion about their comment to – their preferred would be Action 1; so if I could, I'd like to have some discussion on that. I'll tell you what, I'll make a motion and then we'll see if we can get a second and have some discussion on that as a preferred – Action 1 for the hook-and-line endorsement; no action.

MR. CURRIN: Motion by Charlie to select Alternative 1, no action, as a preferred under Action 2. That would not establish an endorsement for hook-and-line golden tilefish fishery. Is there a second?

DR. CRABTREE: I might second it. You're saying establish a longline endorsement but not establish the hook-and-line endorsement?

MR. PHILLIPS: Yes.

DR. CRABTREE: I'll second that for discussion.

MR. CURRIN: Second by Dr. Crabtree. Discussion on that motion? Charlie.

MR. PHILLIPS: Well, the Snapper Grouper AP, that was their recommendation; and if there's not that many people doing it and I don't know that you're getting rich catching 300 pounds of fish, it may just make more sense in the long run.

MR. HARRIS: I thought what I heard Kenny say was somewhat contradictory, and I just want to make sure that I didn't misunderstand you, Kenny. You said something about there's not a lot of hook-and-line fishermen for golden fish, but then you said something about bandit reels, and there was a lot of bandit reel fishing for golden tiles. Please clarify that for me.

MR. FEX: No, what it is, is the longline industry is pretty much a large gear. It takes a lot for you to utilize. They are strictly pretty much doing that as what their main job is. But the bandit gear, it's up and down the coast; it's from Key West to North Carolina. Everybody had bandit reels, whatever, so it's hard to say, okay, well, since you caught a couple of golden tile, you can do it and you can do it.

Well, the longline industry is so small – a small amount of boats, I see endorsing them; but to isolate the few guys that went out and caught a couple of golden tile and then giving them an endorsement, I just don't think it's fair to all the other bandit fishermen out there. And just like

what he had said, 300 pounds of golden tile, that really ain't worth driving that far offshore for; I mean in my area; maybe off of Jupiter Inlet and stuff like that when you've only got to go five or ten miles offshore, but it's really not financially feasible to go after 300 pounds with a hook and line.

I really can't see giving an endorsement to the few people that did go out there and do that. I just see that the longline industry, there is so much money invested into that gear type and everything, I could see an endorsement for them. That was the rationale. I actually did bring up the no endorsement for the hook and line so I totally did support it, so that was the rationale.

MR. HARRIS: Thank you, Kenny, I appreciate that. I did misunderstand you and I appreciate your clarifying it for me.

MR. CURRIN: Further discussion on this motion? Roy.

DR. CRABTREE: Well, could we clarify that motion to select Alternative 1, no action, as the preferred to not establish a hook-and-line endorsement.

MR. CURRIN: Further discussion on that motion? I think as you think back about this, those of you who have been around this table for a while, the initiative here was – and somebody referred to it I think, Kate, when she mentioned why those series of years back in 2001-2005 were selected was a period of time where the council had tried to set aside some allocation or quota for the hook-and-line fishery, thinking that once 75 percent of the quota had been met, that we would drop the trip limit to 300 pounds and only the hook-and-line fishermen would fish then.

That turned out not to be case and the longline fishermen continued to fish. They busted the quota. There was no quota – there was no season for the hook-and-line guys, so they were not able to land for a number of years because the entire quota was caught by the longline fishery; so just a little bit of history to kind of help explain or understand some of these alternatives, which are old, by the way. They have been around for a while, three years at least. All right, further discussion on this motion? The motion is to select Alternative 1, no action, as the preferred alternative to not establish a hook-and-line endorsement. **All favor of the motion raise your hand, 10; opposed, 1 opposed. That motion is approved.** David.

MR. CUPKA: The only question I have, I guess, is do we need to go back and consider what we did under Action 1, which talks about both endorsements? I think we selected Subalternative 2A as the preferred and do we need to change the wording on that somehow since we don't have two endorsements, given this action that we just approved?

MR. CURRIN: Yes, that's a good point; we certainly need to do something and I'm not sure exactly what we need to do or whether in fact we need that – we certainly need to restructure the alternatives in there or at least we need to add an alternative that would only establish an endorsement for longline at the very least. Presumably we could change our preferred in Action 2 and we would need those alternatives, so maybe the best way to handle it is to add an alternative under Action 1 that would only establish a longline endorsement. Would that be the best way to go about it, Myra?

MS. BROUWER: I believe so, Mr. Chairman.

DR. CRABTREE: That would then be our preferred, I take it?

MR. CURRIN: At this point by de facto our preferred, yes, so a motion to establish an alternative. Go ahead, David.

MR. CUPKA: I would so move, Mr. Chairman.

MR. CURRIN: A motion by David to add an alternative under Action 1 that only establishes an endorsement for the longline sector and select this alternative as the preferred. Second by Charlie. Discussion? Any objection to that motion? The motion is approved with one objection.

Thank you, David, that was important. Again, I think it's important to realize we've still got these alternatives in here. If at a later date the council decides they want to go down the path of both hook-and-line and longline endorsements, we're I believe pretty well set up in this document to do so. Carolyn, did you have something?

MS. SRAMEK: Yes, for whatever alternatives are selected, a couple of logistical questions and concerns I have are by what date is it that the permit is to be held. You're going to need to pick a date and figure out, okay, that's the day upon which the permit is issued to a vessel, presumably. A related issue is does the permit have to be valid; that is, what if it's expired on whatever day you pick?

If I'm allowed to make a recommendation, I would suggest that you say that the permit has to be valid or renewable on some particular day. On whatever day that is, I'd really like to put a lockdown transfer so that they don't happen for some period of time, at least to give me a couple of week so that we know we don't have a transfer happening right in the middle of that day and then we have to figure, okay, who had the permit at that time and then potentially need to keep the transfer restriction locked into we actually issue the endorsement, depending on how you feel about somebody having a permit.

Snapper grouper permit number one, say, qualifies so we know on Day X a particular person held that permit; the new endorsements aren't going to be necessary until some time a month later and snapper grouper number one is transferred to somebody else before I get a chance to issue the endorsement; is that a problem?

A lot of that ends up discussing how closely the restrictions are going to be in terms of whether or not a permit can be renewed independent of the snapper grouper permit and whether or not an endorsement can be transferred independent, how closely you want those coupled is going to dictate how much we have to lock it down and what kind of restrictions we're put in the process.

MR. CURRIN: Thank you for that and I hope that we'll all keep in mind and the staff keep in mind these issues. There are certainly things we need to address. I'm not sure we need to

address them right now with this action but somewhere in the document they will have to be addressed. Bill.

MR. TEEHAN: Mr. Chairman, I'm just wondering since we've picked a preferred alternative, we have removed two subalternatives from the two series; do we still need all those subalternatives. Would it be better staff time as far as not having to have them analyze each one of these things and maybe just pick a couple that are a 500 pounder with a time series that we like and a thousand pounder with a time series we like as subalternatives.

MR. CURRIN: That makes a lot of sense to me. I think anything we can do to try to reduce the numbers of alternatives and subalternatives in this document will certainly help the staff.

MR. TEEHAN: And I would defer to somebody who knows a little bit more about what time series best would be for the fishery for making those recommendations.

MR. CURRIN: Well, I'm still very concerned by the – and I understand the rationale that Kate provided for those earlier time series of 2001-2005 and then one pound of landings in either 2008 or 2007 and 2008. They still give me a lot of concern as far as qualifications for this fishery. Partly it's how long ago.

Those landings occurred three years ago for the shortest timeframe. It's very restrictive and I think that's a direct result of us not having moved along with this document as quickly as we might have.

But as far as answering your question, Bill, or making a suggestion for appropriate timeframes, I can only say that I'm delighted with the two new alternatives that we put in at the last meeting which look at more recent timeframes. Anybody else got any suggestions on how to pare these down at this point? Do you feel comfortable making a motion to move some of these? I don't see anybody jumping. Charlie.

MR. PHILLIPS: I'll take a stab at it. That being said, if we want to keep Subalternative 2L and 2M, then I think we could remove 2K, 2J, 2I, 2H, 2G, 2F, 2C, 2B and 2A.

MR. CURRIN: You may have to repeat those slowly for us so we can make sure Myra can capture them, Charlie.

MR. PHILLIPS: 2A, 2B, 2C – you've already removed 2D and E – we go to 2F, 2G, 2H, 2I, 2J and 2K.

DR. CRABTREE: What is left in, L and M?

MR. PHILLIPS: L and M, which are the 2005-2009 years.

DR. CRABTREE: So that leaves us with D and E?

MR. CURRIN: No, they were removed earlier.

DR. CRABTREE: All we're going to have L and M?

MR. CURRIN: Well, we'll have a no action, which is our preferred and then we'll have those two timeframes, I guess.

MR. PHILLIPS: I'm open for friendly amendments to make it better.

MS. SMIT-BRUNELLO: Charlie, maybe you could discuss on the record as to why you think all those should be removed.

MR. TEEHAN: If you need a second; I'll second it for discussion.

MR. CURRIN: Okay, motion by Charlie and second by Bill Teehan for discussion. Charlie.

MR. PHILLIPS: Well, I think it appears that the 2005-2009 are recent participants. Everything else is six years old at the newest. I think if we're going to do a hook-and-line endorsement we want recent participants.

DR. CRABTREE: Could I make a suggestion and maybe leave 2A in because we chose it as the preferred at one point and there must have been someone who was interested in it; and I'm afraid at the next meeting, when Ben is back, we're going to end up – so maybe we keep 2A in there.

MR. PHILLIPS: That's fine with me.

MR. BURGESS: As far as some of the alternatives, getting down to 2F and G, for instance, they do have a qualifying period of 2001-2005 to show some historical participation, and then I see that it goes to at least one pound in 2007 or 2008, and that would be current participation. It's kind of like black sea bass that we did there.

You know, you had the historical people that have fished but are also fishing today, and so I think that's where that came from to show that people have history in the fishery or are still fishing today. I think the intent was – of course, I can just guess about the intent of the Golden Tilefish Working Group – but to show historical participation and a combination of current participation to show who is maybe more vested in the fishery.

DR. CRABTREE: So I think Tom has suggested maybe we leave maybe G in as well, and that leaves us with four alternatives.

MR. CURRIN: Well, just to point out G has a partner, I guess, at a different landing level at a 500 pound landing level rather than a thousand pound landing level if you want to consider that as reasonable as well. What is the committee's pleasure here? Michelle.

DR. DUVAL: I guess, Tom, if you're willing I might suggest, since we have a set of subalternatives with two out and two in, similar years for qualification but just two different poundage limits to be consistent, perhaps you would want to keep I guess it's 2G and then 2I.

MR. CURRIN: Everyone okay with that, then? All right, is everybody comfortable with that? All right, **the motion now is to move Subalternatives 2B, 2C, 2F, 2H, 2J and 2K to the considered but rejected appendix.** Any further discussion on the motion? Any objection to that motion? I see none; **that motion is approved.**

Mr. Chairman, it's about quarter after five. I think, Dr. Crabtree, aren't you scheduled to have a meeting today at 5:30? Would you like a few minutes to gather your thoughts before you have to sit down with the public?

DR. CRABTREE: I believe I would. Carolyn, are you going to be here with us tomorrow, too?

MS. SRAMEK: Yes, I will.

DR. CRABTREE: Okay, because in the morning I would like to come back to some of the questions Carolyn asked about some of those issues so we could resolve some of those.

MR. CURRIN: Yes, and we will, Roy. I'm not blowing them off. I'm trying to deal with these actions that we had before us and I've made copious notes about the need to set the date and have it valid and renewable and lock down the transfers and all that. I promise you we won't let you down. Well, let's go ahead and recess until 8:00 o'clock in the morning.

(Whereupon, the meeting was recessed at 5:15 o'clock p.m., September 14, 2011.)

SEPTEMBER 15, 2011

THURSDAY SESSIONS

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, Thursday morning, September 15, 2011, and was called to order at 8:00 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: This morning I would like to begin by leaving Amendment 18B and move into 18A and then suggest that we move to 20A. Both 18A and 20A are more time-sensitive than 18B. If we get caught short of time – and we're going to try to get through all of it, I guarantee you, but if we get caught short on time, then I think we can more afford to pick up 18B in the future than we can 18A or 20A. Without objection from the committee, we will proceed that way. We're going to begin with 18A.

MR. WAUGH: While Brian is sitting down, you have your decision document. Again, this is structured like the others. Brian will walk you through. One point that results in this being a little different than what is in the main amendment document is remember we're in the process of getting a stock assessment right now.

In many cases where the amendment is behind the data that we have and the assessments that we have, here it's a little different because we're actually sort of out in front of it because you're going to be approving a document to go out to public hearing before we have the assessment results. In some cases we're going to be asking you to give us a little bit of leeway to approve a range of alternatives that in our opinion should cover the range of anticipated results coming out of the stock assessment; so that then between now and the December council meeting we will hold public hearings.

Brian will go over this in a little more detail in a minute. We will have the review workshop for the black sea bass and golden tile assessments. Those will be presented to our SSC, so in December you will have the results of that and then you will refine your choices. The reason we're folding this in at this stage is in order to affect changes for the 2012 black sea bass fishing year that starts June 1, 2012, this is the timeframe that we have to be under.

Again, it's going to be a little more loose and perhaps we're going to be asking you to approve things with a little more range and lack of specificity than you're used to, but that's the reason to meet that timeline.

MR. TEEHAN: I'm sorry, Gregg, I was trying to get the document up. Did you say that it will go to final in December?

DR. CHEUVRONT: Yes, that's the plan. That's about the only way we can get the timing to make sure that we can get it in place by June 1, 2012. If you remember, we had the regulatory amendment that didn't get approved until last March that reduced the bag limit and all that, and we had that problem where we had a couple of weeks where the recreational bag limit was still at 15 fish, and we kind of want to avoid any midseason changes if all possible on this. The only way that we really feel comfortable that we can do that is to get this approved at the December meeting.

MR. CURRIN: All right, lots to do this morning, folks, so let's try to get through it and see if we can get through all of it.

DR. CHEUVRONT: And just to add to some of what Gregg was saying is that the last time we formally looked at this was in June and the season was still going great guns at that time, so a lot has happened in this fishery since we last formally discussed this amendment. There were some minor discussions of this at the August meeting and there were some things that were added that you all said that you wanted to have considered. Those have all been incorporated in this document, but part of what we need to do is like we did with golden crab yesterday, if there is any way that we can reduce some of these options and actions and alternatives, that would be a really good thing because the staff is working great guns.

As Gregg said, we don't have the stock assessment yet, so we're having to fit all that in as well as doing all this analysis and getting all this done to try to have this ready for you in December. This document is all about limiting participation and putting constraints basically on the black sea bass fishery, which the seasons have been getting shorter and shorter and shorter.

We are now truly in a derby fishery where the season lasted only about six weeks this year; the commercial season did. Some of the specific goals of this management plan are to prevent overfishing. These are all the ones that we have for the Snapper Grouper Management Plan in particular; but if you turn over to Page 2 and your management actions proposed in this amendment include updating the MSA parameters based on the SEDAR stock assessment and consider modifications to the rebuilding strategy; limit participation and effort in the black sea bass pot fishery; limit bycatch in the black sea bass pot fishery; modify the current system of accountability measures; modify the current rebuilding strategy to account for an increasing biomass; and then consider some management measures such as spawning season closure, trip limit, modified bag limits and modified size limits – many of these came up actually at the August meeting – and then to improve the accuracy, timing and quantity of fisheries data.

As I alluded to a moment ago, one of the goals that we want to try to get to today is we want to get this document in shape where we can approve it for public hearings. We're planning to have public hearings for this in November and December. Most of them will be occurring in November. I believe there will be a public hearing at the December meeting in Raleigh, North Carolina.

There will be a review of comments and approve all the actions at the December meeting; final review and approval for formal review; and then after the council meeting in December we'll prepare the document to be ready to be sent to the Secretary of Commerce. You can see we do have a real short timeline on this and a lot of work to go.

Okay, the IPT has met since the meeting in Key West, and the AP I believe last met in November of 2010 where they discussed some of the items that are in what is now 18A. What we have here is like we did with golden crab, we have each of the actions and then we have any recommendations that any of those groups or the staff might have had.

Before I start getting into the actions, does anybody have any questions at this point? Okay, let's jump in there. New from the June meeting, Action Number 1, modify the rebuilding strategy for black sea bass. This is an item that the staff has recommended some significant changes, and I may ask Gregg to help me out with some of these.

What we've got here is currently we had Alternative 1 is no action, which is to retain the building strategy that maintains a constant catch throughout the remaining years of the rebuilding timeframe. The current commercial ACL is 309,000 pounds gutted weight and 364,620 pounds whole weight, and the current recreational ACL is 409,000 pounds or 482,620 pounds whole weight, for a combined ACL of 718,000 pounds gutted weight and 847,240 pounds whole weight. Alternative 2 is to establish a new constant catch rebuilding strategy with the ACL of – and then we would insert the poundage that results from the stock assessment.

This TAC would be held constant for the remaining years of the rebuilding schedule, which is until 2016, and remain in effect until modified. The commercial ACL would be – we would have to fill that in – and the recreational ACL would be the remainder. Defining the rebuilding strategy for black sea bass – this is Alternative 3 – defining a rebuilding strategy for black sea bass that maintains a constant fishing mortality rate throughout the remaining years of the rebuilding timeframe. The TAC remain unchanged until modified.

Then there is a table here that would allow these values to be put in based on the different F values equal to 65, 75 or 85 percent of the Fmsy or F equal to Fmsy. Then you could put in the combined ACL for gutted weight and then it would be divided by the commercial and recreational allocations.

Subalternative 3A would increase the TAC and be set for the 2012/2013 season and would increase annually over a period of three years as follows – and, of course, we don't have the data to do that at this point because we don't have the assessment, but it's idea of allowing for increasing ACLs based on a constant F.

Alternative 4 is to define a rebuilding strategy for black sea bass that modifies the fishing mortality rate throughout the remaining fishing seasons of the rebuilding timeframe. After the 2015/2016 fishing season the fishing mortality rate would be held constant until modified. And then here again for this one we would have to set what percentage F would be of Fmsy and then determine what the combined ACL pounds gutted weight would be and then divide that out by the allocations.

The recommendations are the council is urged to make decisions on their preferred rebuilding strategy as this will affect the analyses that need to be completed throughout the rest of the document. We need to update the MSY, MFMT, MSST, et cetera, from the SEDAR assessment and SSC review process by adding the new values at the front of this action.

Now, the staff recommends that this action be reworded as follows; and so if you go on to Page 5 of your document, you see a new page started that Action 1, which is to modify rebuilding strategy, ABC, ACLs and ACTs for black sea bass. As we were doing this, we realized that there is no current ACT set – annual catch targets for black sea bass, and we thought that we'd bring that up again to determine whether the council would like to set that at this time given the fact how quickly the ACL seems to be caught up, particularly in the recreational fishery where it's difficult to know exactly how long that fishery should go before it's stopped without going over its allocation of the ACL.

So Action 1A is to modify the rebuilding strategy and set ABC for black sea bass. Alternative 1 is retain the rebuilding strategy for black sea bass that maintains the constant catch throughout the remaining years of the rebuilding timeframe. Currently there is no ABC for black sea bass. Based on the current regulations in place, the commercial ACL is 309,000 pounds gutted weight, 364,620 whole weight; and the recreational ACL is 409,000 pounds gutted weight and 482,620 pounds whole weight; for a combined ACL of 718,000 pounds gutted weight; 847,240 whole weight.

Alternative 2 is to establish a new constant catch rebuilding strategy with an ABC from the 2011 assessment and SSC review process. Alternative 3 is define a rebuilding strategy for black sea bass that maintains a constant fishing mortality rate throughout the remaining years of the rebuilding timeframe. This again looks at a table where we kind of have to fill in the blanks based on what we get from the stock assessment; where F is equal to 65 percent, 75 percent; 85 percent; or 100 percent of F_{msy} or F equals F rebuild by 2016.

Alternative 4 is define a rebuilding strategy for black sea bass that modifies the fishing mortality rate throughout the remaining fishing seasons of the rebuilding timeframe. After the 2015/2016 fishing season the fishing mortality rate would be held constant until modified. Again, this is where we would have to, for each of the subsequent seasons, set a percentage of F_{msy} that F would be equal to.

I think what we need to do is we have now broken down Action 1 into four subactions, so we have Action 1A, 1B, 1C and 1D, so it would probably be beneficial at this point to decide what we want to do with Action 1A.

MR. CURRIN: I agree. Discussion on Action 1A, to modify the rebuilding strategy and set the ABC for black sea bass. As you recall, in the past we've been operating under a constant catch strategy. There was some concern and some desire it seemed among the committee and the council to consider a constant F approach which would allow for increases as this stock rebuilds, and this action will help accomplish that. Bill.

MR. TEEHAN: Alternative 2, to establish a new constant catch rebuild strategy with an ABC from the 2011 assessment and SSC review, I'm assuming that timeframe is not going to fit the timeframe that Brian described a few minutes ago about the course of this amendment and how it has to go through final in December and be implemented by June; is that correct?

MR. CURRIN: No, I think we are planning to admit it. As Brian indicated, we're going to have to take some of this on faith because we're not going to have the assessment or the SSC review in order to insert these values in these tables as we go; but when that occurs these values will be inserted. For this particular action, Bill, I view it as a philosophical sort of approach, a change in the philosophy in the way we manage black sea bass. The values are going to be what they are as they come of the new assessment and approved by the SSC. Brian.

DR. CHEUVRONT: And just so you understand that Alternative 2 is essentially the same course of action as Alternative 1 except just updating the numbers from the assessment. One of the other things that I wanted to point out is that while we may be asking you to take some of these concepts on a little bit of faith right now since we don't have the stock assessment numbers, you will see this again and get a chance to look at it with all the numbers put in in December before you're going to have to make any final decisions.

As a way to help us get through this, to try to do it as quickly as possible, we just need some direction from you all on how you want us to proceed so that we can do the analyses and can drop in the numbers as they become available and have it all ready for you in December. Actually they'll be ready in time for the public hearings in November.

MS. SMIT-BRUNELLO: Brian, in this alternative you're using TAC and ACL interchangeably?

DR. CHEUVRONT: You're right, yes.

MS. SMIT-BRUNELLO: So maybe we want to just –

DR. CHEUVRONT: It should all be changed to ACL.

MS. SMIT-BRUNELLO: Yes.

DR. DUVAL: Given the past season, I would certainly be supportive of more of a constant F approach where we might have to take a little bit of a cut in terms of what the quota might be once the assessment numbers come out, but allowing that to increase I think would probably be preferable to the fishermen as well.

Maybe there would be the opportunity, depending on how the assessment comes out, to at least for the upcoming season if the assessment indicates that under a constant F we would need take a cut for the 2012/2013 fishing year, maybe we could stay at that 309,000 pounds and then just have a smaller increase for the following season, I don't know, but I would be supportive of a constant F approach that allows the quotas to increase.

MR. BURGESS: From what I know about this, it seems like a constant F would be appropriate given the status of our stocks and what the fishing public is seeing and then giving them something to look forward to as far as an increase in their TAC with the increase in the biomass of the black sea bass.

But as our conversation yesterday with the red grouper as far as if the total ACL is met, if we would maintain that bump up each year with the monitoring of the recreational fishery and the overages that have taken place; does that seem possible to do Alternative 3 or 4?

MR. CURRIN: I think it's certainly possible, Tom, and may be preferable in my mind at least. As far as the paybacks and the overages and the monitoring of the recreational fishery, we kind of know what ballgame we're in there and it's somewhat risky, but I don't think it's anymore risky under this scenario than it is under a constant catch scenario. We've got the same monitoring problem and abilities to constrain that fishery in as timely a manner as we might need, so I don't think it matters too much which strategy we're under if we've got the same monitoring problem. Duane.

MR. HARRIS: Would somebody just discuss the advantages and disadvantages between Alternatives 3 and 4; just go over those for me and explain to me the differences.

MR. WAUGH: Yes, Duane, we were just discussing that and trying to go back as to what the differences were. What 4 would allow you to do is to increase over this time period your target fishing mortality rate; compare that with Alternative 3 where you would be setting a fishing mortality rate for the remainder of the time until it's modified. They could be the same.

Sitting here thinking, it would be hard in my mind to look at Alternative 4 and say, okay, in 2012/2013 your target is going to be Fmsy; then in 2013/2014 maybe F rebuild. It almost seems to me we could get rid of Alternative 4 because the gist of it is included in Alternative 3. I think John can give us some guidance. I think we need to just be sort of above board with this and recognize that we've got a deadline of 2016 to rebuild this stock. The biomass is increasing.

We can't hang on to our constant catch strategy because the seasons are just getting so short, the discards are so high, so it seems to me what you would be interested – and maybe John can give us some guidance here – within Alternative 3 which of these options gives you the highest allowable catch while still allowing us to rebuild the black sea bass stock by 2016.

MR. CARMICHAEL: Yes, I think that's good advice. The Option 4, that's very complicated and there are no plans in the works right now to have projections like that, so getting something like that put together and given this deadline I think would be very difficult. And just thinking about how that would work, that's a pretty tough type of projection to do.

You guys would essentially have to go in and tell the scientists exactly what percentage of Fmsy you wish to use each year or give them some sense of an endpoint that you wish to reach. As it is now, that's so broad and wide open that I think they'd have a difficult time trying to analyze it. I think with regard to the fixed F strategies, if you could narrow that down some in terms of maybe omitting some of those percentage of Fmsy alternatives, because right now what the assessment has done is giving you an assessment or will give you an estimate of the F rebuild.

It's not tied to a percentage of Fmsy, and that's how we quite often do the rebuilding strategies, especially once we're into them. We find the F that rebuilds to a particular point in time given a particular probability that at that point in time the stock is at that level. So on black sea bass the standard was a 50 percent probability that you're rebuilt in 2016, so they've done an F rebuild that gets you there.

Now, the SSC has talked about some of these subsequent plans about modifying that probability of success. That's not something we asked them to do because that wasn't something the council said was one of the things you wanted to change. They have a good endpoint there in terms of the 50 percent probability, so that gives you the Option 5, F rebuild, and that's going to be analyzed so you'll have that information.

To do the others we'd have to go in and do a bunch more projections and I think given the time crunch, you may not necessarily want to do that if your intent is to try and rebuild and give the fishermen as much opportunity to fish as you possibly can. With that, I think the idea that Michelle mentioned is a really good approach because the reality is the harvest in 2012 under the F rebuild strategies is dancing right around the current 847 whole weight total and a slight increase in some cases.

And what it really hinges on is what are the landings going to be this year, so the assumptions about what is landed during the calendar year 2011 has an enormous impact on what is actually able to be harvested in 2012. I know that when we went into this, given what we've seen in this

population we expected some really good news out of this assessment and hearing this people might be thinking, well, that's not really that good a news.

But when you see what was landed over the last couple of years and realize that there were substantial overages in this fishery above the 847 that was targeted to be caught over the last couple of years, then you realize that the population has done quite well. The fishery has just removed those fish from it. The fishery is doing good; we've seen good recruitment; the fish are getting bigger, they're getting more abundance. The fishery reflects that as we talked some yesterday by it going over in some of these sectors.

So we are seeing the improvement and I think the F rebuild is going to be the best way to go and maybe you do a modification that would be along the lines of maintaining that 847 for a year or two years until you can move to a higher level under F rebuild.

The 847 is adequate to rebuild as well. You could hold it at 847 and you could rebuild and it would be a 60 to 70 to 80 percent probability of success; again depending a lot on what happens in 2011. That alternative is viable if the final runs should come out with a pretty significant reduction in the first year. In 2012 we could work that out.

MR. WAUGH: I know this is confusing and it is hard to talk about F rates without knowing what the numbers are and we'll get to some bounds on that, but I think the bottom line we're recommending here is that you can delete Alternative 4; and what John has said, within Alternative 3, while we present five options, the one that is being analyzed right now – and you'll get projections – is Option 5.

We would suggest rewording Alternative 3 to define a rebuilding strategy of F rebuild by 2016 and then do away with Options 1 through 4. That would still leave us with three alternatives, so we should be covered with an adequate range.

In terms of the range of impacts, I think that represents the full range because you're going from keeping what you have now, a constant catch, to being the most liberal that you can be and still meet our rebuilding timeline. That would simplify the analyses and I think present the public with the realistic alternatives that you're considering.

DR. CRABTREE: Yes, it is complicated not knowing what the numbers are. In Amendment 15A we defined optimum yield for black sea bass as 75 percent of Fmsy. It seems to me under any of these rebuilding strategies the F target is going to have to be that or less. I'm assuming in all likelihood F rebuild will be less than that but I don't know.

MR. CARMICHAEL: The preliminary estimates – and, again, these haven't been through the review so there could be some changes, but they are in the neighborhood of 75 percent of Fmsy. They're probably going to be around that.

DR. CRABTREE: We've already set that up as that's our target fishing mortality rate for black sea bass, and so I think we'd be hard pressed to explain why in a rebuilding plan with two years

to go we would set it above that. I don't think we could justify that. I certainly think we could take out F equals 85 percent and F equals Fmsy.

MR. CARMICHAEL: You'd definitely take out Fmsy because you can't rebuild if you fished at Fmsy or if you're below SSBmsy.

DR. CRABTREE: Yes, and you're not going to be able to argue that you're rebuilding as quickly as possible if you're going to raise the F from 75 to 85 percent. I just don't know how that works, so it seems to me we're talking 75 percent Fmsy is the highest F we could set. F rebuild may be below that and it sounds like it's pretty close to that. We could elect to go to a lower F to have a higher probability of rebuilding, but I don't see how we could go higher than that.

MR. CUPKA: Based on all of the discussion I've heard here this morning, **I would like to make a motion that we move Alternative 4 and Alternative 3, Options 3 and 4 to the considered but rejected appendix and that we make Alternative 3, Option 5 our preferred.**

MR. CURRIN: Motion by David and second by Duane. Discussion on the motion? Duane.

MR. HARRIS: One question, Mr. Chairman, given the analysis that is going to need to be done, should we leave Option 1 and Option 2 in or should we just go with Option 5, F rebuild? I don't want the staff to have to do the extra work if F rebuild is going to be acceptable.

MR. CARMICHAEL: Option 5 is done. The others will require extra work; so if you're not really considering those, then maintaining that one could be appropriate.

MR. CURRIN: Yes, Gregg just whispered that Alternative 1 has to stay –

MR. WAUGH: Option 1.

MR. CURRIN: Yes, we're talking about Option 1, Gregg, sorry. Duane, I don't know; that's the question raised is that I think all indications are, based on what John has said, that a high probability or likelihood that Option 5 is going to be fine and be at or below Option 2. If it's not, however, we're going to have a hard time, as Roy has indicated, justifying choosing that option. I guess it's somewhat risky, perhaps. John, correct me if I'm wrong.

MR. CARMICHAEL: No, I think that's okay. I was thinking about what Roy had mentioned about the OY. Some of the plans that we've done since we did black sea bass where we have the PDFs about the OFLs and the SSC gives you an ABC based on their control rule and you've used that for OY, you might be able to come up with an F that gives the ABC that you used as an OY and you change your Foy in the future when we get to the stock being rebuilt so maybe we won't have to be found by that.

If we have more information, we may want to choose something other than just a straight percentage of Fmsy for OY. We can actually base it on the uncertainty in the assessment and the PDF function might be a better way to go and bring this stock up a little bit.

MR. HARRIS: Mr. Chairman, I was just thinking that since what 15A calls for 75 percent of Fmsy, maybe we just leave Option 2 and remove Option 1 and have Option 2 and Option 5 be the two options and then Option 5 be our preferred, as David said.

MR. CURRIN: I think that would be safe. It will at least leave us where we are now, and I don't think there is any reasonable expectation that we would have to decrease that F in view of what the stock has been doing and what we know about it. Roy.

DR. CRABTREE: Yes, I think that's fine. I think John is right; after we have the assessment we could come in and revisit OY and base it on some assessment of how much risk we're willing to accept and change all that, but we're not going to get that done here.

MR. WAUGH: If we're anticipating reconsidering OY in December, we need to include it in here now to go out to public hearings. Otherwise, would we be able to change it in December?

DR. CRABTREE: Well, I would just put in here that during the rebuilding period OY will be defined by the F in the rebuilding strategy. Then once it's rebuilt it would default back to 75 percent of Fmsy until we find something better to use. I think that could just be an explanatory statement in the text.

MR. CARMICHAEL: I think that's how it would have to go because our expectation is that after 2016 we would want to do an assessment of this to make sure we have rebuilt and then that opens the way for the agency to say, yes, you have the rebuilt, the assessment shows it and now you can move into some other management strategy and we could have the evaluation of OY done in that action.

If you wanted to keep the 75 percent in this one, I think that would be a relatively straightforward projection that we should be able to get done between the SSC meeting and the council meeting perhaps once we actually know what the final values will be. I don't think that's an undue burden to try and get that run done.

MR. CURRIN: David, do you want to modify your motion?

MR. CUPKA: Yes, I'll modify my motion to include Option 1 under Alternative 3.

MR. CURRIN: Is that okay with the seconder, Duane? **Okay, the motion is to move Alternative 4 and Alternative 3, Options 1, 3 and 4 to the considered but rejected appendix and make Alternative 3, Option 5 our preferred. Any further discussion of that motion? Is there any objection to that motion? I see none and that motion is approved.**

DR. CHEUVRONT: Okay, moving right along to Action 1B, to set an ACL for the black sea bass fishery. Alternative 1 is no action, do not change the existing ACL for black sea bass. Two is to set ACL equal to ABC equal to OY. This results in sector ACLs based on existing allocations. Alternative 3 is set ACL equal to 90 percent of the ABC. This results in ACLs based on the existing allocations; and Alternative 4, set ACL equal to 80 percent of the ABC.

This also results in sector ACLs based on the existing allocation. You can see some tables here based on the different rebuilding strategies that we could use that would help us figure this out. It looks like the first of the tables is the one – based on what you chose in 1A as your preferred, the first table is probably the one that would want to be using here as opposed to the second or the third tables under Action 1B.

MR. CARMICHAEL: There wasn't anymore discussion about the possible sort of modified rebuilding which you might find favorable if the fixed F results in landings lower than 847 in 2012. Is that something that the committee would be interested in if it turns out that scenario comes true, that the landings would need to be lower than 847 in that first year.

A motion or if you want to just give us the intent that, yes, if that's what you see coming out of the SSC, that staff could put an option like that together for the document, then I think that would be good. And then if it doesn't turn out to end up that way, then it could just go away.

DR. CRABTREE: Explain that to me again, John, I don't understand that.

MR. CARMICHAEL: Well, there is a possibility that 2012 landings under the fixed F strategy under the F rebuild could be less than the current limit. If that's the case, there is an option where you could hold the current limit say for another year and then move to the F rebuild, so you'd stay at 847 in 2012 and then go to F rebuild in 2013. I would be very surprised if it would require more than one other year. That's just something that if the committee would like to see that to avoid a reduction in 2012 if possible. If it ends up it would go down, we can try to have that scenario evaluated.

DR. DUVAL: I would like to see that. I think that's what I was talking about. In other words, if the results came back such that the ACL would have to drop below what it is now and for 2012/2013 my thinking was that if we held – if that was the situation and we held it constant, you would just see a smaller bump up the following year.

DR. CRABTREE: I think what you need to plan is that if F rebuild means we have to cut the TAC, we're going to have to cut the TAC. We're not going to be able to fish higher than F rebuild. In my view that would likely constitute overfishing. This rebuilding plans ends in 2016. The time of phasing things out is done, and I don't believe we'd be able to get away with fishing at any higher F than F rebuild.

We've gotten into trouble in seas bass from backloading this stuff and putting off reductions. If we went down that path assuming somehow we could decide it's legal, all we're doing is making our problems for the next year's even worse. We can look into that and come back to you in December, but I don't see how you can justify fishing at an F higher than F rebuild.

MR. CARMICHAEL: You wouldn't be overfishing as long as you're below Fmsy and all of these are well below that because we –

DR. CRABTREE: That I'm not prepared to agree at this stage.

MR. CARMICHAEL: Well, I've seen the projections of 847 fixed through the end and they're all below Fmsy. Given that we have those projections, that makes this a little more of an acceptable strategy, because you can rebuild and stay at 847. Your Fs continually get lower and lower, but that creates the same problem that you're in now where you're trying to maintain a low F in the face of a rapidly increasing population/

DR. CRABTREE: Well, we'll look at that and figure that out, but I think somewhere in the thousands of pages of guidance there is a statement somewhere that within a rebuilding plan fishing at a level above the F rebuild is – so I'll have to dig into that.

MR. CURRIN: Well, I think it's clear that there is some interest among the committee members to take that approach if we can. I don't know whether that particular guidance is enough for you guys, John and Brian and Gregg, to make any headway between now and December, but clearly there is some interest in that approach if there is an indicated reduction. Gregg.

MR. WAUGH: So we're back talking about Action 1A, the rebuilding strategy, and you all want us to look between now and when we put the document together to go out to public hearing; and if we can use this modified F strategy, then we will include an alternative that does that. Is that what you're directing us to do?

MR. CURRIN: That's what I'm hearing, yes.

MR. WAUGH: And then what if the review of this overfishing determination, if in fact during a rebuilding program if above F rebuild constitutes overfishing, then that would indicate that we would not include that alternative?

MR. CURRIN: Yes, that's my understanding. Everybody comfortable with that direction to the staff and approach? I think there is interest to do if we can; clearly if we cannot, then don't spend any time on it. All right, on to 1B, set an ACL for the black sea bass fishery, four alternatives there, folks. What do you want to do? Duane.

MR. HARRIS: Mr. Chairman, based on what Brian said, I think what I heard him say is we could move everything except the first table to the considered but rejected appendix.

MR. CURRIN: No, we just need to select a preferred if we can, and that will dictate which tables will need to be filled out when the information is available from the assessment.

DR. CHEUVRONT: Yes, these tables were put in there just to help in the decision document and help guide some of the discussion. They're not actually part of the alternatives and things now, so there is no need because you're going to see some other tables and things coming up later on that are just designed to help provide you some information as you're going through your deliberations.

MR. CURRIN: Any desire to select a preferred here? Gregg.

MR. WAUGH: And sort of continuing with this idea, as long as we're not resulting in overfishing or we're not violating our deadline to rebuild the stock, then it seems you want to set your ACL as high as you can while you still rebuild and that would be Alternative 2. I think here this is a cascade effect. If you don't give us a preferred here, then when we get the stock assessment we don't have the numbers to carry forward. Again, I know this is going out on faith, but I think throughout the Comprehensive ACL it was set ACL equal to ABC equal to OY.

MR. CURRIN: Yes, we've been pretty consistent with that approach so far. It doesn't come without risk as has been well explained to us. Duane.

MR. HARRIS: Mr. Chairman, then I would move that Alternative 2 be our preferred.

MR. CURRIN: Motion by Duane; second by Robert to Alternative 2 as the preferred. That sets ACL equal to ABC equal to OY. Discussion on the motion? Is there any objection to the motion? I see none and that motion is approved.

DR. CHEUVRONT: Moving right along, Action 1C, set annual catch targets for the commercial black sea bass fishery. Alternative 1, no action, do not set an ACT for the commercial black sea bass fishery; Alternative 2, set the commercial ACT equal to 90 percent of the commercial sector ACL; Alternative 3, set the commercial ACT equal to 80 percent of the commercial sector ACL.

At this point I just want to say that in the past in most of the other fisheries we have not been setting ACTs for the commercial fishery at all because this is being quota monitored and the fishery basically shuts down when the quota is met; but for parity with Action 1D we felt that we needed to put 1C in there. If you want to set ACTs, now is the time to decide if you want to do that.

DR. PONWITH: Just a comment that when you set ACL equal OY equal ABC, it's basically leaving in a zero margin, and so it assumes omniscience in the ability to stop on a dime.

MR. CURRIN: Thank you for that; and as everyone is aware, we've had some concern expressed by some of our constituents and stakeholders that they're uncomfortable with that. Clearly, based on past history, we've been not always able to constraint the fishery or stop the fishery in as timely a manner as perhaps we would like to justify no ACT for the commercial industry.

On the other side of the coin monitoring is getting better so the risk is at least decreasing. It may not be totally eliminated but it is decreasing and would expect it to get better as we move into the future. What is the committee's pleasure here? As indicated, we've been fairly consistent so far with not setting ACTs for the commercial industry. Robert.

MR. BOYLES: Mr. Chairman, I move Alternative 1 as our preferred for Action 1C.

MR. CURRIN: Motion by Robert and second by Tom Burgess to select Alternative 1, no action, as our preferred under commercial ACTs. Discussion on that motion? Any objection to that motion? I see none and that motion is approved. Okay, Action 1D.

DR. CHEUVRONT: Action 1D is to set an annual catch target for the recreational black sea bass fishery. Alternative 1 is no action, do not set an ACT for the recreational black sea bass fishery; Alternative 2, set the recreational ACT equal to 85 percent of the recreational sector ACL; Alternative 3, set the recreational ACT equal to 75 percent of the recreational sector ACL; or Alternative 4, the ACT equals ACL times one minus PSE or ACL times 0.5, whichever is greater.

MR. CURRIN: And again as you recall, Alternative 4 is what we have fairly consistently applied and used to set an ACT for the recreational industry. Robert.

MR. BOYLES: Mr. Chairman, I move Alternative 4 as our preferred.

MR. CURRIN: Second by David. Discussion on that motion? Brian.

DR. CHEUVRONT: Yes, Gregg just pointed out to me that we need to make sure that we're clear that in Alternative 4 that in those two formulas that it is the recreational ACL times 0.5, whichever is greater. It's not the total ACL.

MR. CURRIN: Yes, that's clear to me; I presume it's clear to everyone else. Discussion? Jack.

DR. McGOVERN: I just wanted to point out that I don't think the council or the committee ever made a motion to adopt the new alternatives and the new approach that was suggested by staff.

MR. CURRIN: Yes, Jack, Brian and I talked about that and I think where we were on that was that at the last meeting we asked the staff to come up with some alternatives to insert in the document, and this is the first time I believe we've seen those. Correct me if I'm wrong, so we haven't ever really approved them to put them in. We just gave direction to staff to put them in. They made a recommendation to alter those from I guess what they originally came – the team originally came up with. I think that's the way it is. If I'm wrong, please correct me and we'll do what we need to do. Yes, Jack.

DR. McGOVERN: And also I want to make another point for the previous – where you're talking about the commercial ACT and overages in the commercial sector, and I was looking at how much we went over in the commercial sector in the last few years. This year we're at 108; last year 105 percent; and then the previous three years we were below the quota; like 95 percent of the quota. They were pretty close every year.

MR. CURRIN: Yes, thanks very much for that. The issue and the problem I raised or brought forward is not specifically to black sea bass but just to our abilities to monitor quotas in general, so those concerns probably are not as great for black sea bass. We have been doing a pretty good job with that. Okay, any further discussion on this motion? **Is there any objection to the motion? I see none and that motion is approved.**

DR. CHEUVRONT: Okay, Action 2 is in regards to limiting participation in the black sea bass pot fishery through an endorsement program. There are four 225 pound permits with black sea

bass landings who fished pots. We wanted to point that out. We do not have the – well, I think we do have some of the 2010 or 2011 data, but the permits have not been landing in recent years and their landings were actually relatively small.

But, anyway, getting into some of these alternatives, Alternative 1, no action, do not limit participation in the black sea bass pot fishery with the establishment of an endorsement program. Then we have two similar but with a distinct difference in the next two alternatives. The first one is limit endorsement and tag distribution to black sea bass pot fishermen with valid or renewable – and the council needs to decide when the permit would need to be valid, upon implementation of this amendment or publication of the final rule – commercial snapper grouper permits as of – whatever date – whose average annual black sea bass landings using black sea bass pot gear between December 8, 1998, and December 31, 2010, were at least – and then we have this suite of subalternatives.

Subalternative 2A, 500 pounds whole weight, excluding the fishermen who had no reported landings of black sea bass using black sea bass pot gear between January 1, 2008, and December 31, 2010. Then the rest of the subalternatives simply change the average annual weight that the fisherman had to land; so Subalternative 2B is 1,000 pounds whole weight; Subalternative 2C is 2,000 pounds whole weight; Subalternative 2D is 5,000 pounds; and Subalternative 2E is 10,000 pounds.

Now, Alternative 3 is similar to Alternative 2 but instead of average annual weight, it's total combined weight over the entire time series. Alternative 3 is limit endorsement and tag distribution to black sea bass pot fishermen with valid or renewable – the council needs again to decide when the permit would need to be valid – commercial snapper grouper permits whose total black sea bass landings using black sea bass pot gear between December 8, 1998, and December 31, 2010, were at least 500 pounds whole weight, again excluding those fishermen who did not have reported commercial landings using black sea bass pot gear between January 1, 2008, and December 31, 2010.

Then Subalternative 3B is 1,000 pounds; 3C is 2,000 pounds; 3D is 5,000 pounds; and 3E is 10,000 pounds. If you now look at the table that is numbered 4-4 on there, it shows how many fishermen under each of the subalternatives for Alternatives 2 and 3 would then be eligible to get endorsements.

Now, Table 4-4 looks at the number of vessels – the first column is the year of fishing; the second column is the number of vessels that participated in the fishery; and then the third column is the number vessels who participated from 1999-2010 that still currently have an active permit that allow them to fish.

You can see that in 2010 there were 51 vessels that participated in the fishery and all 51 are currently active in permits. So anything that you reduce the numbers by from Table 4-4, any subalternative that you choose you would need to subtract that number from 51, in essence, to determine how many people, in essence, would be cut out of the fishery. That was put in there just to give you some additional information.

MS. SMIT-BRUNELLO: Brian, I have a question on the note, and the notes at the top before we start talking about Alternative 1 and all those sort of things. I have a couple of questions. It states there are four 225 permits; you mean four 225 pound permits?

DR. CHEUVRONT: Yes.

MS. SMIT-BRUNELLO: All right, and then I'm assuming the rest of that sentence would be permits with black sea bass landings who fished pots, what, in 2009 because the next sentence says we don't have 2010 or 2011 data yet?

DR. CHEUVRONT: Right, that would have to be 2009.

MS. SMIT-BRUNELLO: All right, so in the table, when we're talking about active permits and those sorts of things, are we just talking about then the non-225 pound permits, that we're talking about unlimited?

DR. CHEUVRONT: I think Jack knows the answer to that because he put those tables together.

DR. McGOVERN: Yes, I can answer that question. There were four 225 permits that had black sea bass catch with pots during the whole time period. They don't qualify based on the criteria for the alternatives. This is all based on unlimited permits.

DR. CRABTREE: John Carmichael, this is a question for you. From what you've seen, can you give us any idea as to approximately – I mean, we're going to be on track to rebuild by 2016, it sounds like. What can we expect the maximum sustainable yield to be and what can we expect optimum yield to be? Can you give us any kind of idea because we're talking about – I mean, we've got a terrible derby fishery right now in sea bass. Commercially it's a disaster and it's going to kill these guys.

I know looking back at 18A the estimate of MSY was 2.7 million pounds and the estimate was approximately that, so it seems really important for us to understand when we decide how many fishermen we're going to let in this fishery not just what is happening right now but are we going to be in two and three years and how many pounds of fish are they going to have available to them. I think that's going to change quite a bit but I don't know if the assessment MSYs are anywhere close to what we had out of the last assessment or if they're going to come out very different.

MR. CARMICHAEL: It looks like the overall range of MSYs is fairly similar to slightly less. Depending on what runs you end up and how it all pans out, it could be around 1.8 million pounds to 2.5 million pounds seems to be the range we're looking at. Let's say it looks like they're slightly lower than what they had been in that last run.

It certainly is on track to rebuild, so no concerns about that. One of the things the council can do in terms of poundage is adjusting selectivities; so if you consider things like higher size limits as you get into managing the rebuilt stock, then that can drive MSY up quite a bit.

DR. CRABTREE: Gregg, the allocation is I seem to recall 47 percent commercial?

MR. WAUGH: 43 percent commercial; 57 percent recreational.

DR. CRABTREE: Okay, so that puts us looking at a TAC somewhere on the order of 800 or 900,000 pounds commercial quota, probably, and right now it's 400 and –

MR. CURRIN: 309, yes.

DR. CRABTREE: So we're looking at the quota more than doubling in all likelihood over the next couple of years, few years.

MR. CURRIN: Yes, and Gregg mentioned we had a month and a half season this last year.

DR. CRABTREE: Right, so if we stay where we are – and actually I would assume the catch rates will go up even more, so at best what we're likely looking at is if we don't reduce participation instead of a 45-day season is we're looking at a 90-day season, and that's all we'll get out of this fishery.

We need to think about how long do we want this fishery to be open, but we ought not sit here thinking, well, the TACs are going to go up so our problems are going to go away because they get a little better, but they're going to fill those traps up even faster as this stock in the last few years are rebuilding. We're still going to have a bit problem.

MR. CURRIN: John, have you got something to that point and then I've got Robert and Bill.

MR. CARMICHAEL: Yes, I think exactly what Roy said the fish are going to get bigger and they're going to get more abundant and they're going to be easier to catch. Thinking that the seasons are going to get longer and longer as more fish get out there is probably not going to happen.

MR. BOYLES: Brian, can you remind me what is the control date for the fishery; is it the 31st of 2010?

DR. CHEUVRONT: I believe it is now. That is the latest one that was set; there were several before that.

MR. TEEHAN: This is a question out of ignorance and not having been here. Is there a permit now required for black sea bass trap pots? There is not, so why do these people on Table 4-5 have active permits; what are those active permits?

DR. CHEUVRONT: Snapper grouper permits.

MR. TEEHAN: Snapper grouper, okay, so do you need the snapper grouper to catch black sea bass?

MR. CURRIN: Yes.

MR. TEEHAN: So it looks like you have vessels that are catching black sea bass that don't have permits.

DR. McGOVERN: Some of those permits are retired so you go back in time there are people that caught black sea bass that no longer have active permits. They've been lost or two for one and that sort of thing.

MR. CURRIN: The other thing, in thinking about this and preparing for the meeting, that occurred to me is looking at the other fisheries that we're currently dealing with, wreckfish, golden crab, golden tilefish, and some of those we're considering greatly limiting entry into those fisheries in order to establish catch share programs.

I started thinking about the magnitude of the landings in those fisheries, and I think I'm close at least – somebody correct me if I'm wrong, but wreckfish, for example, we're currently at a 250,000 pound ACL, and there are somewhere between two or four people that are fishing and landing those fish.

Golden tilefish, the commercial quota is 282,000 and change; and I just asked Rusty this morning, there is roughly a dozen longliners who account for most of that catch, which they have been going over fairly substantially in very short periods of time over the last few years. Golden crab we talked a little bit about earlier in the week and we've got I don't know how many boats – it's not real clear – less than six that are operating in that fishery.

They're well below the – eight boats, David – they're well below their ACL of 2 million pounds but they're landing 800,000 pounds a year. And then if you look at black sea bass, we've got an ACL of 309,000 pounds for the commercial quota, and we know what the problems are. I mean we've got too many people in this fishery and we're talking about cutting it down to 40 from 50.

Folks, that's just not going to get us anywhere, I don't think. Eighteen people as one of the alternatives that we have doesn't seem like an unreasonable number of people to participate in that fishery in view of what we've got going on in some of these other fisheries, at least in my mind. Robert.

MR. BOYLES: Mr. Chairman, with that and with the discussion that we've I'm prepared to make a motion that we make Subalternative 2D our preferred for this action.

MR. CURRIN: Motion by Robert to select Subalternative 2D as the preferred; second by Tom Swatzel. Discussion on this motion? Gregg.

MR. WAUGH: One other factor to keep in mind in terms of how Roy laid out what the total yield could be expected to increase to it, at some point we're going to have to account for discard mortality; and the shorter the season the more discards and we're just not accounting for that as yet.

In terms of looking at how you might reduce the number of participants, anything we can do to help reduce the level of discards will be helpful. We do deal with discards. When the assessment is done it's accounted for, but still the shorter the season the more discards across the fishery as that remains open. That's going to be something that we're going to pay that price at some point.

MR. CURRIN: Good point, Gregg. Roy.

DR. CRABTREE: Well, we're all concerned about discards, but they are accounted for in the stock assessment; and, two, remember right now we're talking about at least the pot fishery, and, yes, the season is sort but when it closes the pots come out of the water, so they're not causing discards at that point. There are recreational discards. Whether they go up or not as the season gets shorter, I don't know, but they are accounted for in the assessment. To the extent what is in there is correct we should be okay.

MR. CURRIN: Well, there are hook-and-line discards as well once the ACT has been reached and the fishery is closed.

DR. CRABTREE: Yes, but presumably those are all factored into specifying this level of harvest, so this OY is contingent upon the current level of discards or the pattern of discards continuing in the future.

MR. CARMICHAEL: That's correct; the discards are in the assessment.

DR. CRABTREE: So to the extent we could reduce discards, the harvest levels could be increased.

MR. CARMICHAEL: Yes, there is always the option a percentage of that overall yield that's MSY that you can take is relative to what gets lost or discarding; so as you reduce those you can get closer and closer to that total.

DR. CRABTREE: So, really, the way to think about discards is there is foregone yield that is caused by discards; and to the extent we can reduce discards we can harvest more fish and bring them in.

DR. McGOVERN: I also wanted to point out the release mortality rate for black sea bass is really low. I think the new assessment is like 7 percent for hook and line and 1 to 2 for pots.

MR. CURRIN: Yes, but discards don't worry me as much for that exact reason, Jack. It's a much shallower water fishery on average and the survival rates are greater. We've required circle hooks in the recreational fishery. At least now they're being used fairly consistently and with success from what I understand by the headboats and charterboats. That may well help reduce that discard mortality; reduce dehooking, anyway. Bill.

MR. TEEHAN: Mr. Chairman, I'm uncomfortable with knocking 51 down to 18, and I would like to offer a substitute motion that Subalternative 2C, the 2,000 pound whole weight, be our preferred.

MR. CURRIN: There is a substitute motion by Mr. Teehan to select Alternative 2C as the preferred; second by Michelle. Discussion? Charlie.

MR. PHILLIPS: Well, let's do this motion and then what I wanted to say I'll bring up after this motion, if that suits you, Mr. Chairman.

DR. DUVAL: It was just to this motion. I was also just looking at some of the numbers of participants that we have in North Carolina and I was also a little uncomfortable with knocking that many people out of the fishery, so that's why I seconded the substitute motion to try to get a little more discussion going.

This is a tough, tough thing. I realize that there is more capacity in this fishery than the quota can bear right now and we need to cut people and that's a tough call. I guess I would love to see a little bit more information. I'm in a little bit of the same position as Bill because I haven't been here. I don't know if we've looked at it in terms of the folks that the pot fishermen who have been participating, you know, the range of poundage landings that folks have had, that sort of thing. That might be useful information to have.

MR. CURRIN: Well, just to put it in perspective, Michelle, I think from what I'm hearing from fishermen I talked to, the range of 6 or 800 pounds on what might be an average day up to 2,000 pounds on a good trip kind of brackets the landings. If you start looking at, well, the substitute motion that has been suggested here, we're looking at 2,000 pounds over a year, that is maybe somebody made in a couple of trips with pots and having a pretty good day, two or three trips, maybe four max. Further discussion on the motion? Roy.

DR. CRABTREE: Well, do we have an analysis in here, Jack, that gives us some notion of if we had 34 boats where that leaves us? My guess is if we let 34 boats into this fishery, even when the stock is rebuilt this fishery won't last more than 90 days. I think the catches are going to go up. Do we have anything in the amendment that would give us that kind of analysis yet, Jack?

DR. McGOVERN: Yes, there is Table 4-6. It's on Page 114 of the amendment. I don't know what the PDF page is. It shows the average landings of the top people that caught pots over the years who have active permits. The top 35 landed about 380,000 pounds on average. It also shows you is there are some people that have consistent landings from 1999 on and some of those wouldn't qualify under these different alternatives. You'd see some people that would lose.

MR. CURRIN: Yes, there is no question there are folks that are going to be losers in this, but the intent of the amendment is to limit participation in that fishery. When you establish an amendment like that, it's a pretty well given to me that there are going to be some losers when you limit that participation. Bill.

MR. TEEHAN: Mr. Chairman, there may be another number of somewhere between 5 and 2,000; I don't know. My concern is this, is that the 5,000 is going to knock 33 vessels out of the fishery. That's a lot. I understand what Roy is saying about the 34 vessels may be too much for the quota that's going to be established.

The other thing that I have in the back of my mind – and I don't know if in this document we have this – is knocking 33 vessels out of the fishery could take the black sea bass pot fishery out of communities. There could be some fishing communities that lose all their vessels, and I haven't seen that and I don't know if that is looked at here, but in the Gulf we did that with the longline fishery. We considered the fact that at a certain poundage cutoff we were going to wipe out entire fleets in certain towns, and so we had to try to incorporate that in there. If that study is in this document, I'd be more than happy to look at it, but that's what my concern is.

MR. BOYLES: Bill and Michelle, I certainly appreciate and understand where you're coming from on this. We're going to manage this fishery and rebuild it, and we're going to continue – I'm concerned that the substitute motion is going to continue in essence a status quo fishery once we rebuild. For that reason I can't support the substitute.

MR. BURGESS: This is an important action to me. I spoke to some fishermen before I came to the meeting and they sure are pretty upset about everything and what is taking place. These fishermen are vested in the fishery. My community has dominated the landings in this fishery for a number of years, for quite a few years. As far as community involvement, my community, a lot of them would qualify under the original motion on the floor. They don't have much now; they've got nothing. I know it's a tough one; it really is, and I'm wrestling with it myself.

MR. PHILLIPS: Mr. Chairman, I understand the problems but I also believe if you'd knock it down to such a low number, just about all those fishermen are going to be in North Carolina. That fishery that has developed off of Florida is going to be gone, and that's going to be a stock of fish that we're getting no effort on.

I don't think any of those fish off of Florida are going to North Carolina and back. I think we need to allow enough fishermen so we've still got some effort off of Florida and keep those communities going. The TAC may double; it could triple from what I heard John say. I'd be inclined to go along with the substitute motion. We're going to be looking at this later, and I know it's tough. It's tough now and it's going to be tough for a while, but we're on the uphill swing and I would support the substitute.

DR. CRABTREE: Mr. Chairman, **I'd like to offer a second substitute motion, if I could, and that is to create new Subalternative 3F, 3,500 pounds whole weight, exclude fishermen who had no reported commercial landings of black sea bass using black sea bass pot gear between January 1, 2008, and December 31, 2010, and establish that as our preferred.**

MR. TEEHAN: I'll second that for discussion.

MR. CURRIN: Motion by Roy and a second by Bill Teehan.

DR. CRABTREE: Mr. Chairman, I don't have a specific analysis for us and I don't know how quickly Jack could do it, but just interpolating I think that gets you somewhere in the neighborhood of 25 or 26 boats. I think we've heard a lot of concerns and they're legitimate concerns and I'm trying to find some middle ground here maybe that we could live with.

MR. BOYLES: Was that 3F or 2F, Roy?

MR. CURRIN: I believe it's 2F; I believe that was your intent.

DR. CRABTREE: Did I get the rest of the language right?

MR. CURRIN: I think you were basically quoting what was included in the other alternatives.

DR. CRABTREE: It should be January 1, 2008, and December 31, 2010; is that correct, Gregg? Yes, that's what I intended.

MR. CURRIN: I believe that's correct. Duane.

MR. HARRIS: I appreciate Roy's substitute substitute motion. I just wanted to go back to something Charlie said. I don't know how many vessels in Florida would be excluded given the original motion, and I don't know how many would be included given Roy's substitute motion. I am concerned about those vessels but at the same time the traditional fishery has been, as Tom said, a North Carolina fishery.

The Florida fishery is a recently developing fishery. Maybe it's not a recently developing fishery, but it's new to me I guess I would say. I hate to exclude those guys because we have excluded them from so many other fisheries. I think, you know, you spread this fishery out like we're talking about, you're not going to put as much pressure on the stock; because I don't think, as Charlie said, those fish move up and down the coast from Florida to North Carolina.

We did a lot of tagging of black sea bass off Georgia years and years ago and they didn't move very much. They stayed pretty much in one reef system. I'm prepared to support Roy's motion simply because it does include a few more boats. I don't know where they're from, but I'm prepared to support that at this time. Thank you.

MR. TEEHAN: Yes, Duane, I wasn't just trying to protect Florida fishermen. Of course, that's my main goal but I'm looking at the entire South Atlantic. I don't know what the distribution of this fishery is. Like I said earlier, it would be helpful to see what the home ports are for these vessels. The queue for substitute motions is full, but in a way I'd almost like to see 2,500. If Roy's doesn't make it, I'll make another substitute.

MR. CURRIN: Yes, I think the queue is full right now, Bill, hold on. John Carmichael.

MR. CARMICHAEL: The technical question on how these values are calculated and I think is relevant since you're talking about situations where black sea bass fisheries may have developed in some areas post-1998. Let's say someone started fishing for black sea bass in 2002 in

significant numbers and have had a significant fishery over the that time; would 1998-2001 be included in their average? Would those be treated as zeros or would those treated as missing values?

MR. CURRIN: It's a very good question and I'm not sure. Jack, do you know or anyone on the staff?

DR. McGOVERN: The average is just the time period so it's a 12-year time period, and so it's just their total landings divided by 12 over that time period. If they only have like two years worth of landings, it's divided by the complete time period. That's how we understood the alternative to be.

MR. CURRIN: Okay, everybody clear on that? All right, we have a substitute/substitute motion. **The third motion is to select a new Alternative 2F as our preferred. That alternative would state 3,500 pound whole weight; exclude fishermen with no reported commercial black sea bass pot landings between January 1, 2008, and December 31, 2010. All in favor of that motion raise your hand, 6 in favor; all opposed, 4 opposed.**

The substitute/substitute passes and now we vote it again to make it the original substitute and then we vote it again as the main motion. All right, every understand where we are? The third substitute now becomes the second substitute if it passes this vote. All in favor raise your hands, 6 in favor; all opposed, 4 opposed.

The second substitute now becomes the main motion and we need to vote on the main motion. All of the favor of the motion raise your hands, 8 in favor; all opposed, 2 opposed. That motion is approved. Bill, you've got something to say.

MR. TEEHAN: I do. Can I put another substitute up there?

MR. CURRIN: No, I think what you need to do is make a motion.

MR. TEEHAN: All right, I would like to make a motion with the exact same language only with 2,500 pounds in it.

MR. CURRIN: I think probably the cleanest way to do it, Bill, if that's your intent, is to make a motion to change our preferred since we just established a preferred.

DR. CRABTREE: Point of order.

MR. TEEHAN: Well, no, all I want to do is at this point is add one for analysis so that we could find out –

MR. CURRIN: That's fine; I wasn't sure what your intent was.

MR. TEEHAN: It has all the same language as the previous ones; only the number is 2,500 pounds. I just want to see how these vessels fall out.

MR. CURRIN: Understood. **The motion is to add a new Alternative 2G, which would include 2,500 pounds whole weight and to exclude fishermen with no reported commercial black sea bass pot landings between January 1, 2008, and December 31, 2010.” Second by Duane. Discussion? Is there any objection to that motion? I see none and that motion is approved.** Charlie.

MR. PHILLIPS: Considering John Carmichael’s comment of the discards and we’re not going to have any discards really out of the pot fishery and we’re having the discards out of the commercial hook-and-line fishery after the season is closed; would there be any – do we want to look at splitting out the ACLs for the hook and line and give them their allocation, their historic allocation like we’re doing for the pot fishery, which in a low trip limit may help with the discards and it may give us some more fish to fish.

MR. CURRIN: I think, Charlie, there is an action in the document to do that, Action 12 that will allow us to do that. How about Alternative 3? We’ve got a suite from A to G now in Alternative 2 and also Alternative 1, the no action. Is there any desire or reason that the committee can see to keep Alternative 3 and that suite of subalternatives in the document. It certainly doesn’t seem to meet the goals of reducing the fisheries to the levels that we seem to be considering now.

DR. DUVAL: Mr. Chairman, I’m prepared to make a motion that we move Alternative 3 to considered but rejected for the reasons that you stated. This doesn’t seem to meet our goal of trying to reduce aggregate landings as a qualifying criteria.

MR. CURRIN: Second by Duane or John Jolley; take your pick. Discussion on the motion? Any objection to that motion? I see none; that motion is approved. Monica.

MS. SMIT-BRUNELLO: Just for Bill; to the extent the information is available on the communities and black sea bass fishing and all that, it’s in Section 3.8.1 in the document. I’m sure staff will be looking to see whether there is any other community information they can put in the document as well.

MR. HARRIS: To that point, it would be helpful if that information is included in the decision document as opposed to the main document; so when we’re going through the decision document, we can see that readily without having to flip back and forth.

MR. CURRIN: All right, anything else on Action 2? Tom Burgess.

MR. BURGESS: Mr. Chairman, because of my involvement in that fishery, I abstained from voting on a preferred to preserve the integrity of the council process.

MR. CURRIN: Thank you, Tom, and we’ll make sure the record reflects there was an abstention and it was yours. Yes.

MS. SRAMEK: Just a reminder that you need to pick the dates that the permit would have to be valid in order to qualify.

MR. CURRIN: Somewhere in here we're going to address that or do we need to establish an action in this document? What is the best way to do that?

DR. CHEUVRONT: Well, what we had done in the wording of the document was we left that blank in the alternatives. If you look at the beginning of Alternative 2, it says specifically the council needs to decide when the permit would need to be valid, so that was one of those fill in the blanks that we had there.

MR. CURRIN: Well, let's fill in that blank. What is your intent here, folks? Roy.

DR. CRABTREE: So the question what is the date at which they have to have – ask the question again, Carolyn.

MS. SRAMEK: What is the date in which the permit has to be valid or renewable for them to be eligible and meet the qualifications?

DR. CRABTREE: I would say the effective date of the final rule.

MR. CURRIN: Well, we've established the numbers based on that last control date of December 31, 2010, but that's not the –

DR. CRABTREE: Well, that's the date at which they have landings, but in addition to those landings they presumably have to have a valid snapper grouper permit when we issue them the permit, and that's what you're getting at, Carolyn, so the qualifying years are unchanged. But, if somebody doesn't even have a snapper grouper permit, even if they qualified, do we want to issue them a black sea bass endorsement unless they have a renewable snapper grouper permit? I wouldn't think we would. My suggestion would be that the effective date of the final rule you have to have a valid or renewable snapper grouper permit in order to qualify.

MR. CURRIN: Is that a motion, Dr. Crabtree?

DR. CRABTREE: Yes, I move that as a condition on the effective date of the final rule, applicants must have a valid or renewable snapper grouper permit.

MR. CURRIN: Motion by Roy; second by David. Discussion on that motion? It makes sense.

DR. CRABTREE: Valid or renewable, Gregg. Now we need to talk about unlimited because do they have to have an unlimited to get this?

MR. CURRIN: Yes. Carolyn.

MS. SRAMEK: Also, so that I can figure out who it is I need to send the endorsements, too, I going to want to need to lock down transfers between when we establish who has the qualifying permits and when they need to have them so that I have a stable universe to mail endorsements to. I'm not sure if you want to work that into this or not.

MR. CURRIN: Well, we'll do it with a separate motion. I'm not sure how it should be worded exactly, but we'll do what we can to help you out. Monica.

MS. SMIT-BRUNELLO: Probably a motion by the council that supports that concept and then we can discuss it. I think that's an administrative kind of action that the Fisheries Service can do, but it would be good to have the council endorse that approach.

MR. CURRIN: Is someone prepared to make such a motion?

MR. WAUGH: You've got one on the floor.

MR. CURRIN: That's right, thank you, Gregg. All right, any further discussion on this motion? The motion is select the effective date of the final rule applicants must have a valid or renewable snapper grouper unlimited permit. **Is there any objection to that motion? I see none and that motion is approved.** Roy.

DR. CRABTREE: All right, I move that it is the council's intent that NMFS administratively be allowed to prohibit transfers for the necessary amount of time before the new endorsements are required.

MR. CURRIN: Motion by Roy; second by Duane.

MR. WAUGH: What was the end of that?

DR. CRABTREE: Until the new endorsements are required. Is that, Carolyn; does that give you what you need?

MS. SRAMEK: Yes, that looks great.

MR. TEEHAN: Mr. Chairman, I'm just a little concerned about the open-endedness of that. I know your intentions are good, Roy, but –

DR. CRABTREE: Carolyn, what is the maximum time you might need?

MS. SRAMEK: A month.

DR. CRABTREE: All right, not to exceed 45 days; after "time" put "not to exceed 45 days".

MR. CURRIN: Okay, that motion now reads that the council's intent is that NMFS administratively prohibit transfers for the necessary amount of time, not to exceed 45 days, until the new endorsements are required. Monica.

MS. SMIT-BRUNELLO: And we're prohibiting transfers of snapper grouper permits, correct, because that's the only thing that will exist at that time.

MR. CURRIN: That's correct. Is everybody through with this? Carolyn, have you got everything you need and, Monica, you're good. All right, David asked the question is it necessary to put "unlimited" in front of "snapper grouper permits"? There is certainly no intent since the 225s aren't involved here, then – Monica.

MS. SMIT-BRUNELLO: Roy brings up a good point; the 225 pound permits aren't transferable.

MR. CURRIN: All right, so we don't need that. All right, we can add it and make it clear. **The motion now reads that the council's intent is that NMFS administratively prohibit transfers of unlimited snapper grouper permits for the necessary amount of time, not to exceed 45 days, until the new endorsements are required. Is there any further discussion on that motion? Is there any objection to that motion? I see none; the motion is approved.** Carolyn, is there more that we need to take care of to make your life easier?

MS. SRAMEK: I'm not sure under what actions they all roll out, but some of them are more related to the transferability of the endorsements once they're issued.

MR. CURRIN: All right, is that it, the main one, anyway? All right, anything else comes up just let us know. All right, let's move on.

DR. CHEUVRONT: Action 3, establish an appeals process for fishermen excluded from the black sea bass pot endorsement program. Alternative 1 was no action, do not establish the appeals process. Your current Preferred Alternative 2 is the Regional Administrator would review, evaluate and render a final decision on appeals.

Filing an appeal based on landings data must be completed within 90 days of the effective date of the final regulations implementing the black sea bass endorsement program. Hardship arguments will not be considered. The Regional Administrator will determine the outcome of appeals based on the NOAA Fisheries Service logbooks. If logbooks are not available, the Regional Administrator may use state landings records. Appellants must submit NOAA Fisheries Service logbooks to support their appeal.

Alternative 3, a special board composed of state director or designees will review would review, evaluate and make individual recommendations to the Regional Administrator on black sea bass endorsement appeals. Filing of an appeal must be completed within 90 days of the effective date of the final regulations implementing the black sea bass endorsement program.

Hardship arguments will not be considered. The outcome of appeals will be based on the NOAA Fisheries Service logbooks. However, after looking at this the staff thought that the council might want to consider rewording to match the proposed wording for Amendments 18B and 20A, and so that's what this wording is down below here.

MR. CURRIN: Everybody take a look at that quickly and see if you're okay with that wording; and if you are, then perhaps a motion to indicate your willingness or intent to adopt that new language would be in order. David.

MR. CUPKA: Mr. Chairman, **I would like to make a motion that we accept the staff's recommendation for wording changes and that Alternative 2 be our preferred.**

MR. CURRIN: Motion by David to accept the staff's recommendation for wording changes under this action and that Alternative 2 remain our preferred; second by Duane. Discussion? Monica.

MS. SMIT-BRUNELLO: I understand that the Fisheries Service now has a National Appeals Office in headquarters. I'm not sure that has been completely finalized in terms of their guidelines, what they'll see, what they won't see. If it turns out that we need some tweaking of the language here – or a different alternative would be better, I guess – if that's necessary I'd request you give staff latitude to insert that into the document before you see it next time.

I'm sorry I can't be more definitive on it because I'm not sure of the exact timeline on which they're – I don't know if they would be reviewing these kinds of appeals or not. I think they're already reviewing some out of Alaska. I'll try to get more information. I'm sorry I don't have it at this time. I might be able to have it before full council so I'll do my best for that.

MR. CURRIN: Okay, and we were aware of that. I think we discussed that at our last meeting or in June, I forget, that may be coming forward. It was my impression the decision as to whether it went to the National Appeals Board or not was his, and I'm wondering whether we need to get in the middle of that process. We just set it up to send it to him. If he chooses to work it through the appeals board, that's his call, or if he wants to do it internally.

MS. SMIT-BRUNELLO: And "his" means Roy, right, the Regional Administrator?

MR. CURRIN: Right.

MS. SMIT-BRUNELLO: And I was kind of thinking that, too. I was thinking that these actions may not be affected by that. I just wasn't sure so I wanted to put it on the record and just keep it in your mind that it could be.

MR. CURRIN: Well, if you determine that we need to do something different here, add an alternative or some language that indicates that we give the Regional Administrator our blessing to utilize the appeals board, if we so desire, if that's necessary, then we'll I'm sure be happy to do that.

Otherwise, I'm comfortable with – it's his discretion, as I understand it, the RA's discretion as to whether it's sent to Washington or it's handled regionally. Everybody understand and clear with that and okay with that approach? All right, any further discussion on the motion? **Is there any objection to that motion? I see none and that motion is approved.**

MR. WAUGH: Action 4 deals with transferability of black sea bass pot endorsements. The no action alternative is that the black sea bass pot endorsements and tags would not be allowed to be transferred if such a system was implemented. Alternative 2 specifies that the black sea bass pot

endorsements and associated landings history can be transferred between any two individuals or entities that hold a valid federal commercial unlimited snapper grouper permit.

The endorsement and associated landings history can be transferred regardless of whether or not the federal commercial snapper grouper permit is transferred. Your preferred subalternative is 2A, that transferability is allowed upon program implementation; 2B says that it's not allowed during the first two years; 2C is the first three years; 2D, the first five years.

And again this is generally intended to allow some stability before people start transferring. Alternative 3 is black sea bass pot endorsements with associated landings history can be transferred only when an individual's federal commercial snapper grouper permit is transferred. Alternative 2 would allow the pot endorsement and landings history to be transferred separate from the snapper grouper permit. Alternative 3 ties them together. The recommendation is to reword this a little bit, clean it up, and so we present the revised wording for Alternatives 2 and 3. Alternative 2, black bass pot endorsements can be transferred between any two individuals or entities that hold a valid federal commercial unlimited snapper grouper permit.

The endorsements and associated landings history can be transferred regardless of whether or not the federal commercial snapper grouper permit is transferred and then your same preferreds. Under Alternative 3, clarifying that it will be transferred regardless of whether or not the federal snapper grouper permit is transferred.

We're also recommending, in addition to that, slightly revised wording that we delete Subalternatives 2C and 2D, move them to the considered but rejected appendix. It seems two years after the program is implemented is a reasonable period of time for stability and don't need to stretch it out three to five.

MR. CURRIN: Yes, I would agree with you, Gregg; and also if we keep Alternative 3, I think the same thing would apply and we might also consider removing C and D under 3, if we keep that alternative. Bill.

MR. TEEHAN: Just the sort of thing that Gregg was just saying, the Preferred Subalternative 2A, transferability allowed upon program implementation doesn't seem to get to the issue of letting the fishery stabilize. I guess Gregg recommended two years. My other question was do we consider – and I think this came up briefly yesterday – transferability in case of death of the endorsement holder? Do we have any provisions that deal with immediate family or anything along those lines? If not, then what happens to the endorsement?

MS. SMIT-BRUNELLO: Those are good questions. Right now the snapper grouper permit can be transferred to immediate family. I think that's the language, but that's defined as father, mother, brother, sister, son or daughter. I would think that you might want to consider that for the endorsements as well, a similar transferability, restrictions, allowances, whatever.

MR. CURRIN: I think everybody is comfortable with that and that is their intent. If we need to specify that, if the endorsement is not somehow linked to the permit such that it would be transferred the same way, then we perhaps should consider some language here. Monica.

MS. SMIT-BRUNELLO: Two things; one, I think it's good to have a motion so that the record reflects that you would allow that kind of transferability. Why I originally had my hand up is in the alternatives, either the current ones or the ones that staff recommends, in the first sentence you're discussing black sea bass endorsements and you're also discussing commercial unlimited snapper grouper permits.

The second sentence talks about the endorsement and landings history can be transferred regardless of whether or not, blah, blah, blah. When you say the endorsement and associated landings history, I assume that's for black sea bass and I think we ought to put that in the actual alternative language or else there are going to be question as to just do they mean the transferability of the landings history with the snapper grouper permit.

MR. CURRIN: Thank you and certainly that's the intent. Michelle.

DR. DUVAL: Mr. Chairman, my question was actually about the changes in wording to Alternative 3. By my reading the original alternative states that you can only transfer the endorsement when you're transferring the unlimited permit and the rewording seems to say that the endorsement and landings history – it looks like they're different to me.

The new Alternative 3 looks to me like it just says you will transfer your landings history of black sea bass whether or not you transfer your federal permit whereas Alternative 2 says – yes, I'm just wondering what is the difference between two. The original Alternative 3 was you're going to transfer both, your endorsement and your unlimited commercial snapper grouper permit, and I'm just a little confused by the rewording in it.

MR. CURRIN: Yes, that is a good point, Michelle. I think we need to clean it up or clarify it a little further because they do seem to be different. Roy.

DR. CRABTREE: Well, they are different. It seems to me if you transfer your sea bass endorsement, then the pounds associated landings history goes with the endorsement, and that's the way it is. It seems to me that the alternative with the "can" in it ought to be gone and the alternative should say that the endorsement and landings history will be transferred. I mean, I think that's what we all intend and not to have it be some optional thing that it may or may not go with it.

MR. HAYMANS: Both of them read that it has to be between two individuals that hold a snapper grouper permit; but if it's a new entry and you're buying the snapper – you need to buy the snapper grouper and the black sea bass pot, you're not going to have it to start with. It says right now that it's between any two individuals or entities that hold a valid, and it's possible that one of them may not if he is trying to buy in.

MR. CURRIN: I don't that's a problem. Roy.

DR. CRABTREE: No, I think a new entry would have to get a snapper grouper permit.

MR. HAYMANS: He could be buying it from the individual he is buying the black sea bass and snapper grouper from. It's not worded that way.

DR. CRABTREE: He could buy them from different people but he would have to go to the permits office and do the transfer simultaneously, I guess, which I don't think is a problem.

MS. SRAMEK: Right, but if you'd say that they can't do it within the first two years, then you can have no new entries into the sea bass pot endorsement; right?

MR. HAYMANS: We had a discussion yesterday about doing away with the two for one; did we decide on that?

MR. CURRIN: No, and that's not what we're talking about today either. We can do that later.

MR. TEEHAN: Mr. Chairman, if we've discussed this one to death, I'll make a motion to deal with the issue that Monica brought up to allow – and I may need some help with wording here – to allow the transferability or the transfer of a black sea bass pot endorsement to an immediate family member upon death of the permit holder or endorsement holder. Does that sound legal enough? Well, it's my understanding that immediate family is defined in other places or do we need to define it here?

MS. SMIT-BRUNELLO: It's as defined in the Snapper Grouper Fishery Management Plan.

MR. TEEHAN: Because in Florida immediately family is defined differently depending on where you are in the state. Monica, does that kind of address that issue?

MS. SMIT-BRUNELLO: Well, Roy just brought up a good point that maybe he'll bring up on the record. It is theoretically possible that an immediate family member would be able to get – in this situation they would have an endorsement but not the snapper grouper permit. We just need to think this through a little bit.

MR. TEEHAN: That would make the endorsement real property, something that, say, a wife could sell?

MR. CURRIN: I think if that occurred it would be a mistake on the part of the heirs or the associated attorney because the endorsement would then be worthless without a snapper grouper permit or unless he sold it to someone. It wouldn't be usable, anyway. I guess he could sell it to someone with a snapper grouper permit. Carolyn.

MS. SRAMEK: Which kind of gets to some of the nuts and bolts of my life. We're going to need to think about the rules about who can obtain the endorsement if you have to have or concurrently receive a valid snapper grouper permit and then what some of the rules are going to be regarding orphaned endorsements.

If you have somebody that has the endorsement and they have the permit and they transfer away their permit, what does that mean for their endorsement? Particularly if you restrict transfers

of the endorsements for the first two years, you could have a lot of people having orphaned endorsements so they're even allowed to renew it if they don't possess a valid snapper grouper permit.

And then one last thing that I think you might want to consider is whether or not you want to have that one-year renewal requirement for the endorsements like you do the permits. My personal recommendation is not to, which would be different than every other moratorium we have, to allow its indefinite renewal so that you don't have people that forget to renew their endorsement at the time they renew their permit and then suddenly it's gone and they can never get it back. It reminds me of rock shrimp, so I just kind of want to throw that out there.

DR. CRABTREE: So the motion – and help me, Carolyn – we have that provision with snapper grouper permits to avoid the two for one to kick in so that someone could transfer a permit to an immediate family member without a two-for-one provision kicking in. Now, in this case if you have a fisher that has a vessel and that vessel has a snapper grouper permit and a black sea bass endorsement and that person passes away, he will presumably have left the vessel and his permits to someone in his family, and then I guess that permit would be transferred to that family member, the snapper grouper permit. There would be no two for one kick in.

Then they're eligible for the black sea bass endorsement and I don't think this does anything in that case, so it seems to me this motion does nothing unless you have someone who owns a black sea bass endorsement but has no snapper grouper permit and then they pass away, Carolyn wouldn't be able to transfer that black sea bass endorsement to an immediate family member because they don't have a valid snapper grouper permit.

The larger question is do we want to allow someone to have a black sea bass endorsement if they don't have a snapper grouper permit; and then it seems to me the provision should be in the case of a death or whatever do you want to allow – well, if we don't allow someone to have it without a valid snapper grouper permit, then I don't see that this does anything. Am I missing something, Carolyn? Duane says I am.

MS. SRAMEK: Usually when we have a case in which the permit holder has passed away we end up trundling that down to Monica or her colleagues. Correct me when I represent this, Monica, but it seems like there have been times in which the opinion was that the person died, the estate automatically went to their heirs and so then when the heir wanted the permit they weren't so much transferring it as they were renewing it because somehow it became theirs from the way they died and their will was. Help me out, Monica.

MS. SMIT-BRUNELLO: No, I think that's a pretty accurate description. If you think about it, the word "endorsement", you're endorsing something and so could you have an endorsement that exists apart from a permit in this case. If you do you've almost created another permit, so to speak. If you keep it as an endorsement it seems like it has got to endorse a snapper grouper permit, and maybe the idea is that it gets piggybacked along with that snapper grouper permit.

MR. TEEHAN: Mr. Chairman, I think everybody understands my intent and not knowing the nuances of what is tied to what in the South Atlantic, if someone would like to jump here and

help and make this go where I want to go, I just want to be able to – if somebody dies I don't want that endorsement and associated snapper grouper endorsements to just stop and revert.

MS. SMIT-BRUNELLO: And I take back what I said before because I really don't think maybe that you need this. We already allow some – it's actually to husband, wife, mother, father, brother, sister, son or daughter. I think it's pretty inclusive that way. If the council wants it to be considered as endorsing the permit, it would go along with the permit; so if the permit holder died – the permit holder/endorsement holder died, then that would be allowed to be transferred or in effect become I guess – well, I'll use the word transferred – otherwise, it gets too confusing but transferred to that person's heir.

MR. TEEHAN: Okay, if that's the case I withdraw my motion, Mr. Chairman.

MR. CURRIN: Motion withdrawn. It may not have been seconded; I don't recall. It's okay.

DR. CRABTREE: So, Carolyn, our intent is that to have a sea bass endorsement, you have to have a snapper grouper permit.

MS. SRAMEK: Okay, and in the case that you have it orphaned because you transferred away your snapper grouper permit, would you be allowed to renew and therefore retain your endorsement?

DR. CRABTREE: I would say our intent is no.

MS. SRAMEK: Okay, which I think leads even more credence to my recommendation about not having a limited timeframe in which you can renew that endorsement; let them renew it indefinitely unless you intend to lose endorsements to attrition.

DR. CRABTREE: So as long as they renew their snapper grouper permit, their endorsement would just continue on it?

MS. SRAMEK: No, I don't want to have it automatically renewed because then if they have transferred it away, then I wouldn't know about it until the buyer brings it in. I would think it might be beneficial to allow them to renew it beyond the one year so if they just forget to renew it or because they've transferred their snapper grouper permit away, they could renew it when they get another one. Then we'll we need to think about whether or not they can transfer an expired endorsement.

DR. CRABTREE: But couldn't that result in somebody transfers away their snapper grouper permit and then they move to Hawaii and we never hear from them again, and now there is this sea bass endorsement hanging out there for the next 30 years?

MS. SRAMEK: Yes, it's possible. I would think that probably market value would make them inclined to want to sell it and maybe we want to allow them to be able to sell an expired one. Otherwise, I can see them getting caught up, they've transferred away their snapper grouper

permit, a year goes by, they decide they want to sell it, I won't let them transfer an expired one and they can't renew it because they don't have a snapper grouper permit.

It definitely gets dicey when you have them separate and independently transferable. You can say that they do expire or they do terminate after one year – if you've failed to renew one year, it's gone forever. That's the way we do most of our limited access permits and endorsements, but the downside to that is that if somebody just simply forgets, they think they renewed both and they didn't, they only renewed one, they lose it. My understanding is that's kind of what happened to a lot of the rock shrimpers so I was trying to avoid that pitfall.

DR. CRABTREE: What is your desire here, folks? All right, let's take a break and think about this. There is another issue to think about while you're breaking, perhaps, whether it's necessary to have it or to use it. I can envision situations where let's just say someone dies, they leave their snapper grouper permit to one sibling or child and leave their black sea bass endorsement to another.

They're not linked any further. Do we want to prevent that? They both have some value perhaps. They could possess and renew it and all that, but they couldn't use it unless it was linked to that particular snapper grouper permit? Well, that's what mean; they couldn't use it but they could have it.

(Whereupon, a recess was taken.)

MR. CURRIN: Let's get everybody back to the table and resume. I think the confusion and the problems we're having trying to sort out this transferability thing, I don't know whether it's related to the fact that it's an endorsement and not a permit or whether making it a permit would make it simpler or more complicated, but it seems a lot more complicated to me than it should be. I guess the simplest thing is to have it tied to the permit and that eliminates a lot of problems, but it restricts the ability of the owner to transfer that endorsement separately.

I don't know how big a deal that is. It can't be used without a snapper grouper permit, but it could be transferred by someone who wanted to sell one to one person and one to another and all of that. Unless we design it correctly, it's conceivable that if you tried to transfer them separately that the black sea bass pot endorsement might go away or it couldn't be renewed because it wasn't associated with some snapper grouper unlimited permit. I know that's not the intent that we have. Duane.

MR. HARRIS: Mr. Chairman, I think you said it correctly. This endorsement is attached to a snapper grouper permit. I don't think that means that you can't transfer an endorsement alone to another snapper grouper permit holder unless that's what we decide that you cannot do, but it has got to be associated with a snapper grouper permit. You don't have a black sea bass endorsement without a snapper grouper permit, period.

MR. CURRIN: And that was the issue I brought up right before we broke, Duane, is can you have it and not use it and then you could possess it without a snapper grouper permit but you

certainly couldn't use it without an unlimited permit, but you could own it and then transfer it to someone who intended to use, someone who had a snapper grouper unlimited permit. Carolyn.

MS. SRAMEK: Just a thought; it sounds like you're trying to give it the flexibility that ends up being its own stand-alone piece of paper, its own stand-alone thing. You want to consider making it its own permit. Then you don't have all these concerns about, well, if I renew one do I have to renew the other, what if I forget to renew one.

They would be independently renewable, independently transferable, but you can still require that in order to use sea bass pots you also have to have a snapper grouper permit; just like we have for wreckfish and the snapper grouper permit; like HMS does, in order to catch tuna you have to also have a valid shark and you have to have a valid swordfish, so you can make a rule that says that you have to possess both in order to do a certain activity, but then you're not handcuffing yourself to all the various scenarios of people dying and whether or not they transfer both and whether or not one is expired and all that. They are then their own thing.

MR. CURRIN: Thank you and that seems very appealing at least at first blush. Monica.

MS. SMIT-BRUNELLO: I was just going to say once you get the wording for the various alternatives perfected, you don't have to choose a preferred alternative at this point. You can take it out to public hearing and see what the fishermen think or you can choose one and then change your mind at the next meeting and choose a different preferred alternative. Once you get I think the range of alternatives out, you don't have to choose a preferred today.

MS. SRAMEK: Just one last thing; it doesn't sound like it's allowing the flexibility that you're looking for, but if you make them non-transferable because it's permanently attached to the snapper grouper permit, that's also another way of eliminating all these transfer and renewal problems.

MR. CURRIN: Yes, that's certainly an alternative but I think that decreases some of the flexibility that the fishermen would like to have with the endorsement. At first blush the permit, making it a permit rather than an endorsement, is appealing to me. We've still got to deal with the transferability issue in this action. From Monica's advice we certainly don't need have to pick a preferred here today, but are we okay with the range of alternatives that exist in this action? There is a preferred already?

DR. CRABTREE: Well, there was a preferred under 2A.

MR. CURRIN: All right, we currently have a preferred and it was transferred into the new language here as preferred. It's Subalternative 2A, which allows transferability upon implementation of the program. It would probably be best to have a motion to accept the recommended language changes. If there is any desire to change the preferred, we can do that or we can leave it as it currently exists. What is your pleasure, folks? Duane.

MR. HARRIS: Mr. Chairman, I would move that we accept the recommended language changes provided by staff in the decision document and at this time not select a preferred.

MR. CURRIN: Motion by Duane to accept the recommended language changes and not select a preferred; second by Charlie. Discussion? Bill.

MR. TEEHAN: Just for clarification, Duane, I'm assuming you're saying not preferred alternative because we have preferred subalternatives in all three if we're still talking about Action 4.

MR. HARRIS: That was my intent.

MR. CURRIN: Yes, I think it would probably be cleaner if we said deselect the preferred under Action 4, but that's fine. I think the intent is clear to the staff. The end result, folks, would be that we would this language but we would not have a preferred under Action 4. If that's clear, then I think that's where we are. Any further discussion on this motion? **Any objection to the motion? I see none.**

That still doesn't get us moved down the road very far with how we're going to handle the transferability and help and make Carolyn's life easy with these endorsements and the like. I think everybody knows where we want to get, but it's still not clear to me how best we should go about it, whether we should make this a permit or make it an endorsement. Monica.

MS. SMIT-BRUNELLO: I'll work with staff so that we have something in the document reflecting the council's discussion and intent, actually, on the fact that the snapper grouper permit is still a two for one transfer unless you transfer it to the immediate family member, but this endorsement would be more freely transferable than that but it would have to go to another snapper grouper permit holder. We can work that in so that it's clear.

DR. CHEUVRONT: Okay, let's move on to Action 5, limit effort in the black sea bass pot fishery each permit year. This is again one of these actions that has a number of alternatives that you might want to consider removing. Alternative 1 is no action, don't limit the number of black sea bass pots. Alternative 2 is limiting the pots to 100 per year; 3 is 50 per year; 4 is 25 per year. Then Alternative 5 is limit black sea bass pot tags to 100 per vessel in 2011, 50 in 2012, 25 in 2013. Six is another step down from 100 in 2011 to 50 in 2012.

Seven is each permit year issue tags to individuals based on a 10 percent reduction and eight is each permit year issue tags based on a 25 percent reduction, and number nine, which was new from the June meeting, was to limit black sea bass pot tags to 35 per year.

The AP recommended a 50-pot limit consistent with the council's current preferred alternative, and remember that this was done last November 2010, so they hadn't seen the issues that had occurred with the fishery this season. The staff recommends that the council consider moving Alternatives 5 through 9 to the considered but eliminated from detailed consideration.

MR. SWATZEL: Mr. Chairman, I would like to offer a motion to change our preferred to Alternative 9, which would limit the black sea bass pot tags to 35 per vessel.

MR. CURRIN: Motion by Tom; second by Robert. Discussion on that motion to change our preferred? Tom Burgess.

MR. BURGESS: I have expressed to you my reasoning for supporting this preferred alternative at our last meeting so I won't go over all of those particulars again, but the next action is to return to port with your traps. I do support that and is widely supported by the industry.

Also, we have introduced an action in here for trip limits, and I do support that to lengthen the season. There is no biological reason to reduce the number of traps. We have many different areas that we fish traps and different ways that we fish them, but we will be introducing trip limits and we will be returning to port with our traps.

MR. TEEHAN: Once again clarification for me; is 35 pots per vessel standard; is that economically efficient?

MR. BURGESS: Well, I would say at this time for some fishermen, no. The reason is I spoke to fishermen just before I came to this meeting with the introduction of the trip limits that I will bring up and support. What they would do is with the 50 pots, because in our area we have a lot of bottom spread out where the fish are spread out, also – we don't have sandy bottom with a piece here and there where the fish stack up and it wouldn't take so many traps.

These fishermen and myself included would take our traps out and set the 50. We would pick them up the next morning and hopefully be within our limit of the trip limit that I will propose. Economically this is the preferred alternative for me so you're not setting 25 or 35 traps upon them twice; you're setting 50 and pulling them once. There is no biological advantages to fishing 50 or 35 compared to the 50; you know, just 25 three times or 50 once.

MR. CURRIN: Yes, I think, Bill, to further clarify that, we've heard from fishermen that routinely fish as few as 20, 25 up to – there have been fishermen that fished as many as a hundred in the past or more. Tom.

MR. SWATZEL: We may recall that we had a pretty split vote on this issue at our last meeting, the issue between 25 and 50. I kind of view this as a compromise between the two that would be a reasonable alternative and hopefully that you would adopt this as the preferred.

MR. BOYLES: Mr. Chairman, I'll second that. Both Toms are right; we've talked about this at length, but this is a fishery – we have got to manage the capacity in the fishery and I just view this as another step in a way to do that. Otherwise, we're going to have fishermen we're going to support with three months of a fishery. We're talking about professionalizing these snapper grouper fisheries and so for that reason I support the motion.

DR. DUVAL: Mr. Chairman, I was just wondering that maybe if Jack could point us to a similar table in the full document just for my own clarification maybe just the number of individuals using zero to twenty pots or 25 to whatever. Is there a table like that in the full document?

MR. CURRIN: I believe that there is a table there if you'll give us just a second for the staff to try to find that. Table 4-9, Michelle; it's projected up there now. It at least gives you an idea.

DR. McGOVERN: Table 4-8 shows the average number of pots fished per year, too.

MR. CURRIN: And that last column is the maximum number fished, I think, for that particular year; is that correct, the last column on the right? It looks like the maximum number fished has been averaging – mean number not maximum – the mean number has been a little less than 50. In more recent years it has tended to drop into the 30's at least for a few years. Robert.

MR. BOYLES: Mr. Chairman, just a point here, the way I see it the operative column there, the mean number of pots, the third from the right, the current preferred at 50, we're not managing capacity there, so I think the motion to select the preferred at 35 at least gets us in the right direction to manage the capacity that we've got in this fishery.

MR. CURRIN: Further discussion on the motion? **All in favor of the motion raise your hand, 7 in favor; all opposed, 4 opposed. The motion is approved** so that changes our preferred. Recommendation by staff to move several of these alternatives, 5 through 8 I believe, to the considered but rejected. Robert.

MR. CURRIN: Motion by Robert to move Alternatives 5 through to the considered; second by David. Discussion on that motion? Monica.

MS. SMIT-BRUNELLO: Brian, on Alternative 7 and 8, each permit year issue tags to individuals based on either a 10 percent or a 25 percent reduction in the number of tags issued as of December 4, 2008, so that's just a one-time reduction, right? You take that reduction the first year and then after that you only issue the reduced number each year thereafter?

DR. CHEUVRONT: That is correct. What that originally was proposed as was that everybody should take a hit on the number of pots they fished and not just those who were fishing a large number of pots; so to reduce capacity, the idea behind those motions, as I recall, is they were made by the motion maker who is no longer on the council was that to sort of share the pain across all participants in the fishery.

MR. CURRIN: I think our discussion previously is pretty well captured in rationale for removing these is this will not get us to the numbers – reduce the capacity to the extent that we think is needed. Further discussion on the motion? **Any objection to that motion? I see none and that motion is approved. Bill.**

MR. TEEHAN: How are these pots identified?

MR. CURRIN: They have the individual tags, I believe, numbered tags that are issued to the permit holder or endorsement or whatever they have now; is it an endorsement, pot endorsement?

MR. TEEHAN: Is there a buoy marking or do they put buoys on them?

DR. CHEUVRONT: Action 6, implement measures to reduce bycatch in the black sea bass pot fishery. Alternative 1 is no action. The current preferred Alternative 2 is black sea bass pots to be brought to the shore at the conclusion of each trip. Alternative 3 is the fishermen can leave the pots in the water for no more than 72 hours.

Recommendations; the AP recommended the Preferred Alternative 2 as the preferred. Staff had no recommendations; but after I prepared the decision document Myra pointed out to me that the Law Enforcement AP their meeting did actually have some comments on this one action in this amendment.

Let me read to you for a second what the Law Enforcement AP said. They felt that Alternatives 2 and 3 under the action present significant enforcement concerns and would be difficult to enforce. The following recommendations were brought up during their discussion. They said to perhaps consider a call-in program to increase enforceability; define what constitutes a trip should be provided.

The current definition would not allow for gear to remain in the water while fishermen returned to the dock to take care of other issues or prosecute another fishery. The preferred alternative is enforceable in the sense that if there are pots left out in the water they can be connected through the tags to the owner.

Consider a requirement to remain within hailing distance of the gear; consider requiring VMS since there is a limited number of participants; and there are concerns with interactions with right whales. The Coast Guard expressed concerns with not knowing how long the gear had been the water and stated that it would not be feasible for them to mark the pots.

General Counsel also expressed concerns with the inability to know how long the gear was left out in the water. This fact would complicate prosecution. Although there are ways to mark traps that enable enforcement to ascertain how long the gear has been out in the water, this technology approach may not hold up in court. That was all the comments from the Law Enforcement AP on this action.

MR. BURGESS: This is strongly supported in my community, Preferred Alternative 2. Also, when this went out to public hearing, it was noted in our presentation of the comments at the public hearings that it was overwhelmingly supported by the commercial fishing industry or the industry up and down the coast. As I stated at the June meeting, I think the fishermen themselves would be the best way to enforce this and police each other because I think everybody is ready to move forward to a responsible sustainable fishery.

I think they've really shown that already in their actions and how they handle themselves out there. I support it and will continue to. It was a problem or a concern about, say, if you broke down or something and you had to leave your pots, I spoke to Otha Easley about this at our last meeting and he assured me if you have a phone number that you can call and explain your situation, that it would not be a problem.

You'd be on the record and we could handle that with no trouble at all. I think we can overcome these obstacles maybe through some state monitoring possibly; you know, you go down to the dock and you look at the pots and see what is there and things like that. It's widely supported by industry and I think it's a step forward.

MR. CURRIN: I'm certainly aware of law enforcement's concerns and there are some that concern me greatly, but I'm not sure that we could do any better than we've done with this requirement. Any desire by the committee to change the preferred or are you comfortable with where we are? All right, I think we can move on to the next action.

DR. CHEUVRONT: Okay, the next action is number seven, which was new at the June meeting. It was to modify accountability measures for black sea bass. Alternative 1 is no action. Basically if the commercial ACL is met or projected to be met, the RA will close the season. In the recreational, if black sea bass is overfished and the sector ACL is projected to be met, then they'll prohibit the harvest and retention of the species.

Alternative 2 is if the combined commercial and recreational ACL is exceeded, the Regional Administrator will reduce the season for both sectors in the following year. There was some alternative language that was suggested by the IPT for Alternative 2, and that was there is a problem with reducing the season for the commercial fishery because that is still controlled by the ACL for that fishery, so that would really only apply to the recreational fishery.

Subalternative 2A refers to if both sectors are exceeded, then both seasons would be reduced as necessary. 2B is if only one sector ACL is exceeded, the combined ACL is also exceeded, then just that sector's would be reduced. Alternative 3 is that if black sea bass is overfished and the combined ACL is exceeded, the RA will publish a notice to reduce each sector's ACL in the following year proportional to the overage.

Then, again, the IPT has recommended some alternative language for that, which breaks it down into two subalternatives. One is if both sectors exceed their ACL, then both sector's ACLs would be reduced by their overage. 3B is if only one sector's ACL is exceeded and the combined ACL is also exceeded, then that sector's ACL would be reduced by the amount of the total overage.

Alternative 4, if the recreational ACL is exceeded landings will be monitored for persistence in increased landings and the RA would publish a notice to reduce the season. Alternative 5, if black sea bass is overfished and the recreational ACL is exceeded, the RA will publish a notice to reduce the ACL in the following season by the amount of the recreational sector overage.

Alternatives 2 through 5 would eliminate the three-year running average and Alternative 3 from the IPT would track the language that is in Mackerel Amendment 18. The staff recommends removing Alternatives 4 and 5. Alternative 4 is not reasonable and Alternative 5 is included in some the other alternatives. Again, the staff recommends that Alternative 2 only change the recreational season and not the commercial season.

MR. BURGESS: If we're going to remove Alternative 4 and 5, Alternative 2 and 3, is just the difference between those that Alternative 2 is just to shorten the season and then Alternative 3 is the payback of the ACL; is that how I read that?

DR. CHEUVRONT: That is correct and actually there are issues with Alternative 2 because that doesn't apply very well to the commercial sector to reduce the season.

DR. CRABTREE: Isn't the problem we're trying to address here is the multi-year average in the recreational AM, so isn't the only thing we need to change is not use the multi-year average for the recreational AM?

DR. CHEUVRONT: That would work, so what you're saying is to pull out all the reference to the commercial in Alternatives 2 and 3?

DR. CRABTREE: And make this simple, the status quo is what it is and then have an alternative that says not to use a running year average but to just use the single year. I mean, we will still want to have in-season closure; and I don't want to do all this, reduce the length of the following season stuff, so I think it's to remove that multi-year average. We want to continue the payback, continue in-season closures as long as it's overfished.

MR. WAUGH: The one additional item was did you want to track that provision in mackerel that only applies the paybacks if the total ACL is exceeded? Other than that, what you're stating is correct.

MR. CURRIN: What is your desire, folks. Do you want to make a motion, Roy?

DR. CRABTREE: Well, my motion would be that we simplify Action 7 to just eliminate the use of multi-year running averages in the recreational AMs.

MR. CURRIN: There is a motion by Roy; second by Charlie. Recall I think yesterday during the Amendment 24 discussions with red grouper, we did utilize that total ACL, exceeding that total ACL concept; no desire to do that here? I think that is what some of these alternatives were trying to get at.

DR. CRABTREE: Well, that was to address the TAC increases so that, it seems to me, belongs way earlier in the document where we were putting in place the rebuilding strategy and what the TACs would be, but I think that same language and concept from red grouper needs to carry into this, that the TAC increases each year are contingent on not exceeding the TAC or the total ACL.

MR. CURRIN: Isn't that at least partly what this action is trying to get at as well or not? No, all right. Okay, discussion on the motion regarding Action 7? Gregg.

MR. WAUGH: Just to clarify, the intent is here then you would have Alternative 1 would be no action. Alternative 2 would be what is addressed in the motion is just eliminating that multi-year average and just using the most recent year, and then that Alternative 2 replaces all the other alternatives; is that correct?

MR. CURRIN: I believe that is the intent. That would only leave us with two alternatives here; is that correct? Would we not need perhaps another?

MR. WAUGH: Well, legal guidance has been in the past – and I’m sure Monica will speak to this – that it is in certain instances reasonable to only have two alternatives. The issue here is are you going to keep the multi-year average or remove it, and it seems to me that the alternatives are the reasonable range of alternatives.

MS. SMIT-BRUNELLO: And I agree with that.

MR. CURRIN: All right, as you’re okay with that I’m okay with that. Further discussion on the motion? Michelle.

DR. DUVAL: And so removing this use of multi-year averages is consistent with what we’ve done in the Comprehensive ACL Amendment as well; right?

MR. WAUGH: That’s correct; we’re not using multi-year averages in the Comprehensive ACL.

MR. CURRIN: There was a big problem with that, Michelle. It was intuitively very appealing but what we found out when we did some analysis of that is that we’re really hitting ourselves twice when we had an odd year where landings went way up and it carried forward for several steps and was kind of a double penalty.

DR. DUVAL: And I read that and it turned my brain to spaghetti so I’m glad to see that we’re not going to do that.

MR. CURRIN: All right, further discussion on this motion? **Is there any objection to the motion? I see none and that motion is approved.**

MR. WAUGH: Just to come back to Roy’s point of adding this contingency that the increases in the ACL only occur if the sector ACLs have not been exceeded; so here what we’re doing is we’re setting up a – that’s right, I’m sorry, the total ACL. So we’re setting up a fixed F strategy with your preferred and so that’s going to show what the projected ACL will be each year based on that; and then if in one year the total ACL is exceeded, then you don’t give that increase?

MR. CURRIN: Is that okay; do you need a motion to adopt the language from Amendment 24, to insert that into 18A or are you okay with just the direction from the committee.

MR. WAUGH: I think everybody seems to be clear with that direction so I think we’re good on it.

DR. CHEUVRONT: Okay, Action 8, this is a new suggestion from the IPT after the June meeting; establish a spawning season closure for black sea bass. I know this had been discussed before. Alternative 1 is no action, no spawning season closure. Alternative 2 was to implement a March 1-April 30th spawning season closure. Alternative 3 is April 1 through May 31. Alternative 4 is March 1 through May 31. Alternative 5 is May 1 through May 31.

The Table 4-13 shows you across the different sectors on average in each given month what percent of the landings occurred in that given month. Notice that this is only for 2006-2009, which I believe 2009 was the last year that we basically had a full year of the commercial season.

MR. CURRIN: All right, this is an action that was kind of in and out and we put back in. What is your desire? Robert.

MR. BOYLES: Brian, why is it back in? We're hopeful that we're going to be able to sustain a year-round fishery; is that fair to say?

DR. CHEUVRONT: I think that's fair to say in the future. Obviously, we didn't even get close to even any part of the spawning season this year, but idea is that we want to make to make this year-round fishery or potentially a year-round fishery; and if that's the case do we want to just go ahead and establish a spawning season closure at this point so that even if this does become a year-round fishery there is a period of time when the fishery would be protected during spawning.

MR. CURRIN: Yes, in actuality, Robert, we'd be lucky to have that problem, I think, even under the situation we have now with the commercial industry and I don't foresee it occurring with the recreational industry threatening any of these spawning season closures. It's up to the committee how you want to handle it. Charlie.

MR. PHILLIPS: If we had a snowball's chance of having a year-long fishery, I could see it being in here, but I think just setting the opening dates where we set them is taking care of it. If you want to do it, I just don't see where it's ever going to fit in the next few years, anyway.

MR. CURRIN: Yes, it's kind of those situations if you want to do it, we can do it. There is kind of no harm no foul situation. It would be in place in case something happened in the future.

DR. DUVAL: Mr. Chairman, I'm very supportive of spawning season closures, but I'm also just a little concerned that we have a January through April closure for shallow water groupers right now. I would just worry – I mean, the same points have been made about having a year-round fishery and I'm not sure that may happen for a little while for the commercial sector. I don't know; I'm all torn on this one.

MR. BOYLES: Mr. Chairman, I move we accept Alternative 2 as the preferred.

MR. CURRIN: Motion by Robert to select Alternative 2 as a preferred; second by Roy for discussion. Alternative 2 would implement a March 1 to April 30 spawning season closure for black sea bass and would apply to both sectors, commercial and recreational. Discussion? Tom.

MR. BURGESS: The commercial fishermen that I spoke don't have really a problem at all with a spawning season closure such as this. They try to be proactive and all, but as Charlie said we're a long ways from there. Now the recreational sector, I guess they're not going to be – it doesn't look like they're going to be fishing then, anyway, but I understand that Florida doesn't

close when state waters remain open, and I was wondering if that would continue if this went through.

MR. CURRIN: Well, Mr. Teehan had his hand up for perhaps another reason, but I'm sure he'll be happy to address that.

MR. TEEHAN: Yes, it certainly wasn't to answer that question. I'll take a stab at it, though, Tom, in a second. I guess my only concern here is what do we get back for the closure. Is it just to hopefully extend the season by protracting catching the quota by two months or are there are some numbers that show that this helps in the overall building plan?

MR. CURRIN; Well, under the current fishery it doesn't help anything because the season is closed, anyway, well before the spawning season, but I think what it addresses, Bill, is an expressed desire by our AP that the council give serious consideration to spawning season closures as a management tool. We've heard that over and over and over from our AP, that they feel like that's a good approach. Robert.

MR. BOYLES: I guess the reason I made the motion is hope does spring eternal and trying to take the long view that this fishery will be rebuilt; that with the measures that we put in place, that we'll have a viable and sustainable fishery. I'm guessing that absent this action we'd have to come back in with another amendment or is that something that we've done with the framework, Roy or Monica?

MS. SMIT-BRUNELLO: I think we could do it with a framework, but that's an amendment. It's just not a plan amendment.

MR. HAYMANS: Mr. Chairman, just looking at that months' three and four closure based on Table 4-13, that's a 16 percent reduction of the MRFSS catch; and if we did just month five, it's a 13 percent reduction. By doing five, we've at least left the March/April timeframe open when everything is closed and we'd get a similar reduction for just month five, so I would vote against the March/April closure.

MR. HARRIS: Mr. Chairman, I'd just like to point out that if you had accepted my motion at the last meeting to change the fishing year to a January 1st fishing year, this would have made a lot of sense.

MR. CURRIN: It would have had an impact, you're right, Duane. Bill.

MR. TEEHAN: I'm sorry, Tom, I dodged your question. Florida is in a posture right now – and I know Roy is probably going to ask me this later so we might as well get it out now – of waiting until the stock assessment is done to see how they want to go consistent or if they want to go consistent.

They don't want to do any of the interim issues at this point because they may not be what the final management plan is and they only want to make rulemaking once. That is kind of where the state is at.

MR. CURRIN: All right, let's vote on this motion, folks. **All in favor of the motion raise your hand, 4 in favor; all opposed, 6 opposed. The motion is defeated.** In view of that vote, folks, are you interested in leaving this action in the amendment or taking it out. Tom.

MR. SWATZEL: I would move to remove Action 8 from the amendment.

MR. CURRIN: Motion by Tom to move Action 8 to the considered but rejected file; second by Charlie. Discussion on that motion? Bill.

MR. TEEHAN: This is going to go out to public hearing, am I correct?

MR. CURRIN: Yes.

MR. TEEHAN: So what we will be telling the public by removing this is there is absolutely no intent of the council to even consider spawning season closures.

MR. CURRIN: In this amendment, yes.

MR. TEEHAN: I would have to vote against that.

MR. CURRIN: Further discussion on the motion? **All in favor of the motion raise your hand, 4 in favor; all opposed, 7. The motion is defeated.** Okay, so that action will remain in the document for public hearing. Let's move on.

DR. CHEUVRONT: We're getting there. Action 9, new from the August meeting; as you remember there was a brief discussion about black sea bass at the August meeting and staff was asked to look at a couple of other possible ways to constrain the fishery. Action 9 is one of those; to establish a commercial trip limit for black sea bass for all gear types.

Alternative 1 is no commercial trip limit. Alternative 2 is 500 pounds of gutted weight, 3 is 750 pounds gutted weight – and these are all per trip – Alternative 4 is 1,000 pounds gutted weight per trip. Alternative 5 is 1,250 pounds gutted weight. Alternative 6 is 1,000 pounds gutted weight reduced to 50 pounds gutted weight when 75 percent of the ACL is met. Alternative 7 is 2,000 pounds gutted weight. Alternative 8 is 2,500 pounds gutted weight. Alternative 9 is a 250 pound gutted weight trip limit.

MR. CURRIN: Just for clarity, I think Alternative 6 is a reduction to 500 instead of 50, Brian.

DR. CHEUVRONT: Excuse me, did I said 50?

MR. CURRIN: You dropped a zero there, yes. Okay, folks, this as you recall was an issue that was first surfaced in Regulatory Amendment 9. We chose at that time not to implement trip limits in the pot fishery. At the last meeting we asked the staff to bring those alternatives from Regulatory Amendment 9 for consideration today. What is your pleasure here? Tom.

MR. BURGESS: On Alternative 6, just to start off, it seems that we did the reduction of 500 pounds here; and I know from one discussion we've had about an alternative under an action that because of the problems with the monitoring, that seems like it might be hard to do at this time, monitoring the quota. I'm not considering that at this time, but I do have a question for Brian to make sure I understood it correctly when I went through the document. On Alternative 3, 4 and 5, when the analysis was done on that, were the results as far as the extension of the season somewhat similar?

DR. CHEUVRONT: I believe so; can you tell us what that table was?

MR. BURGESS: It was in the main document.

DR. CHEUVRONT: Yes, it was in the main document and I don't have it in the decision document, but there is a table in there that does describe that.

MR. CURRIN: Keep in mind with those analyses, that they were conducted – and, Jack, correct me if I'm wrong, but with the projected effort remaining the same; is that correct? It would be slightly modified now. Jack.

DR. McGOVERN: Yes, it depends on how many participants are in the fishery. That table is 4-20 and that has everybody still in the fishery. There is a Table 4-21 that shows the trip limit that would be needed to keep the fishery open all year based on reduced participants. You've got to keep in mind if you extend the fishery all year with a reduced trip limit, then you increase the potential for interaction with right whales, which is a concern right now, too.

MR. BURGESS: Well, just to continue on, out of those alternatives of the ones that we have in front of us, the one that looks most appealing to me is Alternative 5, which is 1,250 pounds gutted weight or 1,475 whole weight. This, according to the analysis that I have read, will extend the season.

It bumps it up some to say Alternative 4, but as far as economics go, as far as operating in this fishery, if you get it down too low, what you have is you have fishermen not wanting to travel very far from port to catch larger fish, to spread, out and to have other fish available to them so this would enable them to travel a little ways and possibly have an overnight trip as I had described earlier with setting the pots.

This is a great benefit due to the fact that the larger fish will get in and force out the smaller fish on the overnight set because we all use a full two-inch pot, so our grade would be much better as compared to just setting the pot, picking it up, setting it and picking it up. We find this to be true.

The economics also is the price of fuel. I imagine by the time rebuilding in 2016 is done I wouldn't be surprised if the price is five dollars a gallon. That's another consideration; you know, our overhead, boats, maintenance. To run a viable business you need to have make some money or in the fishing business you can't just have a trip where you're making wages.

We have to have good trips to get that excess, to have where you're making a little bit of money. What we call making money is above wages like you have a good trip, your expenses stay the same, but maybe your catch will increase by a third or half with the same expenses. We call that making money. I'm in favor of the 1,250 and I'd like to make a motion to that effect.

MR. CURRIN: Motion by Tom to select Alternative 5 under Action 9 as the preferred; second by Michelle. Discussion? Bill Teehan.

MR. TEEHAN: If I could, Mr. Chairman, I would like to ask Tom do you think the 1,250 is going to cause the quota to be caught faster given this kind of – I'm arguing against myself – given that we've just reduced the number of traps and probably reduced the number of trap fishermen? Well, the question still stands; would the 1,250 make you blow through your quota faster?

MR. BURGESS: Well, according to the analysis it did extend the season, and I'm going by that. Also, I'm going by the number of the fish that were landed this past year and the pounds per trip. I mean, we've had some big trips. In the past I've said I didn't want a trip limit as requested by fishermen because we had a longer season, but as we get more and more fish what happens is the fish are caught – we can catch them quicker; but if we have a trip limit, well, they can make an overnight trip so you won't be coming in and out everyday. It's economics and I think this will extend the season but allow a fisherman to make some money.

MR. CURRIN: Further discussion on the motion? Tom Swatzel.

MR. SWATZEL: I'm just curious, Table 4-18 in the decision document I think shows that the average catch per trip per pot in 2010 was 954 pounds; is that correct? So we're saying through this action that we're establishing a catch that is substantially over the average?

MR. CURRIN: About a third maybe over.

MR. SWATZEL: I'm not sure what that actually achieves.

MR. CURRIN: Well, I think if you looked at the range of catches within the trips you'd see that there are considerable numbers of trips that occur well over this trip limit, so it's going to constrain some portion of the trips and therefore extend the season by whatever that poundage – how that translates into the fishery. There is some extension derived from this.

The other thing that occurs with any extension in this fishery, keep in mind that there is another component to it, the hook-and-line fishery which is operating and, of course, when the season is closed they can't land these black sea bass either. It benefits those guys as well. Further discussion on the motion? Michelle.

DR. DUVAL: Mr. Chairman, I guess I see a trip limit working in conjunction with some of these other – you know, the effort reductions that we're taking to do the best we can to try to extend the season on the fishery. I'm in favor of this approach.

MR. CURRIN: Anything else on this? **Is there any objection to this motion? The motion is approved with one objection.**

DR. CHEUVRONT: Action 10, which is also new from the August meeting, modify the recreational bag limit for black sea bass. Alternative 1 is do not modify the current five-fish recreational bag limit. Alternative 2 is to go down – Alternative 2A is five to four; 2B is five to three; 2C is five to two; 2D is five to one. Alternative 3, which you may want to consider removing, is to increase the recreational bag limit; 2A is five to eight; 2B is five to ten; and 2C is five to fifteen.

MR. CURRIN: What is your pleasure, folks, do you want to consider the recommendations from the staff and select a preferred here. Gregg.

MR. WAUGH: Yes, just a little more on this; it certainly wouldn't be a pleasant experience to go out to the public hearing and try and tell them that there is a chance that you're going to increase the recreational bag limit. We're going over the quota so it's shortening the season. We've seen there is not likely to be a huge increase right now; so as that biomass increases, there are going to be more people fishing so you expect – and the fish are getting larger so the recreational sector is going to fill their allocation sooner. I don't think it's being straight with them to give them an idea that bag limit could actually increase.

DR. CRABTREE: I don't really know why we're readdressing the bag limit. We just reduced it to five and we don't even really have any data to see what that has done yet. We don't have compatible bag limit reductions with the states, so I'm not particularly interested in readdressing the bag limit issue again.

MR. HARRIS: **I move that we make Alternative 1, no action, our preferred and delete Alternative 3 from consideration.**

MR. CURRIN: Motion by Duane; second by Robert. It kind of begs the question of whether we need this action at all if that's the intent of the council. Doug.

MR. HAYMANS: **So then I would offer a substitute motion to move Action 10 to the considered but rejected.**

MR. CURRIN: Substitute motion by Doug to move this action to the considered but rejected file; second by John Jolley. Bill, discussion.

MR. TEEHAN: My only thoughts are if the – that's not my only thoughts but my thoughts on this are that right now it's five fish. Florida has not gone consistent with that yet. Florida does agree that 15 fish is excessive probably in any recreational fishery, but is there an outside chance that the stock assessment is going to come out well enough to be able to increase from five to six or do we know that? What I'm trying to say is we certainly don't want to give the impression to the public that it may go back up to 15 or maybe even to 10, but it might get a little higher than five. Is there a reason to just completely negate that or close that door?

MR. CURRIN: From what I'm hearing, Bill, there is very little likelihood that an increase would be warranted. I guess it's possible but I would see it as very, very unlikely. Roy.

DR. CRABTREE: Yes, I'd want to see the fishery stay open again for something approaching a full year, and I think that's consistent with what we've heard from people. That's why we reduced it to begin with is to try to keep it open a little longer.

MR. WAUGH: And I know anticipating comments we're going to get at the public hearing, last year it closed in February and this year we're thinking it's going to close in October. There is no interest in trying to stretch that recreational fishery out anymore by looking at a reduced bag limit?

MR. CURRIN: Good point. Well, think about it before you vote. **All in favor of the substitute motion please raise your hand, 10 in favor; all opposed. All right, that motion now becomes the main motion. Is there any further discussion on the motion? Is there any objection to the motion? I see none and that motion is approved.**

DR. CHEUVRONT: All right, Action 11, also new from the August meeting, modify commercial and/or recreational black sea bass size limits. Alternative 1 is no action. Action 2 is increase the recreational size limit to 13 inches and increase the commercial size to 11. Alternative 3 is increase the commercial size limit to equal the current 12-inch recreational size limit. Alternative 4 is to decrease minimum size limits for the recreational sector to 11 inches total length.

The staff recommends rewording the following action – basically, it puts it all into two alternatives with subalternatives and a third alternative. Subalternative 2A would be to increase the recreational size limit from 12 to 13 inches; 2B, decrease the recreational size limit from 12 to 11 inches.

Alternative 3 is modifications of the commercial size limit; increase the commercial size limit from 10 to 11; 3B is from 10 to 12; and Alternative 3C is increase it from 10 to 11 in Year One and then to 12 inches in Year Two onward.

MR. CURRIN: What is your desire here; the suggested wording change with perhaps a motion to accept those if the wording is acceptable to you. Robert.

MR. BOYLES: I'll make that motion, Mr. Chairman, and I would like to chat about it a little bit as well.

MR. CURRIN: Motion by Robert; second by Doug to accept the proposed wording changes in this action. Discussion on that motion? Robert.

MR. BOYLES: I know I hear a lot about the inequity or the apparent disparity in the size limits. I understand that it's different gear, particularly the pot fishery, and what recruits to the gear, but what I hear from our recreational fisherman it is very much a distraction, this disparity in the size

limits, and I think we ought to at least consider making them consistent. If it's good for the goose, it's good for the gander.

MR. CURRIN: I certainly would look forward to hearing from the public on this action. Further discussion on the motion to accepting the wording changes? Tom Burgess.

MR. BURGESS: I thought we were going to get into the – rather than just changing the wording, I thought we were going to speak about the actual things in the alternatives.

MR. CURRIN: Well, make sure that the range of alternatives that are available in this action suit you, that they are appropriate and reasonable. Other than that I would feel uncomfortable trying to select a preferred alternative until we hear from the public on this. Bill.

MR. TEEHAN: I just have a question for the scientists. In the Gulf a 13-inch black sea bass is a pretty darned big fish. How big do they get in the Atlantic?

MR. CURRIN: About like they do in the Gulf. Roy.

DR. CRABTREE: Well, if the issue is mostly geared towards addressing the commercial size limit because of the disparity, maybe we could take out Alternative 2. I certainly don't know why we need Alternative 2B which would decrease the recreational size limit. I don't think there is any reason to do that, but is there any interest in increasing the recreational size limit any further?

MR. CURRIN: Well, the implications, I think once the public understands, are that the perhaps the fishery will last a little bit longer and I think there is a great interest in the recreational sector in extending the length of the season.

DR. CRABTREE: Okay, then I would move that we move Alternative 2, Subalternative 2B to the considered but rejected appendix.

MR. CURRIN: Okay, so a substitute motion by Roy to accept the proposed wording changes in Action 11 and move Subalternative 2B to the considered but rejected; second by Duane. Discussion on that motion? Is there any objection to that motion? I see none and that motion is approved. That is now the main motion. Is there any discussion? Is there any objection to that motion? I see none and that motion is approved. Charlie.

MR. PHILLIPS: Considering the discussion of size limits and the length of the corresponding season might it be a good thing to put in the public document that if you go to a – decide why there are different size limits and if you want to go a bigger fish, you may get a longer size limit and make sure that is explained well in the public document.

MR. CURRIN: Yes, I think if there hasn't already been a stab at calculating some sort of season extension as a result of that size limit, would we not have the capability to at least estimate that, Jack? I'm sure that will get done. It would help so that people know what it gives them, yes.

MR. BURGESS: Basically I support this going out to public hearing, and I do have information about size selectivity of traps and 11 inches and 12 inches and things like that; but if we're just going out to public hearing at this time, I sure do support it.

MR. CURRIN: All right, let's move on to Action 12.

DR. CHEUVRONT: Okay, Action 12 is allocate the black sea bass commercial ACL to pot and hook-and-line sectors. Alternative 1 is the black sea bass commercial ACL is not allocated to sectors within the commercial sector. Alternative 2 is allocate black sea bass commercial ACL to pot and hook-and-line sectors as follows: 2A, use Boyles' Law, historical – it should be 1986 and not 1886.

I don't think we have black sea bass records going back that far, but I can tell I do have a document in North Carolina that tells you how many whales and all that stuff were landed back in those years – so 1996-2010 and with the recent being 2008-2010. 2B is modified Boyles' Law, which is 1986-2007 and then have the recent years be 2008-2010. Are there any others that you would like to consider or consider this at all?

MR. CURRIN: Thank you, Brian. Even the Fish and Wildlife Service didn't have estimates back that far. Charlie.

MR. PHILLIPS: Mr. Chairman, I had some correspondence from Ben and he – and I'm sure he will bring it at the December meeting but he was – to allocate the gear sectors, he had a figure of 14 percent hook and line which would leave 86 percent pot. I would like to put that in as Subalternative 3C and make that as a motion.

MR. CURRIN: Okay, a motion by Charlie to add Subalternative 3C which would allocate 86 percent of the – 2C, all right – 86 percent of the black sea bass ACL to the pot fishery and 14 percent to the hook-and-line sector. Is there a second; second by Duane. Discussion? Robert.

MR. BOYLES: Charlie, maybe I missed it but can you give us what the basis is for that allocation.

MR. PHILLIPS: Let me look at my e-mail. Myra says I might have got golden tile mixed up black sea bass; and if that's so, then I want to pull my motion.

MR. CURRIN: Yes, I think you did, Charlie, but I'm not positive. Bill.

MR. TEEHAN: Yes, just a typo; I think Subalternative 3C; up there it says others should be 2C, in which case the motion should be add Alternative 2C.

MR. CURRIN: That is correct; staff noted that and we'll get that changed if in fact there is a motion. Do we have a feel yet for how that range of alternatives – what kind of percentages are associated with them; have we made any calculations to date? Gregg.

MR. WAUGH: No, and a question about this is, is it your intent that we would use the SEDAR data base to do these calculations? That's what we did with red grouper and I think that has been the recommendation from the Center that if you have a recent SEDAR stock assessment, that those landings data have been apportioned, reviewed and so we need that guidance. I think we would want to specify that in your alternatives that your intent is to use the SEDAR data base.

DR. CRABTREE: And then it seems to me it begs the question of reopening the AMs again. Are we going to have payback for the hook-and-line sector if they go over their ACL? If we allocate we're going to create ACLs and have separate paybacks, et cetera, et cetera.

MR. CURRIN: That's a good question. Charlie.

MR. PHILLIPS: Okay, I'm going to try to stay on the right page now. Hook-and-line bycatch is going to be a problem if we don't set up these sectors. If we let the hook and line have their historic catch and set a low trip limit, at least that part of the fishery can stay open and it will do a lot toward the bycatch problem. I would support whatever the allocation of Boyles' Law works out to be.

DR. CRABTREE: Did you withdraw your motion?

MR. PHILLIPS: Yes.

MR. CURRIN: **That motion is withdrawn, then.** Okay, Roy brings up some good points. If we're going to allocate the ACL for black sea bass among the two sectors, then we're going to need payback provisions and AMs similar I presume for the pot fishery. I guess with direction to the staff we can ask that those be added to the document for each sector. Robert.

MR. BOYLES: Mr. Chairman, am I correct that this is an action so to remove it would take a motion? Has it been added formally?

MR. CURRIN: It has not been added so I guess we would need a motion to add this action to the document. Michelle.

DR. DUVAL: Mr. Chairman, Boyles' Law, isn't it 1986-2008 and not 2010?

MR. CURRIN: Well, it's through the most recent. When we developed it, it was through 2008 because that's kind of where we were, the most recent data set available. Certainly, the intent was not to lock into that so we're now in 2011 and 2010 data are available. You certainly could extend it to 2010. It depends on what the committee and council wanted. Robert.

MR. BOYLES: Mr. Chairman, do we know what those percentages work out to be?

MR. WAUGH: No, the first decision should be do you all want to add this in here and then we would put the specifics in, but again you need to tell us what data base you want to use, the ACL or SEDAR. No, it hasn't been analyzed yet.

MR. CURRIN: It makes sense to me to use the SEDAR data base and to extend it through the more recent time periods with available data, if they're not available through SEDAR, as we did I think with red grouper. Does that make sense to everybody? Everybody comfortable with that? That's the recommendation we got from the Science Center. All right, the issue is whether we want to add this first, if we're clear on the data. Robert.

MR. BOYLES: Mr. Chairman, I'm not inclined to just for a variety of reasons that we've alluded to here. I'm not sure the juice is worth the squeeze.

MR. CURRIN: So I'm hearing at least from Robert that there is not much interest in adding this new action to the document to separate out a hook-and-line sector? Charlie.

MR. PHILLIPS: Well, Mr. Chairman, I'd like to look at it and at least take it out to public hearing and get the breakdown. Again, if you can stretch out the hook-and-line fishery for black sea bass it will do a lot for helping on discards, which may turn around and give us more fish in the long run.

MR. CURRIN: Is that a motion, Charlie, to add new Action 12?

MR. PHILLIPS: I would make that in the form of a motion, Mr. Chairman.

MR. CURRIN: **Okay, motion by Charlie to add new Action 12 to Amendment 18A;** second by Tom Burgess. Discussion on the motion? Tom Burgess.

MR. BURGESS: We had an action at one of our – I think it was Regulatory Amendment 9 about closing the trap fishery when 90 percent was caught to deal with this issue. I know that is not appropriate at this time, but I think Charlie is hitting on something. I have not even considered this until I saw this action in the document, and I have not had a chance to speak to any fishermen about it.

I do feel that if the hook-and-line fishermen are historically harvesting a certain amount of the black sea bass fishery, I think it's appropriate that they continue to be able to harvest that and also closing it down and then the discards associated with that. I would like to hear what the commercial industry has to say on this according to how this is received and how to move forward.

I do support some type of limited trip or a small trip limit in some way or fashion if we can ever monitor the quota so that the hook-and-line commercial fishermen, as I say, they have access to this resource. I don't know, it seems appropriate to get the input from the industry to see what they say about it.

DR. CRABTREE: Just bear in mind this is an Environmental Impact Statement and so all these things we add into it; and if we're going to look at this, then I think we're going to need a motion asking staff to figure out how to add alternatives to the AMs to do it.

All that has got to be done and then we've got to publish a DEIS, have a 45-day comment period, so the odds are that we're going to get to December and not get this done and start going up the more we load in here. Then that puts off to March and that means we're not going to have this stuff in place before the season starts on June 1. Just keep it in mind.

MR. BURGESS: With that, I do have reservations just as Roy comments about this amendment being delayed and so that's a major concern to me.

DR. DUVAL: Mr. Chairman, I apologize, I was talking to Gregg so I didn't hear, Charlie, some of what you had to say, but is it my understanding that the committee and the council, this is new discussion here about this particular action in terms of allocating some portion of the commercial quota to the hook-and-line sector. I was just looking for a history lesson, I guess.

MR. PHILLIPS: Well, what I see is the hook-and-line black sea bass being much like the golden tile hook-and-line and getting their historic allocation according to Boyles' Law and maybe even more importantly being able to catch their fish through the year and not discarding them, which could turn around and help the TACs go up in the future. It's kind of a two-fer, as a lack of a better word.

MR. CURRIN: Any further discussion on the motion? **All in favor of the motion raise your hand, 1 in favor; all opposed, 6 opposed. The motion fails.** All right, so at least a majority of the committee is not interested in adding new Action 12 to the document, it seems. Tom.

MR. BURGESS: Just briefly, Mr. Chairman, I would like in the future to be able to address this issue and to have the hook-and-line sector available to their fair share of the quota through some means. It's very important to me and I think it's important to the hook-and-line people and I would to see it pursued possibly in the future, as soon as possible.

MR. CURRIN: All right, let's move on Action 13.

DR. CHEUVRONT: Okay, the last two actions you've seen before and already have preferreds. I believe you've seen these actions several times, so we'll go over them very quickly and decide whether you want to change your preferreds on them. The first one is improvements to commercial data reporting. It's possible that you could choose more than one preferred if you would like.

Alternative 1 is no action, retain existing data reporting systems for the commercial sector, and there is a reference to a complete list of reporting requirements. Alternative 2 is require all vessels with a federal permit to have electronic logbook tied to the GPS. Preferred Alternative 3 is provide the option for fishermen to submit their logbooks electronically, and 4 is require that commercial landings effort data be submitted according to ACCSP standards using SAFIS.

Recommendations; the staff had no recommendation and the AP recommends that the council require a hundred percent electronic dealer reporting using SAFIS or some other system. As I said, you already have a preferred, Alternative 3.

MR. CURRIN: That preferred would simply allow the fishermen an option to submit their stuff electronically if they would like to. Bonnie, you correct me if I'm wrong, but I believe I heard from Steve Turner yesterday that as of March all federally licensed dealers are required to report electronically; is that correct? Monica.

MS. SMIT-BRUNELLO: I think that they're strongly encouraged to report electronically but there is going to be rulemaking that will be developed. It's actually being developed I think and being put through that I'm sure that you will all be able to see, all the councils will, to mandate that. I think many of them are reporting electronically but I think that our office decided to shore it up legally in effect and we need to do some rulemaking to make that effective.

MR. CURRIN: Okay, that's good; I just want to make perfectly clear that it's not action that the council needs to take, that NOAA Fisheries is going to take that action and the council doesn't need to do anything to assist or move it along. I heard Bonnie also mention yesterday the idea of a unified permit, which makes a whole lot of sense to me and I would endorse that as well.

MS. SMIT-BRUNELLO: I'll ask Brian and Gregg, but doesn't Action 13 go to the fishermen themselves? It's not specific to the dealers; isn't that correct?

MR. CURRIN: That's correct.

MS. SMIT-BRUNELLO: So I would need to go back and look because I recall in Amendment 15B, maybe – I can't quite remember but we made if selected I think you were required to report electronically. We'll look at this because it may not be needed. I'll compare it and I'll try to do that by full council. I'm sorry I didn't do it before.

MR. CURRIN: Okay, and can either you, Monica, or Bonnie give us a timeframe on when you expect that rulemaking to be initiated or implemented to require a hundred percent dealer reporting?

MS. SMIT-BRUNELLO: I'm not entirely sure. There have been all these congressionally mandated deadlines and all the amendments associated with that. I think that it hasn't moved – it hasn't been developed as quickly as we would have hoped because of workload issues, primarily, so I'm not entirely sure. I would think in the next year, Bonnie, that we would see something; and the next year being 2012 hopefully we would see some rulemaking on that.

MR. CURRIN: I think I can speak for the council in that we would express uniform support or unanimous support for getting that done as quickly and completely as possible. If there is anything that we need to do as far establishing a mackerel permit or dealer permit that is going to leave us – or close a hole, then please let us know so that we can get that done ASAP.

MS. SMIT-BRUNELLO: All right, I think that an across-the-board dealer permit is a wonderful idea personally.

MR. CURRIN: Yes, I do, too. Everybody okay then with where we are on Action 13 now and the preferred that we have?

DR. CHEUVRONT: Okay, now we're up to the final Action 14, improvements to the for-hire data reporting. Alternative 1 is no action, retain existing reporting systems for the for-hire sector. Preferred Alternative 2 is require selected vessels with federal for-hire permit to report electronically. NOAA Fisheries Service is authorized to require weekly or daily reporting if required.

Alternative 3 is vessels operating a for-hire permit must maintain a logbook for discard characteristics, and Alternative 4 is require for-hire landings and catch/effort data be submitted in accordance with ACCSP standards using SAFIS.

MR. CURRIN: The current preferred is Alternative 2; everybody comfortable with that? Just as a note, I'm hearing more and more from the charter folks and for-hire folks up our way that they're very interested in electronic reporting because they want the data submitted in a most timely manner and a complete manner, and they'd like to participate and help make it available as soon as possible. Whether we do that at this point or in different fisheries, I think it's something that we're going to continue receive encouragement for from our – at least in North Carolina our for-hire sector. Everybody comfortable with where we are on Action 14? Monica.

MS. SMIT-BRUNELLO: The current regulation I have right in front of me for reporting. The owner or operator of the vessel for which a commercial permit – which to me would mean an unlimited permit or a for-hire permit – for which a commercial permit for South Atlantic snapper grouper has been issued who is selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD.

Then it says compliance with reporting requirements is required for permit renewal. I actually think the Snapper Grouper FMP might be ahead of the curve at least in terms of requiring electronic reporting. Requiring electronic reporting by dealers is a separate issue, but at least you have – I believe you have it covered here for the vessels.

MR. CURRIN: Unless there is anything else, that's all the actions in 18A. We will need a motion for approving this document for public hearing. Monica and Jack beforehand.

MS. SMIT-BRUNELLO: I would like Gregg to pull up Page 118 of the document, and that's under Section 4.2.4, the administrative effects for the endorsement. There is actually a discussion in here about the renewal details for black sea bass pot endorsements; renewal details and then general characteristics of the black sea bass pot endorsements.

I know we all have so many amendments and so much paper or electronic paper to deal with, but I just want to make sure that you've seen this section because it really describes at this point or it was inserted by the IPT I think to describe how the renewal of those permits would be treated – or the endorsements. I want to make sure that this is along the lines of what you wanted.

MR. CURRIN: I want to make clear in the last sentence or two; it's clear that you can renew your snapper grouper permit without renewing your endorsement, but it's not clear what happens to the endorsement if you don't do that, whether it goes away or you can renew it.

MS. SMIT-BRUNELLO: The way I read this was the endorsement must be – we'll use the wrong word; Carolyn could correct me, but the endorsement must be renewed – it must be valid, excuse me, to be used. If you don't check the box and renew it, there is no one-year timeframe in which you have to renew that.

Like with snapper grouper right now, recall we used to have 60 days and now we've gone to one year, so on your birth date, which is normally the time period used for issuance of permits, your permit is issued, it's valid for a year; and then if you don't renew it within the last part of that year, you have then another year to renew it. Does that make sense; your renewable time period is one year.

The way I read this is the endorsement renewable time period is indefinite. It potentially could be invalid if you don't renew it within that year, but you have longer than a one-year time period to renew. It gets a little confusing, but that's the way I understand this, and I want to make sure that's what you all are contemplating.

MR. CURRIN: To me that's fine because it would allow someone who has decided for 2012 that they did not want to fish black sea bass pots to not do so but still maintain their ability to fish it in 2013, to apply for it and receive their endorsement on that permit for that year; is that correct?

MS. SMIT-BRUNELLO: It's what I believe I understand it and I believe it has to be valid; i.e., it has to be renewed in order to transfer it to anyone as well.

MR. CURRIN: All right, is that clear; everybody okay with that; is that the council's intent?

MS. SRAMEK: Yes, that was definitely what I had thought I understood from that paragraph as well. To Monica's comment right then about us saying that a permit has to be valid in order to transfer, it does mean that you could still get orphaned permits in that you could have an endorsement that is expired. They do not renew it; they transfer away their snapper grouper permit and their endorsement is still there and they could indefinitely renew it, but they can't renew it unless they have a snapper grouper permit.

In that case that person would need to obtain a snapper grouper permit, maybe two for one, in order to renew their endorsement to then transfer it, but such is the way it is. One last other thing just to confirm – I probably should have asked it back at Action 2 or whatever it was, but when we talked about the 18B yesterday we clarified that the eligibility was to the permit and not to the individual. In the wording in 18A it uses the word "fisherman", but I assume that we're going to be looking at the permit and not the fisherman, right?

DR. CRABTREE: It should be rewritten that permits qualify and the landings are the permit's landings and not the individual, as we did with 18B.

MR. CURRIN: Okay with that, Gregg?

MR. WAUGH: Yes.

MR. CURRIN: All right, everybody okay with this language? Jack, anything else?

DR. McGOVERN: Yes, back to Action 2 again; I looked at the spreadsheet that Andy had actually put together for the number of permits that would qualify. Under the 2,500 pounds and 3,500 pounds new alternatives; it would be 28 that would qualify under 2,500 pounds and 21 under 3,500 pounds.

Also, another point that I wanted to make that with the language in Alternatives 2 and 3, really what the analysis does is it looks at landings from January 1999 and not 12/8/98. It's a lot cleaner to use the whole year from January 1999 on because the continuous permit number system started around December 8th of that year, but there were really no landings or much landings for that year and it's just awkward to try to average that little bit in there. I was wondering if the council would want to change the wording in Alternatives 2 and 3 to say between 1/1/99 and 12/31/10 rather than 12/8/98 to 12/31/10.

MR. CURRIN: What is your pleasure, folks; it makes sense, yes. All right, so direction to staff okay with that? You guys don't need a motion for that? You okay, Jack, with direction from the committee to make that change? All right, anything else before we vote to approve this amendment for public hearing? Bill Teehan and then Michelle.

MR. TEEHAN: Thanks for doing that, Jack, that's good information. I'm wondering – and this question would be for Gregg or Bob Mahood, I guess – whether we could get a table that has from North Carolina to Florida the main landing areas for black sea bass and how many vessels are out of those; just a very simple table that we can look at so that we can see if you're going to close – if we're going to select a particular poundage, if that's going to wipe out an entire fleet in, say, Canaveral or wherever – is that a possibility?

DR. McGOVERN: You're asking for the number of vessels that actually fish black sea bass, right? Yes, we can provide that. I don't know if there are any issues with confidentiality, though.

MS. SMIT-BRUNELLO: Well, if there are confidential issues we'll address those, but we'll work on that.

DR. DUVAL: Mr. Chairman, I was just going to bring up I noticed for the public hearing schedule that the public hearing for this particular amendment in North Carolina is scheduled to be concurrent with the council meeting, and I have a few concerns about that. This is going to be a huge issue in North Carolina, and I'm afraid you might have to add a day to the council meeting. If it's held in conjunction with the council meeting, I'm just concerned about staff being able to incorporate any of those public comments in sufficient time for the committee and then the full council to consider, so I just bring that up.

MR. CURRIN: Thank you, Michelle, and I share those concerns as well. I just asked Gregg where the South Carolina meeting was and I think he said it was in Charleston. I inquired as to whether perhaps moving that to Myrtle Beach might kill two birds with one stone since most of our pot fishery occurs from the Morehead City area south, and Myrtle Beach would seem to be a place that they could attend if they so desired without too much trouble and travel, and then those that could not would have an opportunity in Raleigh in December as well. That's perhaps a solution that could be considered.

MR. WAUGH: Do you still want to keep the one in Raleigh and change the one in Charleston up to Myrtle Beach?

MR. CURRIN: It's just a suggestion, Gregg, that I think might be workable for us and would not require scheduling another public hearing before the hearing in Raleigh. I still think we probably ought to maintain the one in Raleigh just specifically for North Carolina. Michelle.

DR. DUVAL: Yes, I think if it was possible to move that hearing to Myrtle Beach, I think that would alleviate some of my concerns and would give the fishing community an opportunity to weigh in well in advance of – well, maybe not well in advance but at least certainly in advance of the meeting itself.

MR. CURRIN: And there are other considerations as well, Gregg, and I don't know about the distribution of the pot fishery in South Carolina and moving something like that to North Myrtle Beach may cause some hardships for pot fishermen out of the southern part of South Carolina, so I just don't know. Anyway, just a suggestion and expressing a concern on behalf of the North Carolina fishermen. Tom.

MR. BURGESS: Yes, just to Bill's comments earlier about qualifying who is in and who is out and all, when we first started and the control date came out it was December of 2008 initially. There were concerns expressed by the council members from Florida about people in Florida getting into it late. It moved to 2009 to address those concerns, and it moved to 2010. I think, you know, just to give you a little insight on what has happened and what has taken place to try to get the whole range in there.

MR. CURRIN: All right, nothing else, then we need a motion from the committee to approve this amendment for public hearings. David.

MR. CUPKA: Mr. Chairman, I'd like to make a motion that we recommend to the council that Snapper Grouper Amendment 18A be approved for public hearing.

MR. CURRIN: Second by Duane. Discussion on that motion? Any objection to that motion? I see none and that motion is approved. That does it for 18A. We've got 20A, folks, and we have got to decide about whether we want to get back into 18B and make some headway with that. 20A, there are only a handful of actions there, so I think we can do that in a relatively short period of time. That begs the question about 18B, and perhaps after lunch we can come back and think about that over lunch and we'll decide how to proceed. David.

MR. CUPKA: I was going to say we're going to break for lunch at our normal time; and when we come back, we'll continue with this committee meeting and hold off going into the full council session. We may have to break in on the committee meeting at 2:00 o'clock if we're not through because we have a scheduled public comment period at 2:00 o'clock.

MR. CURRIN: Let's come back at 1:15.

(Whereupon, the meeting was recessed 11:50 o'clock a.m., September 15, 2011.)

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, Thursday afternoon, September 15, 2011, and was called to order at 1:15 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: Let's get everybody back to the table and resume. We're going to Amendment 20A, which is Attachment 6B. That's the decision document. 6A is the full document, I believe; is that correct?

DR. MacLAUCHLIN: Yes. Are we ready?

MR. CURRIN: I'm ready and, Kari, I'm going to turn it over to you for an overview, and Kari and Mike are going to try to get us through this as quickly as we can.

DR. MacLAUCHLIN: Okay, you received the decision document that was Attached 6B, and what I'm going to project on the screen is the same document except that we've put some additional tables in there, but we reference the Draft Amendment 20, which is Attachment 6A. If there are any tables that you see on the screen that are not in the decision document, you'll have to look at the PDF, just so you all know.

In the decision document we have the background and need for the amendment. Just to remind everyone, the ACL is going to bring the commercial quota – reduce it by 87 percent, and so the purpose of this document is to redistribute the shares among the active fishermen. It has four actions.

The first defines and reverts inactive wreckfish shares. The second redistributes the reverted shares among remaining shareholders. The third defines the share cap and the fourth establishes an appeals process. 20A came from the Amendment 20 that got split into 20A and B. We are going to do public hearings the week for November 14th, which will be on the same schedule as 18A and Amendment 24.

We had a control date go through and we received one comment from the National Park Service, and that was that the control date would not affect NPS resources. You received that in an e-mail from Mike Collins. The general timing for this amendment is to approve for public

hearings at this meeting, and also we would like for you to select preferred alternatives at this meeting.

We'll do the public hearings in November and December if we have the one in Raleigh; but if not, the one in Myrtle Beach the week of November 14th. Review comments, your final review and approve for formal review at the December meeting and submit to the Secretary of Commerce at the December meeting.

Action 1 defines and reverts inactive wreckfish shares. Alternative 1 is the no action. Alternative 2 defines inactive shares as those belonging to any shareholder who has not reported wreckfish landings between 2009/2010 and the 2010/2011 seasons and revert those for redistribution. Alternative 3 defines inactive shares as those belonging to any shareholders who have not reported wreckfish landings between 2006/2007 and 2010/2011.

Basically Alternative 2 is you have to have reported wreckfish landings in the past two fishing seasons and Alternative 3 is at some point during the past five fishing seasons. I'll let Mike Travis talk to you about the analysis. This is one of the tables that we added in and so this going to be on your PDF, Page 55.

MS. SMIT-BRUNELLO: I would suggest on the alternatives, when we say "revert for redistribution" that we add the words "shares"; "revert the sharers" just to make clear what we're reverting for redistribution; just to make it clear. It might make sense to all of us but I think that would be better.

DR. CRABTREE: Just a general comment as I've read through some of the rationale, and on Page 51 – and I believe the statement recurs later on – so it's PDF 52, there is a statement in there that says, "Allowing the status quo situation to persist is contrary to Magnuson-Stevens Fishery Conservation and Management Act National Standard 1," which says conservation and management, blah, blah, blah, and it talks about optimum yield for each fishery and unnecessarily restricts harvest of wreckfish – I think that's overboard, frankly.

There is nothing from a regulatory perspective stopping this fishery with the current distribution of shares from catching the entire quota. The problem is some people who have shares are choosing not to fish. There is also nothing preventing the people who choose to fish from buying quota shares from others.

It's just that those folks may not wish to sell or people may not wish to buy them. I think that this is not an optimal situation and I'm fully in agreement that we need to make some changes of it, but I don't think it violates the Magnuson Act at this point.

MR. CURRIN: Any other general comments at this point? Mike.

MR. TRAVIS: Going back to what Monica brought up, Monica, would you also prefer that in the alternatives that we state who the shares would be reverted to in general or do we want to say that fraction to? In other words, it says revert shares for redistribution; presumably back to active shareholders would be the idea.

MS. SMIT-BRUNELLO: Yes, so I guess we're reverting inactive shares; that's a better description. You could back to active shareholders if that's what the council decides in Action 2; and if you don't want to tie exactly to Action 2, I think leaving it for redistribution is fine because you're going to address that. I also had a question as to what "between" meant in the alternatives; in Alternative 3 about wreckfish landings between and during the 2006/2007 year and 2010/2011 fishing seasons?

DR. MacLAUCHLIN: We are going to make some minor changes in the language. This was just what was in the Attachment 6A, so we wanted to keep those but this is the recommendations for these minor changes to clarify that we're talking about at any point in the past two fishing seasons. Instead of between, we are just going to put in 2009/2010 and/or 2010/2011.

MS. SMIT-BRUNELLO: Okay, and that's great. Does it mean they could have landings during any one of those fishing seasons; not each one?

DR. MacLAUCHLIN: At any point in those.

MR. JOLLEY: Why do you leave out 2008/2009?

MR. TRAVIS: It's included in Alternative 2; it's not included in Alternative 1. Yes, it's included under Alternative 3; it's not included under Alternative 2. Part of the reason for that, just for those who don't have some of the same history, is that we noticed a change in the fishery starting in the 2009/2010 season where we had additional participants coming into the fishery. There had a stable number for an extended period of time and then things started changing in 2009/2010, so that's why we broke it off there.

MS. SMIT-BRUNELLO: We could get very clear and say, for example, under Alternative 3 during the 2006/2007 fishing season or the whatever; you know, put in exactly what you mean. People can read it different ways.

MR. TRAVIS: So you'd want us to list off the five seasons individually?

MS. SMIT-BRUNELLO: You could do that or at least right underneath in the discussion state exactly what that is so the discussion if the reader goes to that.

MR. TRAVIS: Understood.

MR. PHILLIPS: Maybe I missed it but what happened to inactive shares; i.e., that don't have landings but were sold to somebody planning on going fishing and they just haven't gone yet?

MR. TRAVIS: I'm not following him.

MR. CURRIN: Well, they're inactive shares; so if they haven't had landings during these periods under these alternatives, they would be reverted. All right, I think you guys understand that we want some clarity in there to make sure that it's real clear and real understandable to

everyone what those timeframes represent. All right, ready to move and look at the table; that might help provide some clarity as well.

MR. TRAVIS: Okay, the information in this table represents where things stood at the beginning of the current fishing season, so we have 25 shareholders at the beginning of the fishing season. Amongst those 25 shareholders, the smallest share that an individual shareholder had was 0.6 percent shares, and then the maximum that an individual shareholder held was 16.43 percent.

The mean or average that each shareholder held was 4 percent and then the median is a little bit less, just over 2 percent. This is sort of the situation under the status quo as of the beginning of this fishing season. Now, I want to raise a couple of points, and one is that we have seen a couple of transfers recently.

We have gotten word that there may be more share transfers coming down the pipeline before the council takes final action in December. The numbers may change on down the line but this is the situation as of the beginning of this fishing season. The other point that I wanted to raise is I put the information together in the form of descriptive statistics because we had originally envisioned and put information together breaking down the individual shareholdings of each of the shareholders in the fishery.

Ten we were advised that under current understanding of the regulations and rules regarding confidentiality, that it was probably not wise to do that. We have chosen a couple of different approaches in the amendment right now to avoid the potential release of confidential information. Now, that may change. I don't know, Monica, if you want to that issue.

MS. SMIT-BRUNELLO: I do not. I think you've summarized it correctly.

MR. CURRIN: I would just suggest that we label for that table that the values are in percentages or either put percentage in the table. It just wasn't clear what those numbers represented exactly.

MS. SMIT-BRUNELLO: One other question, in the discussion under this action we talk about seven participating shareholders during the 2010/2011 season. Are you thinking that a participating shareholder is someone who is fishing his or her wreckfish shares right now; is that what a participating shareholder means?

MR. TRAVIS: I assume that is the case. Is that in relation to the discussion for Table 4-1?

MS. SMIT-BRUNELLO: It could be. I saw this under the discussion for – not exactly under this table but it's mentioned in some places in the discussion for this action, and I just wanted to make sure that I knew what a participating shareholder was.

MR. TRAVIS: That's probably what it is because if you go to the next table and it talks about depending on which alternative you pick, there are seven – yes, in my table I refer to them as active shareholders, so that would be my preference in terms of terminology is to refer to them as either active shareholders or inactive shareholders.

MS. SMIT-BRUNELLO: Okay, so maybe we want to discuss that up front and be consistent of what is an active and inactive shareholder.

MR. TRAVIS: Understood. Under this next table, Table 4-1, which is on Page 52 in the PDF version of the document, this shows how many active and how many inactive shareholders there would be under Alternative 2 and Alternative 3 and then the percentage of shares that are held by the active shareholders versus the inactive shareholders.

Under Alternative 2 we would have seven active shareholders and they would hold 45.55 percent of the shares in the fishery, and we would have 18 inactive shareholders holding 54.45 percent. If you go with Alternative 3, we would have eight active shareholders holding 58.8 percent of the shares and 17 inactive shareholders holding about 41.2 percent of the shares.

What that tells you is the difference basically between the alternatives is one shareholder, but that shareholder is a pretty important shareholder who holds 13.25 percent individually, but I will also comment that shareholder represents more than one share certificate in the fishery. If you want to give it in terms of an account, they represent more than one shareholding account.

DR. CRABTREE: But that shareholder didn't fish at all in the last two fishing seasons?

MR. TRAVIS: Well, not under a permit that was issued under that share certificate.

MS. SMIT-BRUNELLO: I guess I'm dense today so what did you mean about holding more than one shareholder account?

MR. TRAVIS: They have more than one share certificate but under a different –

MS. SMIT-BRUNELLO: Vessel?

MR. TRAVIS: Vessels don't hold shares.

MS. SMIT-BRUNELLO: Right, you need a vessel to fish the shares?

MR. TRAVIS: Correct. I'm trying to answer your question as best as I can without revealing –

MS. SMIT-BRUNELLO: Okay, that's fine.

MR. TRAVIS: – information I should not be revealing.

MS. SMIT-BRUNELLO: All right, I'm not trying to cross-examine you.

MR. CURRIN: All right, other questions? Everybody clear on what these alternatives do and how they differ and what they will result in? We need a preferred here, folks, if we're going to make some headway on this amendment and hope to have it approved. Michelle.

DR. DUVAL: Mr. Chairman, this is for my clarification. I wasn't prepared to make a motion, so both of these alternatives would disadvantage anyone who has perhaps purchases shares from somebody in the last year or two? They would be forced to –

MR. CURRIN: Not necessarily; only it would disadvantage someone who did not have landings during these qualifying periods and also purchased shares. Someone who had landings during these qualifying periods based on the two alternatives and purchased shares would qualify, I presume, with all of the shares that they owned before and purchased.

MR. TRAVIS: And remember this takes into account all fishing activity through the 2010/2011 fishing season.

MR. HAYMANS: Mr. Chairman, I would make a motion if that would be all right.

MR. CURRIN: I'd be delighted.

MR. HAYMANS: I'd move that we would accept the staff recommendations for the minor changes in the two alternatives and then we select Alternative 3 as our preferred.

MR. CURRIN: Motion by Doug to accept the recommended changes from the staff and to select Alternative 3 as the preferred; second by Robert. Discussion? Roy.

DR. CRABTREE: Well, that lets in one more person in, but I'm pretty comfortable that if you haven't fished or landed and he has been active since 2006/2007, we're certainly not putting anyone out of this fishery who has really participated in it. I'm fairly comfortable with it, I think.

DR. DUVAL: So for anyone who has purchased any shares but hasn't fished since the end of the 2010/2011 fishing season, they would be disqualified? I'm sorry, I'm just –

MR. TRAVIS: Let me respond to that. You're concerned about the recent transfers that have come through or those that might be coming through. At least for the ones that have come through at this point, they have been purchased by people who have been active in the fishery, so no one would be booted out as a result of that.

Now, can I guarantee that will be case with transfers that may occur between now and the end of the year, obviously I cannot. The control date notice is out there. They have been apprised actually more than once that this is on the street.

MR. CURRIN: Is that clear, Michelle? All right, any further discussion on the motion? **Is there any objection to that motion? I see none, then that motion is approved.** All right, Action 2.

DR. MacLAUCHLIN: Action 2, redistributes reverted shares to the remaining shareholders. Alternative 1 is no action, do not redistribute reverted shares. Alternative 2 redistributes the reverted shares to the remaining shareholders based on a 50 percent equal allocation and 50

percent based on landings history. There are two options for this; using the landings history and fishing years 2009/2010 to 2010/2011; and Option B, landings history and fishing years 2006/2007 to 2010/2011.

So basically the same qualifying periods as in Action 1 where you have either the past two fishing seasons for Option A or landings history throughout the past five fishing seasons. Alternative 3 redistributes the shares to remaining shareholders based just on the landings history with the same two qualifying periods for Option A and B.

Alternative 4 redistributes the reverted shares based on a proportion of remaining shares held by each remaining shareholder after the inactive shares are reverted. What this is, is after Action 1 the shares are defined, inactive shares are reverted, whoever is left you calculate their proportion of the total number of shares left, and then that's how their allocation will be made. The more shares you have, the more shares you'll get reallocated.

Alternative 5 redistributes the reverted shares equally among all the remaining shareholders. Then we have some tables. We have the same kind of minor recommendations for the language just to clarify that it's your landings history during the two years or the five-year qualifying period, so we're just recommending these small minor changes. I'll let Mike take over and talk about the outcome in the tables.

MR. CURRIN: Okay, before we get there, is everyone okay with the suggested minor language wording changes? It's very similar to the first action where it just provides some clarity, and the comments on Action 1 from the committee should also be taken into consideration on this one. Everybody okay with that, I presume. Direction to you guys okay, Kari, without a motion?

DR. MacLAUCHLIN: Yes.

MR. TRAVIS: If we could take a look at Table 4-9, which is on Page 64 in the PDF version of the document, and again this was an approach that we chose because we couldn't release the information on an individual shareholder basis, so we used what we called the binned approach, which is basically aggregating the information.

Okay, so what this table conveys is on the left-hand side it shows the number of shareholders that would get, for example, zero to 5 percent additional shares if the council went with Alternative 2 under Action 1. For example, under Alternative 2A for Action 2, if the council chose Alternative 2 under Action 1, there would be four shareholders who would get an additional zero to 5 percent shares. There would be two shareholders who would get between 5 to 10 percent additional shares, and there would be one shareholder who would get an additional 20 to 25 percent of the shares.

DR. CRABTREE: Maybe this comes later but we're going to have to have some kind of a cap. What happens when you redistribute it if it pushes someone over the cap; is that the next action?

MR. TRAVIS: That is the next action. And then I guess that the council just chose Alternative 3 as their preferred under Action 1, maybe the focus should be on the right-hand side of the table

where you see, for example, that under Alternative 2A you get 5 shareholders who would get an additional zero to 5 percent; one shareholder who would get an additional 5 to 10 percent; and one shareholder who would get an additional 15 to 20 percent.

There are some differences between the alternatives under Action 2. Particularly the one that sticks out is under Alternative 3A, you're going to get one shareholder who will get an additional 25 to 30 percent under that particular alternative of the shares. And, of course, under Alternative 5 they all get the same amount so that one sticks out as well. They're all going to get, what is it, about 7.78 percent. So it gives you some choices in terms of the distribution of the reverted shares, how you want those redistributed.

MR. HAYMANS: Mr. Chairman, looking at the next action, which is the cap, it seems like we would decide what the cap would be and that would help us go back and look at what the distribution should be. I've heard 49 thrown around a few times and there are a couple of scenarios that put people at 54. Everybody else would fall under that, so maybe we should decide the cap first.

MR. CURRIN: Well, you can do that if that's what the committee would like or you can decide how they're going to be distributed and then deal with someone who is over whatever we decide the cap is and redistribute those shares or do something else. It's up to the committee, whatever you would like to do it. If you want to move ahead and select the cap first, that's fine with me, and then we'll come back to this or we'll take it in order.

MR. TRAVIS: If I can comment on that, we had the same discussion within the IPT, and we could see it going either way. Basically from the council's perspective is what matters to you; is it that maximum? If that's what matters to you, then maybe it would be better to deal with Action 3 first. If what matters to you more is the distribution amongst the shareholders, then you really want to focus on this action first. I can see it going both ways. It's up to you folks.

MR. CURRIN: If it doesn't really matter to you too much, let's kind of proceed in order here.

MR. TRAVIS: Can I clarify one other thing, Mac? Remember, this is the additional shares. This table represents the additional shares that they're going to get. The next Table 4-10 is the final shares, what they would end up with when you take what they have now in addition to what they would get after the redistribution. That is contained in this table. Again, if you're going to go with Alternative 3 as your preferred under Action 1, then the focus needs to be on the right-hand side of that table.

MR. HAYMANS: So, Mike, this Table 4-12, which is in the decision document, is a combination of those two, right? It shows you additional and total shares?

MR. TRAVIS: Yes.

MR. JOLLEY: Mr. Chairman, what is the downside to treating everybody the same?

MR. CUPKA: I don't know if it's a downside or not, but I keep going back to what we're trying to do here. We've got a certain number of fishermen who are participating in this fishery. Their recent landings have been on the order of what the new ACL would allow them to harvest. My concern is if you treat everybody equally and you redistribute them equally you're going to give some people probably not enough to harvest what they're currently harvesting and put them out of the business unless they go to somebody else and buy some shares from them.

It seems to me what we're really trying to accomplish is to redistribute those shares to that we can accommodate the active vessels in the fishery currently at the level they've been harvesting at least initially. If they want sell shares after that, that's fine, but we're at least trying to maintain the fishery and keep those people in the fishery. Like I say, they've haven't all been harvesting the same amount.

There have been different amounts, obviously, but if you start redistributing them equally I'm afraid some of them will end up with more shares than they need to harvest what they've been harvesting and others won't have enough to harvest what they've been harvesting. That's one thing that keeps bothering me about that Alternative 5 in there about just treating everybody equally. You could do that but I don't think you'd maintain the fishery then.

MR. JOLLEY: I guess I don't understand how the person that now has the most shares winds up losing shares in this process. There is something I don't understand.

DR. MacLAUCHLIN: Because this is under an ITQ Program, they have a percentage of the TAC but we're changing the TAC, right; so if you hold 20 percent of 2 million, your annual pounds are very different from 20 percent of 200,000. That's why we're trying this.

MR. CURRIN: I think David explained it very well, John, the rationale here of what we're trying to do. This a very difficult fishery; it occurs very far offshore; and the landings have to be at a certain level to make it economical for somebody to participate. Even though they have a reasonable percentage of the total allocation now or total ACL, as it is, it may not be economically feasible for them to go out and harvest that now that the ACL has been reduced. It's an attempt to keep the fishery active until we can reassess the stock and see what the harvest level should be. Duane.

MR. HARRIS: Mr. Chairman, there seems to be very little difference between Alternative 3B and Alternative 4 with respect to the shareholders after redistribution, and those are the only two alternatives that I'm really looking at for consideration here. I'm not sure which one of them is best, but either 3B or 4 are the one – I'm willing to vote for either one because there is not very much difference. If somebody could explain to me other than what is in the table what that difference might be, I might be able to make a decision between those two. But it's either 3B or 4 are the ones that I would be considering.

MR. TRAVIS: To that point – and Doug had brought this up before – if we want to go to Table 4-12, which is actually kind of split in two. In the document it's one big table but for the purpose of the decision document it got split up. That might be a way for you to compare what – it does show you the difference in terms of what the smallest share would be per shareholder, what the

largest share would be per shareholder, what the average or mean share would be and the median, so you can get that from there, so you can compare them that way.

I do want to caution you a little bit here that this is on a per shareholder basis, which is not necessarily the same as a per entity basis which you would have to look at when you look at the share cap, because there is one entity or one individual who actually represents two share certificates, share accounts, whatever term you want to use. That information is conveyed under Action 3.

MR. HARRIS: But that is because that person has bought additional shares?

MR. TRAVIS: It's because they're organized under two different legal entities.

MR. HARRIS: I see; okay.

MR. HAYMANS: Is it possible to grandfather individuals if they were to go whatever the cap we established such that as long as that individual is still fishing and that entity is still fishing they're allowed over the cap; but if they sell or whatever, that is reduced.

MR. CURRIN: That certainly has been an alternative that we have looked at in the past regarding ITQs and various shareholders, so, yes, it's something you can consider if that is the council's desire. All right, anymore questions anybody needs for clarity here? I'm kind of siding with Duane as far as a preferred here of looking at 3B or 4. David.

MR. CUPKA: I'd like to make a motion that we remove Alternative 5 to the considered but rejected appendix.

MR. CURRIN: Motion by David to move Alternative to the considered but rejected; second by Duane. That is the alternative that redistributes reverted shares equally among all the participants, and I think we're already had some discussion as to why that doesn't seem to be reasonable. Any further discussion on that motion? **Any objection to that motion? I see none and that motion is approved.** Duane.

MR. HARRIS: One more question about Alternative 4. In 3B we have landings history. There is nothing about landings history and maybe there doesn't need to be under Alternative 4 so just explain that to me, because I'm still at 3B or 4 but I'm not sure which one.

MR. CURRIN: Well, the end result is very close on both of them, as you can see, fairly close. I'm sure there are some subtle differences.

MR. TRAVIS: There are some differences and that is why we're sort of in a Catch 22 between the two actions, so you might want to look at Action 3 and the share cap before you decide on a preferred for Action2.

MR. CURRIN: I'm fine with that; whatever makes the most sense, folks. We've got five more minutes to work on this before we have the public comment period and then we're coming back.

So, whatever way you want to deal with it; if it makes more sense to look at the share cap and decide that, then that may influence the alternative that is most appealing. Wilson.

DR. LANEY: I'm not on your committee, Mr. Chairman, but do you need to change those "to's" to "through's" again here for Alternative 2 and 3?

MR. CURRIN: For clarity, yes, all the suggestions we made early to clarify those alternatives to make them more clear would need to be implemented here as well. David.

MR. CUPKA: It seems to me one difference between 3 and 4; obviously 3 is based on landings history which I think is what we're trying to maintain. The thing about 4 is if we just redistribute them based on the shares they have now, isn't it conceivable that somebody would have a share that allows them to fish a certain amount but they're aren't using that full share; so if we redistribute it based on that, again we may or may not maintain those current landings among the permit holders. At least at this point I'm thinking that I would probably tend to prefer Alternative 3B over 4, but that's just my own personal –

MR. TRAVIS: To respond to that, theoretically you're right, but how it works out is actually the largest share by a single entity results under 4 instead of 3B.

MR. CUPKA: Yes, and that has been part of the problem with this whole thing. It's all theoretical because we're not allowed to know what the people have been landing so we're kind of working somewhat at a disadvantage here.

MR. CURRIN: Now we're seeing how the SSC felt when they were trying to establish the ACL for this fishery. It's a problem. All right, we've got four minutes; can we decide on a share cap in four minutes and move to Action 3? We've had some discussion of this in reference to other fisheries. I think everybody has uniformly agreed that 50 percent is probably excessive.

I'm not sure whether 49 is or not. It's a small fishery. We have to be concerned about excessive shares under the Magnuson Act, but with the small numbers of people to me I interpret that as expanding our latitude on an upward basis, perhaps. There are a number of alternatives here from do nothing to set a share cap as high as 65 percent or Alternative 6 allows you to set it as a percentage of the total shares held by the largest shareholder after redistribution. Robert.

MR. BOYLES: I move we select Alternative 4 as our preferred.

MR. CURRIN: Motion by Robert to Alternative 4 as the preferred; second by Doug. Discussion on the motion? Mike.

MR. TRAVIS: If you can go to Table 4-14, Page 72 in the PDF, and I think the critical piece of information here is that there is one entity under Alternative 4 that would exceed the 49 percent cap; not by much. You see where it says 0.92 under – again assuming Alternative 3 under Action 1 and then Alternative 3A under Action 2, 49 percent which is Alternative 4 under Action 3 they would exceed the share cap by 0.92 percent.

Now if you went with 3B under Action 2 they would exceed a 49 percent share cap by 1.39 percent. That's the only time you get into an issue of what do you do with the shares above the share cap. Once you get to 65 percent, there is no issue, obviously, but that's the only two instances where you have any issue.

DR. CRABTREE: And so in that case, then those shares would just be redistributed to those under the share cap?

MR. TRAVIS: Well, I think that's actually one of the things the council needs to decide is would we issue those shares in the first case; would we issue those to the person who would be above the share or would we give them the option of we're going to give them to you but you have to do something with them. You know, you have to sell them by such and such time. You could proceed along that route; or, as you just said, you could say, no, we're not going to issue those to you; we're going to redistribute them to the other shareholders in the manner that you just decided under Action 2.

DR. CRABTREE: It seems to me that you wouldn't issue those shares to the individual who is at the share cap. He would be at the cap and then those shares would be redistributed according to the same formula you select to everybody else.

MR. CURRIN: And that would make sense to me if that's the way the committee decides to go, and we can handle that in a separate motion if that's desirable if this motion were to pass to establish a 49 percent share cap. Further discussion on the motion? Mike.

MR. TRAVIS: One other point Kari just reminded me of, there is an Alternative 6 in there which is to establish the share cap at whatever the maximum share is. So, for example, you could pick 49.92 percent or you could pick 50.39 percent if you wanted to go that route. If people aren't comfortable with anything over 49 percent, then obviously you wouldn't want to do that.

MR. CURRIN: Okay, thank you for noting that. Anything else that you want to make us aware of before we vote on this motion? **All right, is there any objection to this motion? I see none; that motion is approved.** It's 2:00 o'clock and we probably need to break. When we come back, we'll need to do two things that I see regarding this amendment.

One is how to deal with overage and I like Dr. Crabtree's suggestion; 0.92 percent divided among everybody. Then we've got to go back to Action 2 and select a preferred there. We will recess until after the public comment period.

(Whereupon, a recess was taken.)

MR. CURRIN: All right, let's get everybody back to the table and we'll reconvene the Snapper Grouper Committee. I think we're back in Amendment 20A on Action 2. We completed Action 3 and selected a preferred, so now we're back and perhaps better understand the implications of choosing any particular alternative under Action 2. Mike.

MR. TRAVIS: I'd like to raise a couple of points; one for clarification because you folks have dealt with this already in other amendments, which is when we're talking about landings and the percentage of landings, that we are talking about percentage of total landings and not average landings. We don't want to go there, I assume, correct?

MR. CURRIN: We just to know what we're talking and understand it. If it's total percentage of total landings, that's fine.

MR. TRAVIS: It's total; that is what my numbers represent is percentage of total. And then just as another point, it's in the draft of the amendment, and I don't know if this is germane to folks' decision on what is the preferred alternative, but based on recent information on share transfers, the purchase price for a 1 percent share in this fishery is running about \$6,400.

In other words, if you wanted to buy 10 percent of the shares, that would run about \$64,000. It gives you a sense of how much it cost to buy shares currently and recently in the fishery. Now, that may change once the new ACL goes into effect, and I can't project that right now.

MR. HARRIS: Mr. Chairman, are you ready for a motion?

MR. CURRIN: Monica had her hand up. Hold one second and let me see what Monica has.

MS. SMIT-BRUNELLO: You were going to make a motion, Duane, on Action 2?

MR. HARRIS: Yes.

MS. SMIT-BRUNELLO: Okay, so this kind of goes to Action 2. I had an epiphany of sorts and maybe this will help you all, too. When I was looking at Action 2, it wasn't apparent to me for a while until I reread Alternative 4 several times that there is more to Action 1 than I thought there was. When the question was asked of me, after I suggested some clarifying language to a couple of the alternatives under – Alternatives 2 and 3 under Action 1, when I said we should say “and revert the inactive shares for redistribution”, it should indeed say “among the remaining shareholders because that's what Action 1 does.

It reverts those inactive shares and then reshuffles the deck a little bit and redistributes them to the active shareholders. If you all knew that, that's great. It wasn't apparent to me right away from reading this that that is indeed what happened; but after rereading Alternative 4 several times for Action 2, I said the only way this makes sense is if those shares have been actually reverted and redistributed. Hopefully you all know that and it's old news to you, but I would ask then that we clarify even further a little bit in the alternatives under Action 1 that, yes, those have been redistributed or whatever.

MR. TRAVIS: Yes, just two points of clarification. One is I think it would be easier if we start referring to them as active shareholders consistently rather than remaining or participating or what other term we've been using. And then the other thing is do we necessarily in Action 1 revert them back to the active shareholders or are they being reverted back to the council and then the council under Action 2 decides who they are reverted back to?

MS. SMIT-BRUNELLO: Well, that's what I thought happened, but if that happens that they revert to the council – and semantics a little bit – how does Alternative 4 make any sense under Action 2? Alternative 4 says you redistribute reverted shares based on proportion of remaining shares held by each remaining shareholder after inactive shares are reverted. So, necessarily, apparently what already happens with Action 1 is some people are no longer in the fishery and then the shares they had get redistributed? If that's not accurate, then I just am curious as to, one, its accuracy; or, two, what actually happens then with Action 1.

MR. TRAVIS: Yes, Alternative 4 wouldn't make any sense unless you changed the wording as you recommended in Action 1. It's true, the three actions are so tied in together it's difficult to untie them.

MR. CURRIN: Maybe I'm wrong but the way I was looking at it is one reverted the shares, took the shares away; wherever they went, the council, you, somebody else's pocket. Two takes those shares from wherever they were placed temporarily and redistributes them to the remaining active shareholders.

MS. SMIT-BRUNELLO: Well, that's what I thought, too, but how does Alternative 4 then make sense to me because it's almost a circular kind of reasoning; or, does Action 1, it takes inactive shares and then what happens is those inactive shares are parked over here for the council to deal with. But, how much percentage then of the fishery does each remaining – under Action 1 does each remaining shareholder have? Does that get redistributed so they have a different percentage? Let's say there is a hundred percent of the fishery and then each shareholder holds a portion of that hundred percent in certain amounts. Mike, your head is shaking no for the record so why don't you explain.

MR. TRAVIS: Well, because the shares for the active shareholders don't change as a result of Action 1. They would stay where they are; and those inactive shares, as they have been for some time now, would stay in a black hole until they're pulled out – if you want say parts, they stay there until the council decides what to do with them.

MR. SMIT-BRUNELLO: Okay, and the council decides what to do with them Action 2, correct?

MR. TRAVIS: Yes.

MS. SMIT-BRUNELLO: Okay, so what Alternative 4 mean under Action 2?

MR. TRAVIS: Well, this is the method of redistribution. In other words, if, for example, 50 percent of the shares were inactive, okay, so the other 50 percent are active, if you hold 10 percent of the shares in the fishery or in this sector of the fishery, okay, then that means that you hold 20 percent of the remaining shares of the active shares, so you would get 20 percent of the inactive shares would come back to you – would come to you under Alternative 4. It's whatever proportion of the active shares that you hold is what you get of the inactive shares that have been reverted.

MS. SMIT-BRUNELLO: So maybe what I was getting hung up on is it says redistribute and then the end says after inactive shares are reverted, so to me that meant, okay, somehow inactive shares were already reverted.

MR. TRAVIS: Under Action 1.

MS. SMIT-BRUNELLO: Okay.

MR. CURRIN: I don't really think it matters. You can look at the proportion of the total shares that you had in the beginning or you can revert the inactive shares and look at the proportion of the remaining shares that you have after the 50 percent has been taken away, let's just assume that, so that could be then 20 percent of the then total, but the proportions I think are going to be the same regardless. I believe I'm correct; somebody correct me if I'm wrong.

MS. SMIT-BRUNELLO: And maybe what we can do for other dense people such as myself, we could even in the explanation maybe have some illustrations or something like that, some examples in terms of what would happen. If that's not necessary, that's fine, so I'll work with staff and we'll look at it to see whether that's appropriate or not.

MR. HARRIS: Mr. Chairman, I move that under Action 2, Alternative 3, Option B be our preferred.

MR. CURRIN: Motion by Duane to select under Action 2, Alternative 3B as the preferred; second by David. Discussion? All right, there are some tables, you will remember Action 3, the one we did address previously – there were some tables in reference to that that dealt with some potential overages, and there is an issue under Alternative 3B, some percentage overage that we're going to have to deal with after this if this is selected as the preferred. Any further discussion on this motion? **Is there any objection to this motion? I see none and that motion is approved.** Now, I believe, if I interpret it correctly, under Action 3B we have what excessive shares that we need to decide how we're going to redistribute.

MR. TRAVIS: 3B would mean you'd have 1.39 percent of the shares would not be issued to that particular entity and would need to be redistributed.

MR. CURRIN: Okay, and I believe Dr. Crabtree's suggestion earlier made sense to me that we take that percentage and distribute it evenly among the other participants.

MR. TRAVIS: Evenly?

MR. CURRIN: Proportionally is the same –

DR. CRABTREE: Well, I would think we would distribute it according to the alternative we selected for that.

MR. CURRIN: That's correct, proportionally as per Alternative 3B.

DR. CRABTREE: Right.

MR. CURRIN: Okay, so perhaps a motion to that effect would be in order.

DR. CRABTREE: So moved.

MR. CURRIN: Motion by Dr. Crabtree and second by John Jolley.

DR. CRABTREE: Do I have to read the motion?

MR. CURRIN: Would you state your motion? We're going to get it up there, but it's to redistribute 1.39 percent –

DR. CRABTREE: Let me suggest that we just say to redistribute any amount in excess of the share cap among the other shareholders according to the alternative we previously selected – the method selected in Action 2, I guess.

MR. CURRIN: Okay, look at that, Dr. Crabtree, and see if that captures your intent and I will read the motion.

DR. CRABTREE: It does.

MR. CURRIN: Okay, the motion is to redistribute any amount in excess of the share cap among the other shareholders according to the method selected in Action 2, Alternative 3B. And John Jolley seconded that. Discussion on this motion? Is there any objection to the motion? I see none and that motion is approved. All right, does that get us through Actions 1, 2 and 3 at least?

MR. TRAVIS: I would like to bring up one issue now that we've gotten through these three. Once the council submits the amendment and we go to the proposed rule stage – and this is a similar issue that was discussed earlier today – my understanding from Andy Strelcheck is that we would need to put a temporary freeze in place on share transfers, so whatever you decide you want implemented can in fact be implemented because we'd have to redo all the calculations again using the data available at that point. He needs some time to do that and to get the shares reverted and redistributed and determine what next year's allocations are going to be.

MR. CURRIN: And I think we did the same thing with regard to the black sea bass endorsements, more or less, in the previous amendment. I don't know whether we offered a motion to do that or just indicated that our intent was to allow the Regional Office time. Is that adequate for Andy; I assume he works equally as fast as Carolyn on all of this.

MR. TRAVIS: I would assume so. He may be able to do it in 30 days but I don't want to speak on his behalf.

MR. CURRIN: Well, Carolyn said 30 days and Roy added another 15, so if we can just capture that language from 18A just to bring it in here. If it was a motion – I don't think it was a motion. I believe it was direction to staff.

MR. TRAVIS: It was a motion.

MR. CURRIN: Okay, let's see if we can pull that up and bring it forward. Okay, that is the motion from Amendment 18A that we passed previously regarding the black sea bass fishery. If that's the committee's intent and covers for you, Mike, what we need to allow you guys the time to prohibit transfers, then I would entertain such a motion.

MR. TRAVIS: Until the reverted shares are redistributed. I think that's probably good enough.

MR. HARRIS: When does the prohibition start? Now, in black sea bass it started the day the final rule was published, I believe. Is that the intent here?

MR. TRAVIS: Monica, if the council takes final action in December, what is probably the earliest date the final rule would be in place?

MS. SMIT-BRUNELLO: You would have to assume that the amendment is approved, right?

MR. TRAVIS: Yes.

MS. SMIT-BRUNELLO: And this is a plan amendment, yes, so there is a 60-day comment period, another 30 days that the secretary would have. Hopefully you would issue the proposed rule right along with the comment period so – I mean, for the amendment so early summer/late spring. I'm always Pollyanna on this and I always optimistically think we can get it done quicker than we can.

MR. TRAVIS: We may need to go back and consult with Andy on this because we're still operating in the world of paper coupons and those have to be printed. They'd have to know what to print and get them out.

MS. SMIT-BRUNELLO: The regulations – I just looked at them right now – say by March 1st or as soon thereafter as possible the Fisheries Service distributes the coupons. I don't know; we'll have to think about that and work that out.

MR. CURRIN: Just as appoint, I think the season opens – I believe I'm correct – on April the 15th. The spawning season closure ends then. Our intent was to have some effect this season. I'm not sure it's critical to these guys that they begin on April 15th, but if we can have it in place by June, then I believe didn't they indicate that would be adequate for them –

MR. TRAVIS: Yes.

MR. CURRIN: – at an earlier meeting, David? Okay, Duane.

MR. HARRIS: I guess the question is, is this all that NMFS needs because they're the ones going to take this action. If it's clear to them when the prohibition takes place and if this motion is acceptable to the National Marine Fisheries Service, then I would make that motion. I just wanted to make sure it's clear. Is it clear?

MS. SMIT-BRUNELLO: Sure, why don't you make the motion and we'll have it in here. If there is a problem with that, we'll figure it out but I think it would workable. If a person right now – so perhaps what we're doing in the long run, if you approve in December, the secretary approves the amendment, these people who are fishing now might receive additional amounts on which to fish – additional from what they have now. I'm not sure; we're going to have to work this out.

DR. CRABTREE: The problem I could see is if one of these inactive people suddenly became active and used up their share so that when we tried to redistribute, some of it had already been caught. I'm not sure what we do in that case, but the best I can say now is when we get back to the office we consult with the administrators of these programs and see what he says.

Normally when we do IFQ things, if it involves taking anything away, which means cutting TACs or anything, you have to do it before the fishing year starts, but putting more quota in you can do pretty much at anytime. We'll have to look into that.

MR. CURRIN: But for now this motion may be as good as we can do as far as allowing you the latitude to –

MS. SMIT-BRUNELLO: I think so.

MR. CURRIN: – prohibit transfers at some period at your choosing. All right, Duane.

MR. HARRIS: I would that it's the council's intent that NMFS administratively prohibit transfers of wreckfish shares for the necessary amount of time, not to exceed 45 days, until the reverted shares are redistributed.

MR. CURRIN: Motion by Duane; second by Charlie. Discussion on the motion? **Is there any objection to the motion? I see none and that motion is approved.** All right, are we okay to move on to Action 4?

DR. MacLAUCHLIN: Action 4 is to establish an appeals process, and this is similar to what you saw for the golden crab appeals process. There are four alternatives; the no action alternative. Alternative 2; the RA would review, evaluate and render the final decision on appeals. I'm not going to read the rest of the text.

Alternative 3 would use a special board composed of state directors and designees that will review, evaluate and make the individual recommendations to the RA. And then Alternative 4 sets up a set-aside of 3 percent, 5 percent or 10 percent to be used for appeals.

And then there were IPT suggestions for modification in the alternatives to put 3, 5 and 10 percent in and just some specifications on the ACL, then the 2012/2013 shares based on that ACL; and then also for 3 and then to take this set-aside options, 3 percent, 5 percent, and 10 percent so instead just take out that alternative and put it under the Alternative 2, which is the RA makes the decision, and Alternative 3, which is the board makes recommendations to the RA; so that both of those, no matter which you pick, will have the options for the set-aside.

In the end if you want to accept these suggestions, then in the decision document we provide the wording that we would just change it to. I'm not going to read all of it because you have heard it before. It's the same as golden crab; just so that everybody understands. And then I just need you to select a preferred.

MR. TEEHAN: I've heard the term "dense" and "spaghetti brains" used and I'm getting there myself. Which one of these alternatives did we pick for golden crab because my suggestion would be staying consistent?

MR. CURRIN: I believe it was Alternative 2, Bill.

MR. TEEHAN: Then I would like to make a motion that Alternative 2 be our preferred alternative in Action 4.

DR. MacLAUCHLIN: Okay, can you specify if it would be the – if the committee accepts the recommendations of the IPT to make those changes in the alternatives so that Alternative 3 – and then it just has the subalternatives for the set-aside – if you would accept those, then can you please make the motions for Alternative 2, Subalternative whichever, is your preferred under the revised alternatives.

MR. TEEHAN: Yes, I will certainly do that.

MR. CURRIN: So it's a choice of 3, 5 or 10 percent to set aside. Mike.

MR. TRAVIS: For 3 percent that would 7,125 pounds; 5 percent 3 would be 11,875 pounds; and 10 percent would be 23,750 pounds. I know in talking with Andy about this, there was a little bit of concern that 3 percent might not be enough. You're talking 7,100 pounds and that may not be enough to resolve the appeals.

MR. CURRIN: So what do you think, 5 percent is adequate?

MR. TEEHAN: Yes, Mike, what was the number the 5 percent set-aside was associated with?

MR. TRAVIS: 11,875 pounds; that is out of 237,500 pounds.

MR. TEEHAN: Sure, I'll make Subalternative 2B as the preferred subalternative because it seems to be a number that gives us at least a sufficient number on paper to handle the appeals process.

MR. CURRIN: Motion by Bill; second by Duane to select Alternative 2, Subalternative 2B as the preferred in Action 4 with the alternatives as suggested by the IPT. Discussion of that motion? Is there any objection to that motion? I see none and that motion is approved. David.

MR. CUPKA: Mr. Chairman, I'd like to make a motion that we recommend to the council that Snapper Grouper Amendment 20A be approved for public hearing.

MR. CURRIN: Motion by David to make the recommendation that Snapper Grouper Amendment 20A be approved for public hearing; second by Duane. Discussion on the motion? **Is there any objection to that motion. I see none and that motion is approved.** Is that it?

DR. MacLAUCHLIN: Yes.

MR. CURRIN: All right, thank you all very much. I'm going to pose to the committee a question as to how you would like to proceed on Amendment 18B. We started into that and I think Action 3 is the next action that we will take up if you choose to go into that amendment and try to make some progress.

I have my doubts about how much effective progress we can make in that amendment by plodding on. It's just my personal thoughts at this point. I think not having Ben here as an integral part of the council and having a lot of knowledge about that golden tile fishery, I fear that whatever ground we plow today we will replot in December.

We have delayed our attempt to have this thing approved for public hearing. We know that's not going to happen today, so we're going to have to take it up in December again. What is your pleasure, folks, as to whether you would like to try to make some progress in 18B today or whether you would like to just delay consideration until the December meeting? Roy.

DR. CRABTREE: I suspect when Ben comes back he'll have some good points and good arguments to make and I think we'll end up replowing a lot of the same issues again. I think waiting until December makes sense.

MR. CURRIN: Other thoughts around the table; I'm seeing heads nod. Bill Teehan.

MR. TEEHAN: Mr. Chairman, I would like to ask Ben, who is probably listening, to take note of the fact that we're holding this up for his input so please be thinking about it.

MR. CURRIN: I'm sure he is watching and we'll probably all have an e-mail the next time we check to that effect. That's the consensus of the committee; and, Mr. Chairman, if that meets your approval as well, then if there is no other business to come before our committee – we have on our agenda a timing and task motion.

The last several meetings I think we've kind of relied on our staff to gather everything up as it's virtually impossible to pull it together at the end of a Snapper Grouper Committee Meeting. We'll just take a close look as the report is produced. I'd ask everyone to look closely at the

Snapper Grouper Committee
Charleston, SC
September 14-15, 2011

committee report before I present it to the council and make sure that we're clear on everything that we did over the last day and a half.

Well, if there is no other business to come before the Snapper Grouper Committee, we will stand adjourned.

(Whereupon, the meeting was adjourned at 3:55 o'clock p.m., September 15, 2011.)

Certified By: _____ Date: _____

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September 26, 2011

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INDEX OF MOTIONS

COMPREHENSIVE ACL AMENDMENT

PAGE 11: Motion to adopt Alternative 4 for sector allocations for blueline tilefish. Motion defeated on Page 12.

PAGE 13: Motion to recommend that the council approve the Comprehensive ACL Amendment for submission to the Secretary of Commerce. Motion carried on Page 15.

AMENDMENT 24 (RED GROUPE REBUILDING)

PAGE 21: Motion under Action 5 to modify Preferred Subalternative 2E to use Boyles' Law for the 1986-2008 time series. Motion carried on Page 21.

PAGE 21: Motion under Action 5 to move Alternative 3 to the considered but eliminated from detailed consideration appendix. Motion carried on Page 21.

PAGE 27: Motion under Action 6 that the increases in 2013 and 2014 will not automatically occur if the total ACL for the preceding year is exceeded. Motion carried on Page 27.

PAGE 29: Motion to accept the suggested wording for Action 7. Motion carried on Page 29.

PAGE 31: Motion to accept the suggested wording for Action 8. Motion carried on Page 31.

PAGE 31: Motion to accept the suggested wording for Action 9. Motion carried on Page 31.

PAGE 32: Motion to accept the suggested wording for Action 10. Motion carried on Page 32.

AMENDMENT 18B (Golden Tilefish)

PAGE 34: Motion under Action 1 to select Subalternative 2A as the preferred alternative. Motion carried on Page 34.

PAGE 35: Motion under Action 1 to move Subalternatives 2C and 2D to the considered but rejected appendix. Motion carried on Page 35.

PAGE 39: Motion under Action 2 to move Subalternatives 2D and 2E to the considered but rejected appendix. Motion carried on Page 39.

PAGE 39: Motion under Action 2 to deselect Alternative 2A as preferred. Motion carried on Page 40.

PAGE 40: Motion under Action 2 to select Alternative 1, no action, as the preferred alternative; do not establish a hook-and-line endorsement. Motion carried on Page 41.

PAGE 42: Motion to add an alternative under Action 1 that only establishes an endorsement for the longline sector and select this alternative as the preferred. Motion carried on Page 42.

INDEX OF MOTIONS (CONTINUED)

PAGE 43: Motion under Action 2 is to move Subalternatives 2B, 2C, 2F, 2H, 2J and 2K to the considered but rejected appendix. Motion carried on Page 45.

AMENDMENT 18A (BLACK SEA BASS)

PAGE 53: Motion under Action 1A to move Alternative 4 and Alternative 3, Options 1, 3 and 4 to the considered but rejected appendix and make Alternative 3, Option 5 the preferred. Motion carried on Page 54.

PAGE 57: Motion under Action 1B to select Alternative 2 as the preferred alternative. Motion carried on Page 57.

PAGE 57: Motion to select Alternative 1 as the preferred alternative for Action 1C. Motion carried on Page 57.

PAGE 58: Motion under Action 1D to select Alternative 4 as the preferred alternative. Motion carried on Page 58.

PAGE 62: Motion under Action 2 to select Alternative 2D as the preferred alternative.

PAGE 64: Substitute motion under Action 2 to select Alternative 3C as the preferred alternative.

PAGE 65: Substitute motion under Action 2 to select a new Alternative 2F as the preferred. The alternative would state “3,500 pound whole weight; exclude fishermen with no reported commercial black sea bass pot landings between January 1, 2008, and December 31, 2010.” Motion carried as the substitute motion on Page 67 and carried as the main motion on Page 67.

PAGE 68: Motion under Action 2 to add a new Alternative 2G, which would include 2,500 pounds whole weight and to exclude fishermen with no reported commercial black sea bass pot landings between January 1, 2008, and December 31, 2010. Motion carried on Page 68.

PAGE 68: Motion under Action 2 to move Alternative 3 to the considered but rejected appendix. Motion carried on Page 68.

PAGE 69: Motion that on the effective date of the final rule applicants must have a valid or renewable snapper grouper unlimited permit. Motion carried on Page 70.

PAGE 71: Motion that the council’s intent is that NMFS administratively prohibit transfers of unlimited snapper grouper permits for the necessary amount of time, not to exceed 45 days, until the new endorsements are required. Motion carried on Page 71.

PAGE 72: Motion under Action 3 to accept the staff's recommendation for wording changes and that Alternative 2 be the preferred alternative. Motion carried on Page 72.

PAGE 79: Motion under Action 4 to accept the recommended language changes provided by staff in the decision document and not select a preferred. Motion carried on Page 80.

INDEX OF MOTIONS (CONTINUED)

PAGE 80: Motion under Action 5 to change the preferred alternative to Alternative 9. Motion carried on Page 82.

PAGE 82: Motion under Action 5 to move Alternatives 5 through eight to the considered but rejected appendix. Motion carried on Page 82.

PAGE 85: Motion to simplify Action 7 to eliminate the use of multi-year running averages in the recreational AMs. Motion carried on Page 86.

PAGE 87: Motion under Action 8 to accept Alternative 2 as the preferred. Motion defeated on Page 89.

PAGE 89: Motion to move Action 8 to the considered but rejected appendix. Motion defeated on Page 89.

PAGE 91: Motion to select Alternative 5 under Action 9 as the preferred alternative. Motion carried on Page 92.

PAGE 90: Motion under Action 10 to move Alternative 3 to the considered but rejected appendix and make Alternative 1 the preferred.

PAGE 92: Substitute motion to move Action 10 to the considered but rejected appendix. Carried as the main motion on Page 93.

PAGE 93: Motion to accept the proposed wording changes in Action 11.

PAGE 94: Substitute motion to accept the proposed wording changes in Action 11 and move Subalternative 2B to the considered but rejected appendix. Motion carried as the main motion on Page 94.

PAGE 95: Motion to add Subalternative 2C which would allocate 86 percent of the black sea bass ACL to the pot fishery and 14 percent to the hook-and-line sector. Motion withdrawn on Page 96.

PAGE 97: Motion to add new Action 12 to Amendment 18A. Motion defeated on Page 98.

PAGE 103: Motion to recommend to the council that Snapper Grouper Amendment 18A be approved for public hearing. Motion carried on Page 103.

AMENDMENT 20A (WRECKFISH ITQ)

PAGE 109: Motion under Action 1 to accept the staff recommendations for the minor changes in the two alternatives and then select Alternative 3 as the preferred. Motion carried on Page 109.

INDEX OF MOTIONS (CONTINUED)

PAGE 113: Motion under Action 2 to move Alternative 5 to the considered but rejected appendix. Motion carried on Page 113.

PAGE 114: Motion under Action 3 to select Alternative 4 as the preferred alternative. Motion carried on Page 115.

PAGE 118: Motion under Action 2, to select Alternative 3, Option B as the preferred alternative. Motion carried on Page 118.

PAGE 119: Motion to redistribute any amount in excess of the share cap among the other shareholders according to the method selected in Action 2, Alternative 3B. Motion carried on Page 119.

PAGE 121: Motion that it's the council's intent that NMFS administratively prohibit transfers of wreckfish shares for the necessary amount of time, not to exceed 45 days, until the reverted shares are redistributed. Motion carried on Page 121.

PAGE 122: Motion to select Alternative 2, Subalternative 2B as the preferred in Action 4 with the alternatives as suggested by the IPT. Motion carried on Page 122.

PAGE 123: Motion to recommend to the council that Snapper Grouper Amendment 20A be approved for public hearing. Motion carried on Page 123.

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